



# DETERMINATIONS

Copyright @ ODACC

[WWW.ODACC.CA](http://WWW.ODACC.CA) [support@odacc.ca](mailto:support@odacc.ca)





## Table of Contents

<b>1. Introduction.....</b>	<b>2</b>
<b>2. Extending the Due Date of the Determination .....</b>	<b>3</b>
<b>2.1 Requesting an Extension .....</b>	<b>3</b>
<b>2.2 Responding to a Request to Extend the Determination Due Date.....</b>	<b>6</b>
2.2.1 Rejecting a Request to Extend the Determination Due Date .....	8
2.2.2 Approving a Request to Extend the Determination Due Date .....	9
<b>3. Determination .....</b>	<b>11</b>
<b>2.1 Determination Under Review .....</b>	<b>11</b>
<b>2.2 Downloading the Determination.....</b>	<b>12</b>
<b>2.3 Final Cost of Adjudication.....</b>	<b>15</b>
<b>2.4 Certified Determination.....</b>	<b>15</b>

## 1. Introduction

The Adjudicator will write a Determination within thirty days from the day the Claimant submits its supporting documents, pursuant to s.13.13(1) of the *Construction Act*, which states:

13.13 (1) Subject to subsection (2), an adjudicator shall make a determination of the matter that is the subject of an adjudication no later than 30 days after receiving the documents required by section 13.11.

The Determination due Date may be extended, as explained at section 2 of this guide.

The Adjudicator's Determination will be in writing and will include reasons for the decision (s. 13.13(6) of the *Construction Act*). The Adjudicator will communicate the Determination to the Parties on ODACC's Custom System, as explained at section 3 of this guide.

## 2. Extending the Due Date of the Determination

The Adjudicator will produce a Determination within thirty days from the day the Claimant submits its supporting documents (the “Due Date”). The Due Date may be extended with the consent of all the Parties and the Adjudicator. Any of the Parties or the Adjudicator may request a Due Date extension in accordance with s. 13.13(2) of the [Construction Act](#), which states:

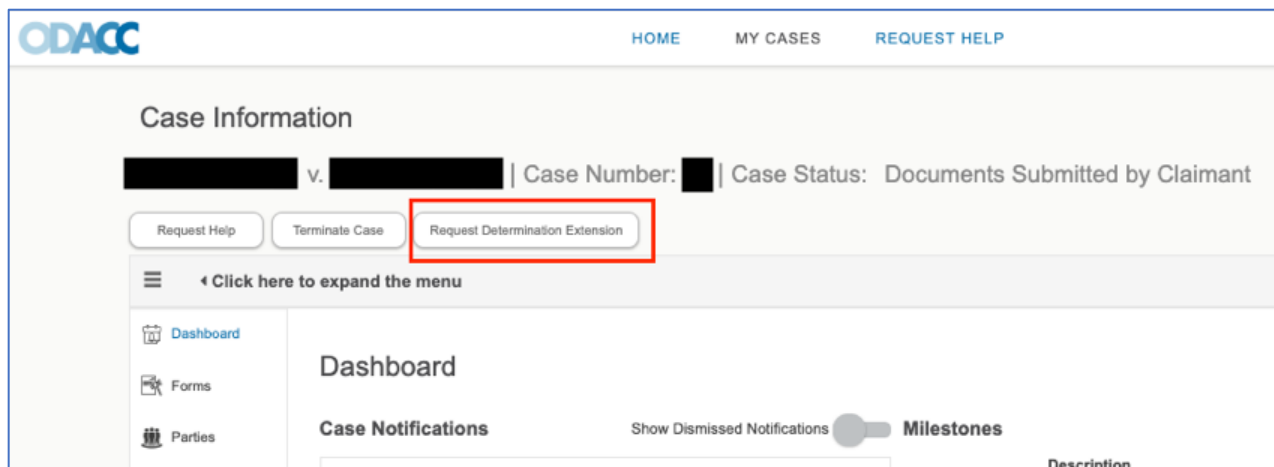
13.13(2) The deadline for an adjudicator’s determination may be extended, at any time before its expiry and after the provision of documents to the adjudicator under section 13.11,

- a) on the adjudicator’s request, with the written consent of the parties to the adjudication, for a period of no more than 14 days; or
- b) on the written agreement of the parties to the adjudication, subject to the adjudicator’s consent, for the period specified in the agreement.

### 2.1 Requesting an Extension

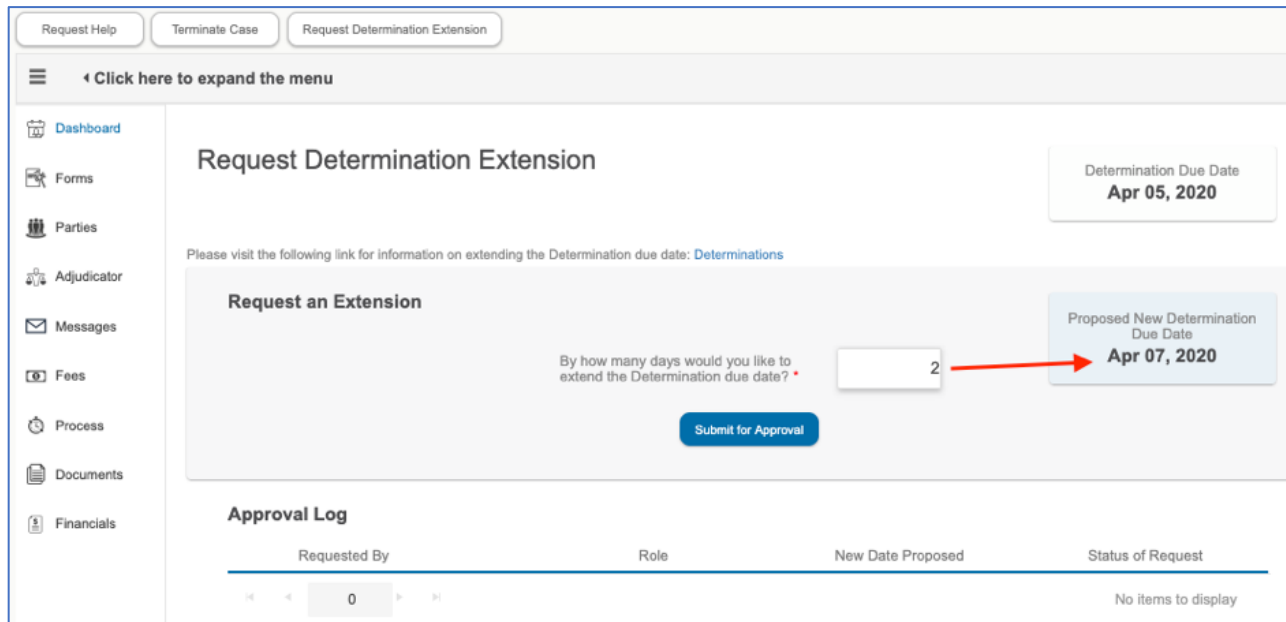
To request a Due Date extension (a “Request”), the Parties or the Adjudicator must click on the “Request Determination Extension” button on ODACC’s Custom System (see Figure 1 below). This button will be available after the Claimant submits its supporting documents.

*Figure 1: Request Determination Extension Button*



At the top of the “Request Determination Extension” page, the original determination due date is displayed and there is a space provided to enter the number of days that the Claimant would like to extend the Determination due date by (refer to Figure 2). After entering the number of days, the proposed new Determination Due Date will be displayed, as shown at Figure 2.

*Figure 2: Proposed Determination Due Date is Entered*



Request Help Terminate Case Request Determination Extension

Click here to expand the menu

Dashboard Forms Parties Adjudicator Messages Fees Process Documents Financials

### Request Determination Extension

Determination Due Date  
**Apr 05, 2020**

Please visit the following link for information on extending the Determination due date: [Determinations](#)

#### Request an Extension

By how many days would you like to extend the Determination due date? \*

Proposed New Determination Due Date  
**Apr 07, 2020**

[Submit for Approval](#)

#### Approval Log

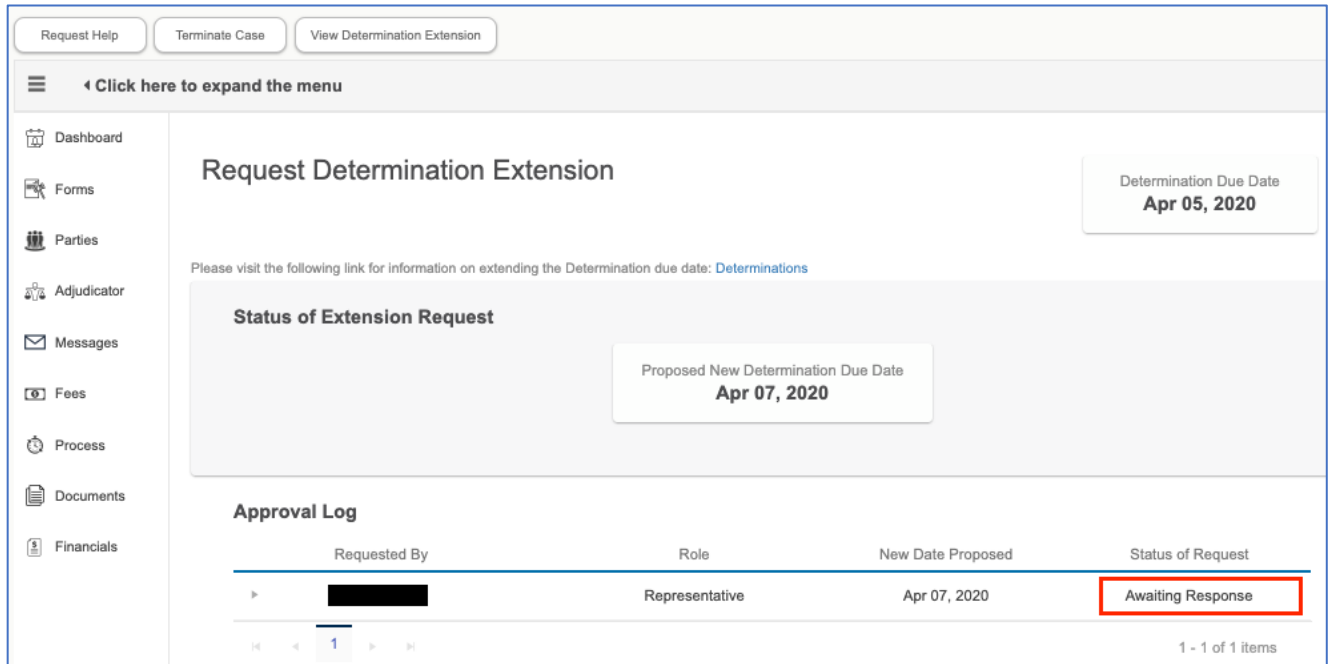
Requested By	Role	New Date Proposed	Status of Request
0			

No items to display

After entering the proposed Determination Due Date, the Parties should click on the “Submit for Approval” button. An entry will be displayed in the “Approval Log” (the chart at the bottom of the page), to display the Request that was made (refer to Figure 3). The status of the Request will state “Awaiting Response,” until the other Party and the Adjudicator approve the request.

After a Request is submitted, the other Party and the Adjudicator will receive an email asking them to respond to the Request.

*Figure 3: Entry Added to Approval Log*



The screenshot shows the 'Request Determination Extension' page. At the top, there are buttons for 'Request Help', 'Terminate Case', and 'View Determination Extension'. Below these is a menu bar with a hamburger icon and the text 'Click here to expand the menu'. The left sidebar contains a list of navigation items: Dashboard, Forms, Parties, Adjudicator, Messages, Fees, Process, Documents, and Financials. The main content area is titled 'Request Determination Extension' and includes a 'Determination Due Date' box showing 'Apr 05, 2020'. Below this is a link for 'Determinations' and a 'Status of Extension Request' section showing a 'Proposed New Determination Due Date' of 'Apr 07, 2020'. At the bottom is an 'Approval Log' table with the following data:

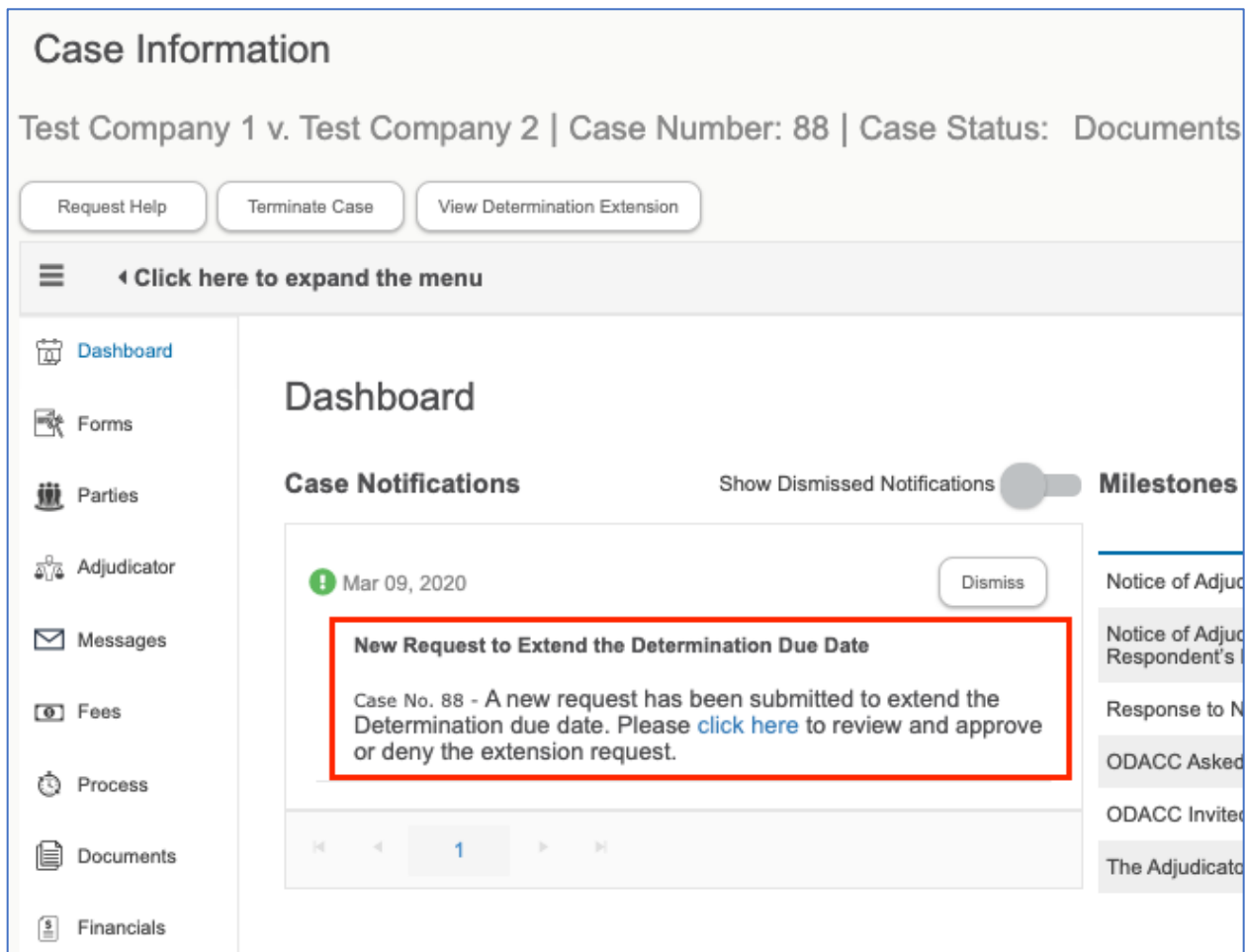
Requested By	Role	New Date Proposed	Status of Request
[Redacted]	Representative	Apr 07, 2020	Awaiting Response

The 'Awaiting Response' status is highlighted with a red box. The table footer shows '1 - 1 of 1 items'.

## 2.2 Responding to a Request to Extend the Determination Due Date

If a Request is submitted through ODACC's Custom System to extend the Determination Due Date, the other Party and the Adjudicator will receive an email from [communications@odacc.ca](mailto:communications@odacc.ca) with the subject line "ODACC Determination Due Date Extension Request," asking them to log in to the system. On ODACC's Custom System, there will be a new notification stating, "A new request has been submitted to extend the Determination due date. Please click here to review and approve or deny the extension request" (refer to Figure 4).

Figure 4: Notification of Request to Extend the Determination Due Date



The screenshot displays the ODACC Custom System interface. At the top, the "Case Information" section shows "Test Company 1 v. Test Company 2 | Case Number: 88 | Case Status: Documents". Below this are buttons for "Request Help", "Terminate Case", and "View Determination Extension". A menu bar includes a hamburger icon and a link to "Click here to expand the menu". The left sidebar lists navigation options: Dashboard, Forms, Parties, Adjudicator, Messages, Fees, Process, Documents, and Financials. The main content area is titled "Dashboard" and features a "Case Notifications" section. A notification for "Mar 09, 2020" is displayed, stating: "New Request to Extend the Determination Due Date. Case No. 88 - A new request has been submitted to extend the Determination due date. Please [click here](#) to review and approve or deny the extension request." A red box highlights this notification. To the right of the notification is a "Dismiss" button. Further right, a "Milestones" section lists various case events. At the bottom of the notification area, there are navigation arrows and a page number "1".

The notification contains a link to the “Determination Extension” page, where the responding Party and the Adjudicator can view the original Due Date and the proposed new Due Date, and they can approve or reject the request, as shown at Figure 5.

*Figure 5: Approving or Rejecting the Request to Extend the Determination Due Date*

Request Determination Extension

Determination Due Date  
**Apr 05, 2020**

Please visit the following link for information on extending the Determination due date: [Determinations](#)

Status of Extension Request

Proposed New Determination Due Date  
**Apr 07, 2020**

Approve

Reject

Approval Log

Requested By	Role	New Date Proposed	Status of Request
▶ [REDACTED]	Representative	Apr 07, 2020	Awaiting Response



## 2.2.1 Rejecting a Request to Extend the Determination Due Date

If the Responding Party does not consent to extend the Determination Due Date, he or she should click on the “Reject” button (refer to Figure 5). The Approval Log will be updated to read “Rejected” (refer to Figure 6), and the Parties and the Adjudicator will receive an email from [communications@odacc.ca](mailto:communications@odacc.ca) with the subject line “Request to Extend ODACC Determination Due Date Rejected.” Another Request may be submitted on ODACC’s Custom System, as explained at [Requesting Extension](#).

*Figure 6: Request to Extend the Determination Due Date is Rejected*

Request Determination Extension

Determination Due Date  
**Apr 05, 2020**

Please visit the following link for information on extending the Determination due date: [Determinations](#)

Request an Extension

By how many days would you like to extend the Determination due date? \*

0 day(s)

Submit for Approval

Proposed New Determination Due Date  
**Apr 05, 2020**

Approval Log

Requested By	Role	New Date Proposed	Status of Request
▶ [Redacted]	Representative	Apr 07, 2020	<b>Rejected</b>

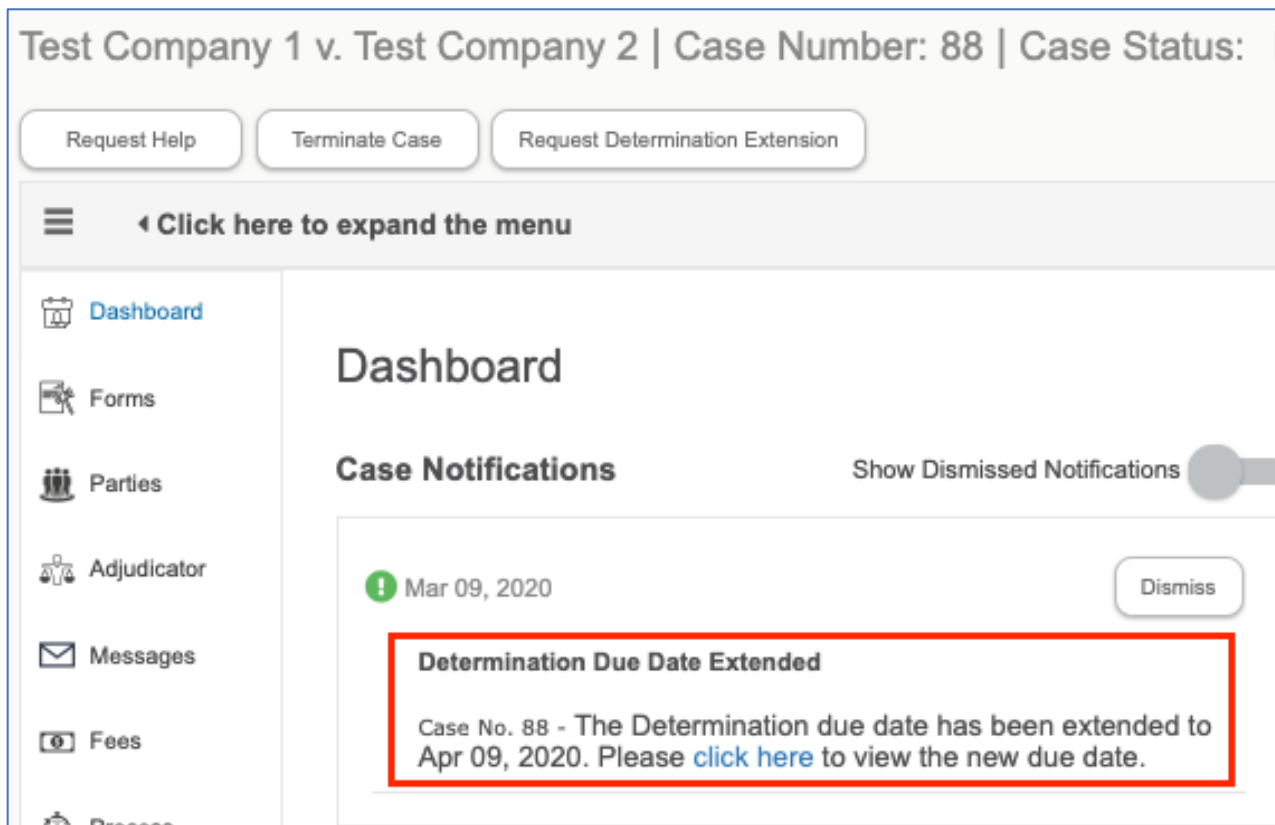
1

1 - 1 of 1 items

## 2.2.2 Approving a Request to Extend the Determination Due Date

If the Responding Party consents to extend the Determination Due Date, he or she should click on the “Approve” button (refer to Figure 5). After all the Parties and the Adjudicator approve the new Due Date, everyone will receive an email from [communications@odacc.ca](mailto:communications@odacc.ca) with the subject line “ODACC Determination Due Date Extended”. On the system, the Parties and the Adjudicator, will have a notification stating, “The Determination due date has been extended. Please [click here](#) to view the new due date” (refer to Figure 7).

Figure 7: Notification After the Determination Due Date is Extended



The screenshot shows the ODACC dashboard for Case No. 88, titled "Test Company 1 v. Test Company 2 | Case Number: 88 | Case Status: I". At the top, there are three buttons: "Request Help", "Terminate Case", and "Request Determination Extension". Below these is a menu bar with a hamburger icon and the text "Click here to expand the menu". The left sidebar contains icons and labels for "Dashboard", "Forms", "Parties", "Adjudicator", "Messages", "Fees", and "Process". The main content area is titled "Dashboard" and "Case Notifications". A notification for "Mar 09, 2020" is displayed, with a "Dismiss" button. The notification text, highlighted by a red box, reads: "Determination Due Date Extended. Case No. 88 - The Determination due date has been extended to Apr 09, 2020. Please [click here](#) to view the new due date."

The “Determination Extension” page will display the new Due Date, and the Approval Log will show that the request was “Accepted”, as shown at Figure 8.

*Figure 8: Determination Due Date Extended*

### Request Determination Extension

Determination Due Date  
**Apr 09, 2020**

Please visit the following link for information on extending the Determination due date: [Determinations](#)

#### Status of Extension Request

Proposed New Determination Due Date  
**Apr 09, 2020**

#### Approval Log

Requested By	Role	New Date Proposed	Status of Request
▶ [Redacted]	Representative	Apr 09, 2020	Accepted
▶ [Redacted]	Representative	Apr 07, 2020	Rejected
▶ John Smith	Adjudicator	Apr 08, 2020	Rejected
▶ Representative Test 3	Party	Apr 06, 2020	Rejected

### 3. Determination

#### 2.1 Determination Under Review

The Adjudicator will write a Determination within thirty days from the day the Claimant submits its supporting documents. Twenty-five days after the Claimants submits its documents, the Adjudicator will send ODACC a draft Determination for review. Once the Adjudicator send ODACC the draft Determination, the dashboard on ODACC's Custom System will be updated with a new case status, milestone and step to complete, as shown at Figure 9. The case status will read "Determination Under Review". The milestone will state "The Determination was Submitted to ODACC for Review". And the step to complete "Adjudicator to Send the Determination to ODACC" will have a completion date.

Figure 9: Determination Under Review

Case Information

Test Claimant v. Test Respondent | Case Number: 97 | **Case Status: Determination Under Review**

[Request Help](#)
[Request Determination Extension](#)

Click here to expand the menu

Dashboard

Forms

Parties

Adjudicator

Messages

Fees

Process

Documents

Financials

Dashboard

Case Notifications

Show Dismissed Notifications

0

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
ODACC Invited an Adjudicator to the Adjudication	Mar 11, 2020 15:08 PM
The Adjudicator Consented to Adjudicate	Mar 11, 2020 15:09 PM
<b>The Determination was Submitted to ODACC for Review</b>	<b>Mar 11, 2020 15:31 PM</b>

Steps to Complete

Description	Complete By	Date Completed
ODACC to Invite Adjudicator to Consent	Mar 20, 2020	Mar 11, 2020
Adjudicator to Communicate Adjudication Fee to the Parties	Mar 16, 2020	
Claimant to Upload Supporting Documents	Mar 18, 2020	Mar 11, 2020
<b>Adjudicator to Send the Determination to ODACC</b>	<b>Apr 05, 2020</b>	<b>Mar 11, 2020</b>

## 2.2 Downloading the Determination

Once the Adjudicator shares the Determination with the Parties, the Parties will receive an email from [communications@odacc.ca](mailto:communications@odacc.ca) with the subject line “ODACC Custom System Notification,” asking the Parties to log in to the system. On ODACC’s Custom System, the Parties will have a number of updates (refer to Figure 10):

- the case status will read “Determination Available”;
- a new milestone will state “The Determination was Communicated to the Parties”;
- the step to complete “Adjudicator to Communicate the Determination to the Parties” will have a completion date;
- a new step to complete will read “ODACC to Submit the Certified Determination to the Parties,” a step that must be completed within seven days; and
- a notification will state, “The Adjudicator submitted the Determination. Please click here to access the Determination.”

Figure 20: Updates After the Determination is Communicated to the Parties

Test Claimant v. Test Respondent | Case Number: 97 | **Case Status: Determination Available**

Request Help
Request Determination Extension

Click here to expand the menu

Dashboard
Forms
Parties
Adjudicator
Messages
Fees
Process
Documents
Financials
Determination

### Dashboard

**Case Notifications**
Show Dismissed Notifications

Mar 11, 2020
Dismiss

**Determination and Final Invoice are Available**  
Case No. 97 - The Adjudicator has submitted the Determination and set the Final Cost of Adjudication. Please [click here](#) to view the final invoice.

Mar 11, 2020
Dismiss

**Determination Available**  
Case No. 97 - The Adjudicator submitted the Determination. Please [click here](#) to access the Determination.

**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
ODACC Invited an Adjudicator to the Adjudication	Mar 11, 2020 15:08 PM
The Adjudicator Consented to Adjudicate	Mar 11, 2020 15:09 PM
The Determination was Submitted to ODACC for Review	Mar 11, 2020 15:52 PM
<b>The Determination was Communicated to the Parties</b>	<b>Mar 11, 2020 15:55 PM</b>

**Steps to Complete**

Description	Complete By	Date Completed
ODACC to Invite Adjudicator to Consent	Mar 20, 2020	Mar 11, 2020
Adjudicator to Communicate Adjudication Fee to the Parties	Mar 16, 2020	
Claimant to Upload Supporting Documents	Mar 18, 2020	Mar 11, 2020
Adjudicator to Send the Determination to ODACC	Apr 05, 2020	Mar 11, 2020
<b>Adjudicator to Communicate the Determination to the Parties</b>	<b>Apr 14, 2020</b>	<b>Mar 11, 2020</b>
ODACC to Submit the Certified Determination to the Parties	Mar 20, 2020	

To download the Determination, the Parties should click on the “Determination” tab and click on the document available under the “Link to Determination” section, as shown at Figure 11.

Figure 31: Determination Tab

Adjudicator

Messages

Fees

Process

Documents

Financials

**Determination**

### Case Determination

#### Final Cost of Adjudication

Fees Approved to Date		Final Cost of Adjudication*	
Adjudication Fee	\$3,000.00	Adjudication Fee	\$3,000.00
Estimated Disbursements	\$0.00	Disbursement	\$0.00
Referral Fee	\$500.00	Referral Fee	\$500.00
Certification Fee	\$100.00	Certification Fee	\$100.00
Subtotal	\$3,600.00	Subtotal	\$3,600.00
Tax	\$468.00	Tax	\$468.00
Total	\$4,068.00	Total	\$4,068.00

#### Apportionment of Final Cost of Adjudication

Party Name	Party Role	Adjudication Fee	Disbursement...	Referral Fee	Certification Fee	Tax	Final Cost
Test Claimant	Claimant	\$1,500.00	\$0.00	\$500.00	\$50.00	\$266.50	\$2,316.50
Test Respondent	Respondent	\$1,500.00	\$0.00	\$0.00	\$50.00	\$201.50	\$1,751.50
		\$3,000.00	\$0.00			\$468.00	\$4,068.00

*i* \*The Final Cost of Adjudication is calculated after the Determination is rendered and includes (a) the Adjudication Fee, (b) a Referral Fee (payable by the Claimant), (c) a Certification Fee, and (d) disbursements and taxes. The Final Cost of Adjudication will be apportioned among the Parties by the Adjudicator.

#### Information Required for Reporting Purposes

Type of Matter as listed in s.13.5 (1) of the Act

**2. Payment under the contract, including in respect of a change order, whether approved or not, or a proposed change order.**

Location of Construction Project: **Niagara**

Amount Required to be Paid Under the Determination: **\$60,000.00**

#### Link to Determination

s.docx

Click to download Determination

## 2.3 Final Cost of Adjudication

The “Determination” tab contains a section titled “Final Cost of Adjudication” (refer to Figure 11). The Final Cost of Adjudication is calculated after the Determination is rendered, and it includes:

- the Adjudication Fee;
  - If an hourly rate was negotiated, the Final Cost of Adjudication will be based on the total number of hours worked by the Adjudicator, times the hourly rate of the Adjudicator;
- a Referral Fee (please refer to the [Schedule of Fees](#) for further information). The Referral Fee is payable by the Claimant;
- a Certification Fee (please refer to the [Schedule of Fees](#) for further information). Each Party will pay half of the Certification Fee; and
- disbursements and taxes.

The Parties will be able to compare the fees approved to be paid under the retainer in the “Fees Approved to Date” section versus the Final Cost of Adjudication. The fees may be different, if for example, the Adjudicator spent more or less hours than what was collected as a retainer, or if a disbursement was incurred that hadn’t been foreseen when the retainer was collected.

The Final Cost of Adjudication will be apportioned among the Parties by the Adjudicator in the chart “Apportionment of Final Cost of Adjudication” (see Figure 11 above).

If a Party owes an amount over what was paid as a retainer, an invoice will be available in the “Financials” tab.

## 2.4 Certified Determination

ODACC will provide a certified Determination to the Parties, through the Determination tab on ODACC’s Custom System, within seven days following the release of the Determination (in accordance with s. 22.(1)(b) of [Ontario Regulation 306/18](#)).

Once the certified Determination is available, the Parties will receive an email from [communications@odacc.ca](mailto:communications@odacc.ca) with the subject line “ODACC Custom System Notification,” asking the Parties to log in to the system. The following updates will be made to the adjudication (refer to Figure 12):

- the case status will read: “Determination Certified”;
- the step to complete, “ODACC to Submit Certified Determination to the Parties”, will have a completion date; and
- a notification will state, “A certified copy of the Determination is available. Please [click here](#) to download it.”



Figure 42

## Case Information

Test Claimant v. Test Respondent | Case Number: 97 | **Case Status: Determination Certified**

Request Help Request Determination Extension

Click here to expand the menu

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

## Dashboard

### Case Notifications

Show Dismissed Notifications

Mar 11, 2020 Dismiss

**Certified Determination Available**

Case No. 97 - A certified copy of the Determination is available. Please [click here](#) to download it.

### 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
ODACC Invited an Adjudicator to the Adjudication	Mar 11, 2020 15:08 PM
The Adjudicator Consented to Adjudicate	Mar 11, 2020 15:09 PM
The Determination was Submitted to ODACC for Review	Mar 11, 2020 15:52 PM
The Determination was Communicated to the Parties	Mar 11, 2020 15:55 PM


### Steps to Complete

Description	Complete By	Date Completed
ODACC to Invite Adjudicator to Consent	Mar 20, 2020	Mar 11, 2020
Adjudicator to Communicate Adjudication Fee to the Parties	Mar 16, 2020	
Claimant to Upload Supporting Documents	Mar 18, 2020	Mar 11, 2020
Adjudicator to Send the Determination to ODACC	Apr 05, 2020	Mar 11, 2020
Adjudicator to Communicate the Determination to the Parties	Apr 14, 2020	Mar 11, 2020
<b>ODACC to Submit the Certified Determination to the Parties</b>	Mar 20, 2020	Mar 11, 2020

To download the certified Determination, the Parties should open the “Determination” tab and click on the link that appears in the “Certified Determination” section (as shown at Figure 14).

Figure 54

Test Claimant	Claimant	\$1,500.00	\$0.00	\$0.00	\$0.00	\$195.00	\$1,695.00
Test Respondent	Respondent	\$1,500.00	\$0.00	\$0.00	\$0.00	\$195.00	\$1,695.00
		<b>\$3,000.00</b>	<b>\$0.00</b>			<b>\$390.00</b>	<b>\$3,390.00</b>



\*The Final Cost of Adjudication is calculated after the Determination is rendered and includes (a) the Adjudication Fee, (b) a Referral Fee (payable by the Claimant), (c) a Certification Fee, and (d) disbursements and taxes. The Final Cost of Adjudication will be apportioned among the Parties by the Adjudicator.

### Information Required for Reporting Purposes

Type of Matter as listed in s.13.5 (1) of the Act  
**1. The valuation of services or materials provided under the contract.**

Location of Construction Project  
**Algoma**

Amount Required to be Paid Under the Determination  
**\$150,000.00**

### Link to Determination

[\[Redacted\].docx](#)

### Certified Determination

[\[Redacted\].docx](#)