



SELECTING AN ADJUDICATOR (RESPONDENTS)

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1. Introduction

Parties have four days, after the Respondent views the Notice of Adjudication, to agree on an Adjudicator and obtain the Adjudicator's consent to adjudicate (s. 13.9(4) of the Construction Act). There are two ways in which an Adjudicator may be appointed to an adjudication. Pursuant to s. 13.9(2) of the Construction Act, the Parties to the adjudication may either a) agree on an Adjudicator; or b) ask ODACC to appoint an Adjudicator. Below is an outline of the Adjudicator selection process. For instructions on how to view and respond to the Notice of Adjudication, please visit <https://odacc.ca/en/respondents/notice-of-adjudication/>.

On the Notice of Adjudication, the Claimant must indicate the name of a proposed Adjudicator to conduct the adjudication. When the Respondent reads the Notice of Adjudication, the Respondent will see the name of the Claimant's proposed Adjudicator. In the Response to Notice of Adjudication, the Respondent may select one of the following three options:

1. The Respondent may agree to select the Claimant's proposed Adjudicator;
2. The Respondent may ask ODACC to appoint the Adjudicator; or
3. The Respondent may propose a different Adjudicator.

The three options are discussed below.

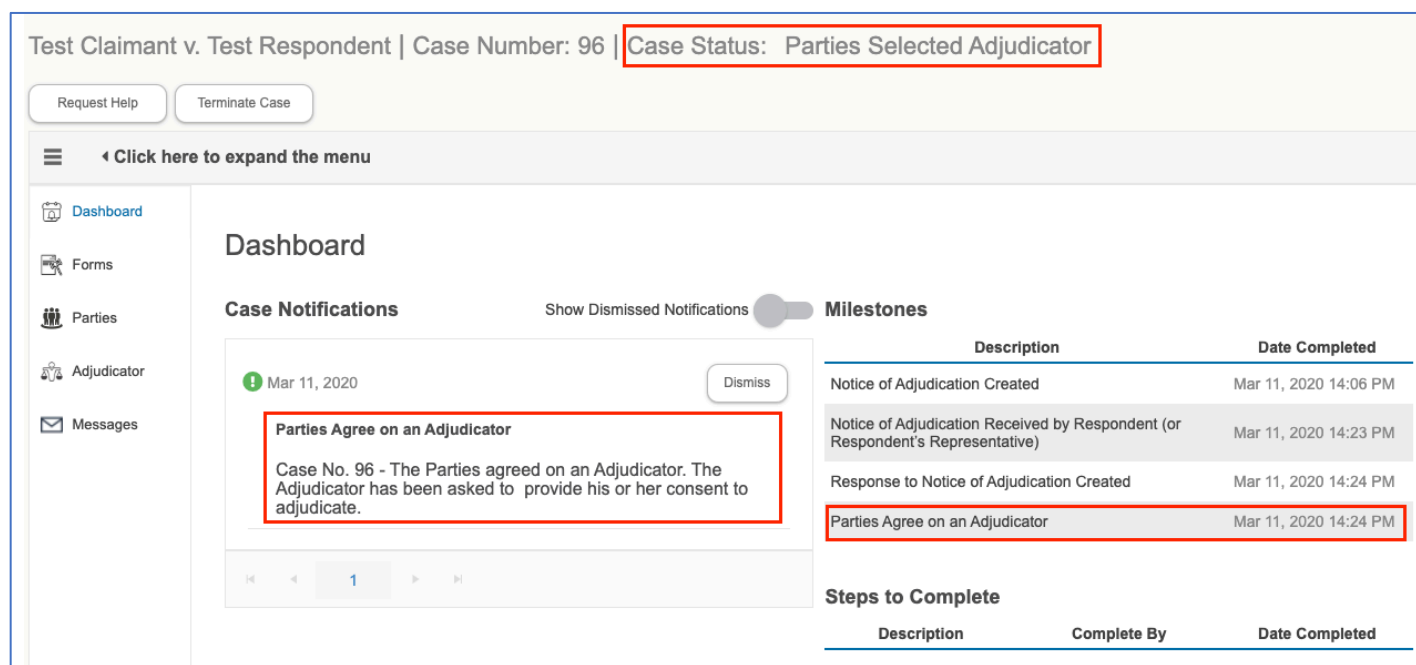
2. Respondent's Response to the Claimant's Proposed Adjudicator

2.1 Respondent Agrees with the Claimant's Suggested Adjudicator

If on the Response to Notice of Adjudication, the Respondent accepts the Claimant's proposed Adjudicator, the proposed Adjudicator will receive an email asking the Adjudicator whether he or she consents to conduct the adjudication. Once the Adjudicator responds to the invitation, the Parties will be notified via email, as described at [Obtaining an Adjudicator's Consent to Conduct the Adjudication](#).

ODACC's Custom System will be updated with a new case status, milestone and notification, as shown at Figure 1. The case status will read "Parties Selected Adjudicator." The milestone will state "Parties Agree on an Adjudicator." And the notification will state: "The Parties agreed on an Adjudicator. The Adjudicator has been asked to provide his or her consent to adjudicate."

Figure 1: Dashboard after the Parties Select an Adjudicator



The screenshot shows the ODACC dashboard for a case titled "Test Claimant v. Test Respondent" with Case Number 96. The Case Status is "Parties Selected Adjudicator". The dashboard includes a sidebar with navigation links (Dashboard, Forms, Parties, Adjudicator, Messages) and a main content area with sections for Case Notifications, Milestones, and Steps to Complete.

Case Notifications: A notification dated Mar 11, 2020, states: "Parties Agree on an Adjudicator. Case No. 96 - The Parties agreed on an Adjudicator. The Adjudicator has been asked to provide his or her consent to adjudicate."

Milestones: A table showing the following milestones:

Description	Date Completed
Notice of Adjudication Created	Mar 11, 2020 14:06 PM
Notice of Adjudication Received by Respondent (or Respondent's Representative)	Mar 11, 2020 14:23 PM
Response to Notice of Adjudication Created	Mar 11, 2020 14:24 PM
Parties Agree on an Adjudicator	Mar 11, 2020 14:24 PM

Steps to Complete: A table showing the following steps:

Description	Complete By	Date Completed
Parties Agree on an Adjudicator		Mar 11, 2020 14:24 PM

2.2 Respondent Asks ODACC to Appoint an Adjudicator

If on the Response to Notice of Adjudication, the Respondent asks ODACC to appoint an Adjudicator, ODACC will appoint an Adjudicator within seven days of the filing of the Response to Notice of Adjudication (as required by s. 13.9(4) of the [Construction Act](#)). Further details about ODACC's appointment process are outlined at: [ODACC Appointed Adjudicator](#).

ODACC's Custom System will be updated with a new case status, milestone, notification, and step to complete (as shown at Figure 2). The case status will read "ODACC to Appoint Adjudicator." The milestone will state "ODACC Asked to Appoint Adjudicator." And the notification will state: "One of the Parties requested ODACC to appoint an Adjudicator. The step to complete will state "ODACC to invite Adjudicator to Consent".

Figure 2: Dashboard after ODACC is Asked to Appoint an Adjudicator

Test Respondent | Case Number: 97 | Case Status: ODACC to Appoint Adjudicator

Terminate Case

to expand the menu

Dashboard

Case Notifications

Show Dismissed Notifications

Mar 11, 2020

Dismiss

ODACC to Appoint an Adjudicator
 Case No. 97 - One of the Parties requested ODACC to appoint an Adjudicator. ODACC will appoint an Adjudicator within seven days.

<<
<
1
>
>>

Milestones

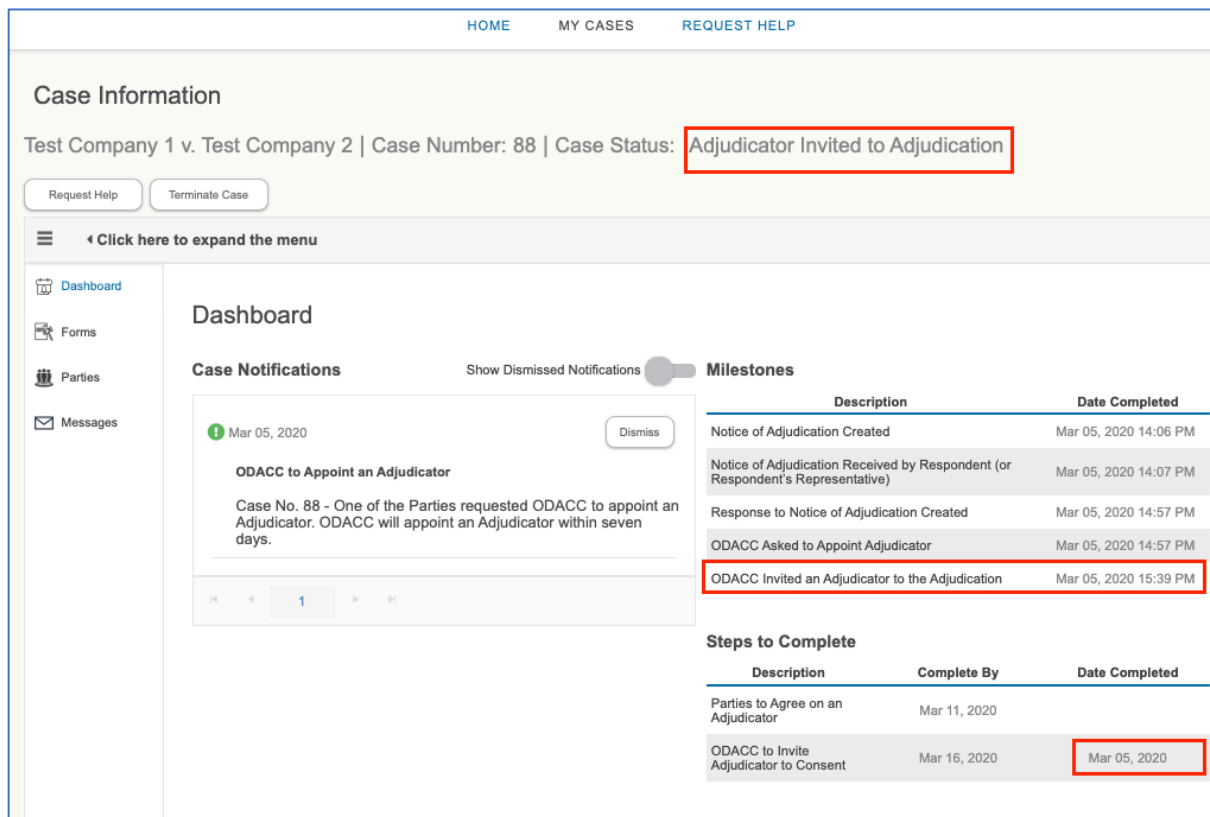
Description	Date Completed
Notice of Adjudication Created	Mar 11, 2020 14:06 PM
Notice of Adjudication Received by Respondent (or Respondent's Representative)	Mar 11, 2020 14:24 PM
Response to Notice of Adjudication Created	Mar 11, 2020 14:25 PM
ODACC Asked to Appoint Adjudicator	Mar 11, 2020 14:25 PM

Steps to Complete

Description	Complete By	Date Completed
ODACC to Invite Adjudicator to Consent	Mar 20, 2020	

Once ODACC appoints an Adjudicator, the case dashboard will be updated with a new case status, milestone and step to complete, as shown at Figure 3. The case status will read “Adjudicator Invited to Adjudication”. The new milestone will state “ODACC Invited an Adjudicator to the Adjudication.” And the step to complete, “ODACC to invite Adjudicator to Consent,” will contain a completion date.

Figure 3: Dashboard after ODACC Appoints an Adjudicator



The screenshot shows the ODACC dashboard for a case titled "Test Company 1 v. Test Company 2" with Case Number 88. The Case Status is "Adjudicator Invited to Adjudication". The dashboard includes a sidebar with links to Dashboard, Forms, Parties, and Messages. The main content area is divided into three sections: Case Notifications, Milestones, and Steps to Complete.

Case Notifications: A notification dated Mar 05, 2020, titled "ODACC to Appoint an Adjudicator" states: "Case No. 88 - One of the Parties requested ODACC to appoint an Adjudicator. ODACC will appoint an Adjudicator within seven days." There is a "Dismiss" button next to the notification.

Milestones: A table showing the timeline of events:

Description	Date Completed
Notice of Adjudication Created	Mar 05, 2020 14:06 PM
Notice of Adjudication Received by Respondent (or Respondent's Representative)	Mar 05, 2020 14:07 PM
Response to Notice of Adjudication Created	Mar 05, 2020 14:57 PM
ODACC Asked to Appoint Adjudicator	Mar 05, 2020 14:57 PM
ODACC Invited an Adjudicator to the Adjudication	Mar 05, 2020 15:39 PM

Steps to Complete: A table showing the remaining steps:

Description	Complete By	Date Completed
Parties to Agree on an Adjudicator	Mar 11, 2020	
ODACC to Invite Adjudicator to Consent	Mar 16, 2020	Mar 05, 2020

Once the Adjudicator consents to adjudicate, the Parties will be notified via email, as described at [Obtaining an Adjudicator's Consent to Conduct the Adjudication](#).

2.3 Respondent Suggests an Adjudicator

If on the Response to Notice of Adjudication, the Respondent proposes a different Adjudicator than the Claimant had proposed, ODACC's Custom System will be updated with a new step to complete, "Parties to Agree on an Adjudicator," as shown at Figure 4.

Figure 4: Dashboard after Respondent Proposes an Adjudicator

Test Company 1 v. Test Company 2 | Case Number: 88 | Case Status: Notice of Adjudication Received by Respondent

Request Help
Terminate Case

Click here to expand the menu

Dashboard
Forms
Parties
Messages
Close Case

Dashboard

Case Notifications

Show Dismissed Notifications

0

Milestones

Description	Date Completed
Notice of Adjudication Created	Mar 05, 2020 14:06 PM
Notice of Adjudication Received by Respondent (or Respondent's Representative)	Mar 05, 2020 14:07 PM

Steps to Complete

Description	Complete By	Date Completed
Parties to Agree on an Adjudicator	Mar 11, 2020	

The Claimant will receive a notification that states: “The other Party suggested an Adjudicator. Please [click here](#) to view the suggested Adjudicator and provide your response.” The Claimant will then have access to Adjudicator Selection page, as shown at Figure 5.

Figure 5: Claimant's Adjudicator Selection Page

Adjudicator Selection

Case Information

Case No.	Short Name
88	Test Company 1 v. Test Company 2
Claimant	Respondent

Adjudicator Selection

☐ I agree to the Adjudicator suggested by the Respondent to conduct the adjudication : [John Smith](#)
☐ I request ODACC to appoint an Adjudicator to conduct the adjudication.
☒ I would like to suggest a different Adjudicator to conduct the adjudication.

Adjudicator

Select...

[Adjudicator Registry](#)

✓ Submit

On the Adjudicator Selection page, the Claimant may select one of the following three options:

1. "I agree to the Adjudicator suggested by the Respondent to conduct the adjudication."
 - If the Claimant agrees to select the Adjudicator proposed by the Respondent, the proposed Adjudicator will receive an email asking the Adjudicator whether he or she consents to conduct the adjudication.
 - Further details about obtaining an Adjudicator's consents are outlined at: [Obtaining an Adjudicator's Consent to Conduct the Adjudication](#).

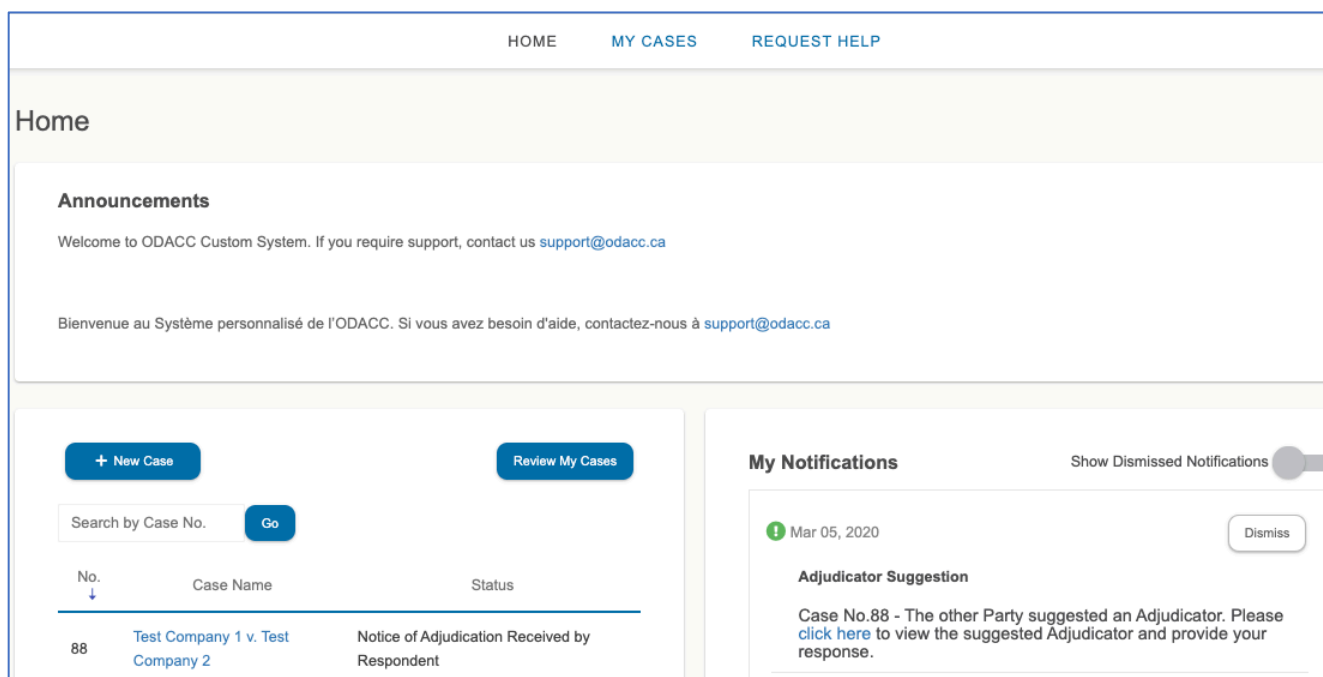
2. “I request ODACC to appoint an Adjudicator to conduct the adjudication.”

- If the Claimant requests that ODACC appoint an Adjudicator, ODACC will appoint an Adjudicator within seven days (as required by s. 13.9(4) of the [Construction Act](#)).
- The case dashboard will be updated with a new case status, milestone and notification, as described at [Section 2.2](#).
- Further details about ODACC’s appointment process are outlined at: [ODACC Appointed Adjudicator](#).

3. “I would like to suggest a different Adjudicator to conduct the adjudication.”

- If the Claimant wants to suggest a different Adjudicator from the one proposed by the Respondent (and different from the one originally proposed by the Claimant), the Claimant will be able to select an Adjudicator from a drop-down list on the Adjudicator Selection page (refer to Figure 5).
- The Respondent will receive an email from communications@odacc.ca asking the Respondent to log in to ODACC’s Custom System to view the name of the proposed Adjudicator.
- The Respondent will receive a notification, as shown at Figure 6, that states, “The other Party suggested an Adjudicator. Please [click here](#) to view the suggested Adjudicator and provide your response.”

Figure 6: Respondent’s Notification After Claimant Suggests an Adjudicator



The screenshot shows the ODACC Custom System Home page. At the top, there are navigation links: HOME, MY CASES, and REQUEST HELP. Below this is a 'Home' section with 'Announcements' in both English and French, directing users to support@odacc.ca for support. The main content area is divided into two columns. The left column contains a '+ New Case' button, a 'Review My Cases' button, a search bar for 'Search by Case No.' with a 'Go' button, and a table of cases. The table has columns for 'No.', 'Case Name', and 'Status'. The first row shows Case No. 88, 'Test Company 1 v. Test Company 2', and 'Notice of Adjudication Received by Respondent'. The right column is titled 'My Notifications' and includes a toggle for 'Show Dismissed Notifications'. It displays a notification dated 'Mar 05, 2020' with the title 'Adjudicator Suggestion'. The notification text states: 'Case No.88 - The other Party suggested an Adjudicator. Please [click here](#) to view the suggested Adjudicator and provide your response.' There is a 'Dismiss' button next to the notification.

- The Respondent will have access to the Adjudicator Selection page, shown at Figure 7, and will be able to select one of the three options that was previously available to the Claimant.

Figure 7: Respondent's Adjudicator Selection Page

Adjudicator Selection


Case Information

Case No.	Short Name
88	Test Company 1 v. Test Company 2
Claimant	Respondent


Adjudicator Selection

☐ I agree to the Adjudicator suggested by the Claimant to conduct the adjudication : [Adjudicator Test3](#)
☐ I request ODACC to appoint an Adjudicator to conduct the adjudication.
☒ I would like to suggest a different Adjudicator to conduct the adjudication.

Adjudicator

Select...
 

[Adjudicator Registry](#)



3. Obtaining an Adjudicator's Consent to Conduct the Adjudication

After all the Parties agree on an Adjudicator or ODACC appoints an Adjudicator, the Adjudicator will receive an email requesting that he or she consent to conduct the adjudication. When the Adjudicator receives the email, he or she will have access to the Notice of Adjudication and the Response to Notice of Adjudication. The Adjudicator will indicate, on ODACC's Custom System, if he or she consents to adjudicate.

3.1 Adjudicator Consents to Conduct the Adjudication

If the Adjudicator consents to conduct the adjudication, the Parties will receive an email from communications@odacc.ca with the subject line "ODACC Custom System Notification," asking the Parties to log in to the system.

Once the Parties log in and open the adjudication, the case status will read "The Adjudicator Consents to Adjudicate," as shown at Figure 8. A new milestone will read "The Adjudicator Consents to Adjudicate". And there will be a notification stating "The Adjudicator consents to adjudicate. Please [click here](#) to view the Adjudicator's contact information."

Figure 8: Dashboard after Adjudicator Consents to Adjudicate

Test Company 1 v. Test Company 2 | Case Number: 88 | Case Status: **The Adjudicator Consented to Adjudicate**

Request Help
Terminate Case

Click here to expand the menu

Dashboard
Forms
Parties
Adjudicator
Messages
Fees
Process
Documents
Financials

Dashboard

Case Notifications
Show Dismissed Notifications

Mar 05, 2020
Dismiss

Claimant's Documents to be Uploaded Within Five Days

Case No. 88 - The Claimant has five days to upload its documents on ODACC's Custom System. Please [click here](#) to upload documents.

Mar 05, 2020
Dismiss

Adjudicator Consents to Conduct the Adjudication

Case No. 88 - The Adjudicator consents to adjudicate this case. Please [click here](#) to view the Adjudicator's contact information.

Milestones

Description	Date Completed
Notice of Adjudication Created	Mar 05, 2020 14:06 PM
Notice of Adjudication Received by Respondent (or Respondent's Representative)	Mar 05, 2020 14:07 PM
Response to Notice of Adjudication Created	Mar 05, 2020 14:57 PM
ODACC Asked to Appoint Adjudicator	Mar 05, 2020 14:57 PM
ODACC Invited an Adjudicator to the Adjudication	Mar 05, 2020 15:39 PM
The Adjudicator Consented to Adjudicate	Mar 05, 2020 15:53 PM

Steps to Complete

Description	Complete By	Date Completed
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The Parties can view the Adjudicator's contact details on the Adjudicator tab, as shown at Figure 9. The chart at the top of the Adjudicator tab, titled "Appointed Adjudicator," indicates the contact information of the appointed Adjudicator. The chart at the bottom of the Adjudicator tab, titled Adjudicator Appointment Status, indicates the appointment status of the Adjudicator; for example, if an Adjudicator did not consent to conduct the adjudication, the reason for not consenting will be visible under the "Status" column.

Figure 9: Adjudicator Tab

Case Information

Test Company 1 v. Test Company 2 | Case Number: 88 | Case Status: The Adjudicator Consented to Adjudicate

Request Help Terminate Case

Click here to expand the menu

- Dashboard
- Forms
- Parties
- Adjudicator**
- Messages
- Fees
- Process
- Documents
- Financials

Adjudicator

Appointed Adjudicator

First Name	Middle Name	Last Name
John		Smith
Organization	Title	
Email	Phone Number	
john.smith@gmail.com		

☒ I want the Parties to use the ODACC Custom System to provide me with the documents the Parties tend to rely on during the adjudication.

Adjudicator Appointment Status

Adjudicator Registry

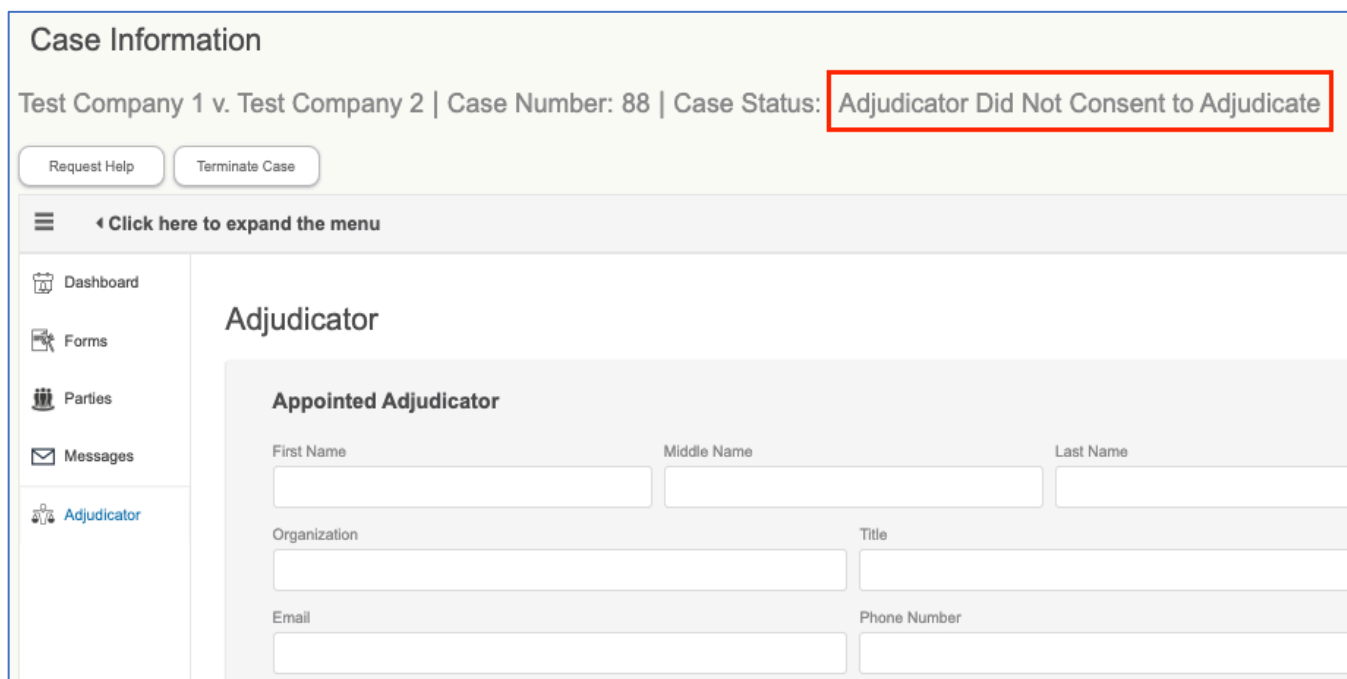
Adjudicator Name	Invite By	Date Invited	Status	Date Responded	Expiry Date	Comments
		Mar 05, 2020	Conflict of Interest	Mar 05, 2020	Mar 11, 2020	
John Smith		Mar 05, 2020	Accepted	Mar 05, 2020	Mar 11, 2020	

1 - 2 of 2 items

3.2 Adjudicator Does Not Consent to Conduct the Adjudication

If the Parties had agreed on an Adjudicator, and the Adjudicator does not consent to conduct the adjudication, the Claimant will receive an email with the subject line: “ODACC Custom System Notification”. If the Parties log in to ODACC’s Custom System, the case status will read: “Adjudicator Did Not Consent to Adjudicate,” as shown at Figure 10.

Figure 10: Case Status after Adjudicator Does Not Consent to Conduct Adjudication



The screenshot displays the ODACC Custom System interface. At the top, under 'Case Information', the case is identified as 'Test Company 1 v. Test Company 2' with 'Case Number: 88'. The 'Case Status' is highlighted in a red box and reads 'Adjudicator Did Not Consent to Adjudicate'. Below this are buttons for 'Request Help' and 'Terminate Case'. A sidebar on the left contains a menu with options: Dashboard, Forms, Parties, Messages, and Adjudicator (which is currently selected). The main content area is titled 'Adjudicator' and contains a form for appointing an adjudicator. The form includes fields for 'Appointed Adjudicator' with sub-fields for First Name, Middle Name, and Last Name. Below these are fields for Organization, Title, Email, and Phone Number.

The Claimant may then request that ODACC appoint an Adjudicator. Details about ODACC’s appointment process are outlined at: [ODACC Appointed Adjudicator](#).

4. Adjudicator Appointment if the Respondent does not Respond to the Notice of Adjudication

If the Respondent does not respond to the Notice of Adjudication within four days of being provided with access to it, the Claimant shall ask ODACC to appoint an Adjudicator. ODACC will then appoint an Adjudicator within seven days of the request, as required by s. 13.9(4) of the *Construction Act*. Further details about ODACC's appointment process are outlined below at [ODACC Appointed Adjudicator](#).

FAQ: Will ODACC appoint the Claimant's proposed Adjudicator if the Respondent does not respond to the Notice of Adjudication?

No. ODACC will not appoint the Claimant's proposed Adjudicator if the Respondent does not respond to the Notice of Adjudication. ODACC will appoint an Adjudicator in accordance with the rules found at the following link: [ODACC Appointed Adjudicator](#).

FAQ: If the Respondent does not complete the Response to Notice of Adjudication, but the Parties agree on an Adjudicator, will ODACC appoint the Adjudicator that the Parties selected?

Yes. If the Respondent does not complete the Response to Notice of Adjudication, but the Parties agree on an Adjudicator, ODACC will appoint the Adjudicator that the Parties selected. Both Parties should email ODACC at support@odacc.ca indicating that they agree on an Adjudicator and that they would like the adjudication to proceed without the Response to Notice of Adjudication. ODACC will then invite the Adjudicator to the adjudication and will grant the Respondent access to the adjudication through ODACC's Custom System.

FAQ: What happens if the Parties do not agree on an Adjudicator and the Claimant does not ask ODACC to appoint an Adjudicator?

If there is no agreement on an Adjudicator and the Claimant does not ask ODACC to appoint an Adjudicator, ODACC will close the adjudication file. If twenty days have passed since the Notice of Adjudication was submitted and the Claimant has not asked ODACC to appoint an Adjudicator, ODACC will send an email to the Claimant. The email will state that the case will be closed unless the Claimant contacts ODACC within the next five days to request that an Adjudicator be appointed.

5. ODACC Appointed Adjudicator

If ODACC is asked to appoint an Adjudicator, ODACC will select an Adjudicator and obtain the Adjudicator's consent within seven days of receiving the request to make the appointment. Once the Adjudicator is appointed, the Parties will be notified of the appointment, as discussed at [Obtaining an Adjudicator's Consent to Conduct the Adjudication](#).

ODACC will use the following guidelines to appoint an Adjudicator:

1. Based on the amount claimed in the Notice of Adjudication, ODACC will appoint an Adjudicator who is prepared to adjudicate at a fee that is proportionate to the amount claimed, as is set out in the [Schedule of Fees](#).
2. If possible, the Adjudicator appointed will be one who is willing to travel to the location where the construction is occurring (if travel is required).

FAQ: Will ODACC consider the Parties' list of preferred Adjudicators when making appointments?

No. If the Parties communicate to ODACC a list of preferred Adjudicators or preferred areas of expertise, ODACC will not consider the Parties' preferences when appointing an Adjudicator.

FAQ: If the Parties agree on an Adjudicator after they have asked ODACC to make an appointment (but before the appointment is made), will ODACC appoint that Adjudicator?

Yes. If all of the Parties agree on one Adjudicator and ODACC has not yet appointed an Adjudicator, all the Parties may contact ODACC at support@odacc.ca to request that ODACC appoint that Adjudicator.

FAQ: If the Parties agree on a different Adjudicator after ODACC has appointed an Adjudicator, who will be the Adjudicator?

The Adjudicator appointed by ODACC will be the Adjudicator, if the Parties agreed on a different Adjudicator after ODACC appointed an Adjudicator.