

TERMINATING AN ADJUDICATION

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Table of Contents

1. Introduction.....	2
2. Requesting the Other Party’s Consent to Terminate the Adjudication.....	3
3. Responding to a Termination Request.....	5
3.1 Rejecting the Request to Terminate the Adjudication.....	6
3.2 Consenting to Terminate the Adjudication.....	6
3.2.1 Negotiating the Adjudication Fee with the Adjudicator	7
3.2.2 Adjudication Fee Set by ODACC.....	9
4. Closing the Adjudication File.....	11

DISCLAIMER: Please note that nothing in this document shall be considered as legal advice.
Parties to disputes are advised to consult a lawyer to clarify their legal rights.



1. Introduction

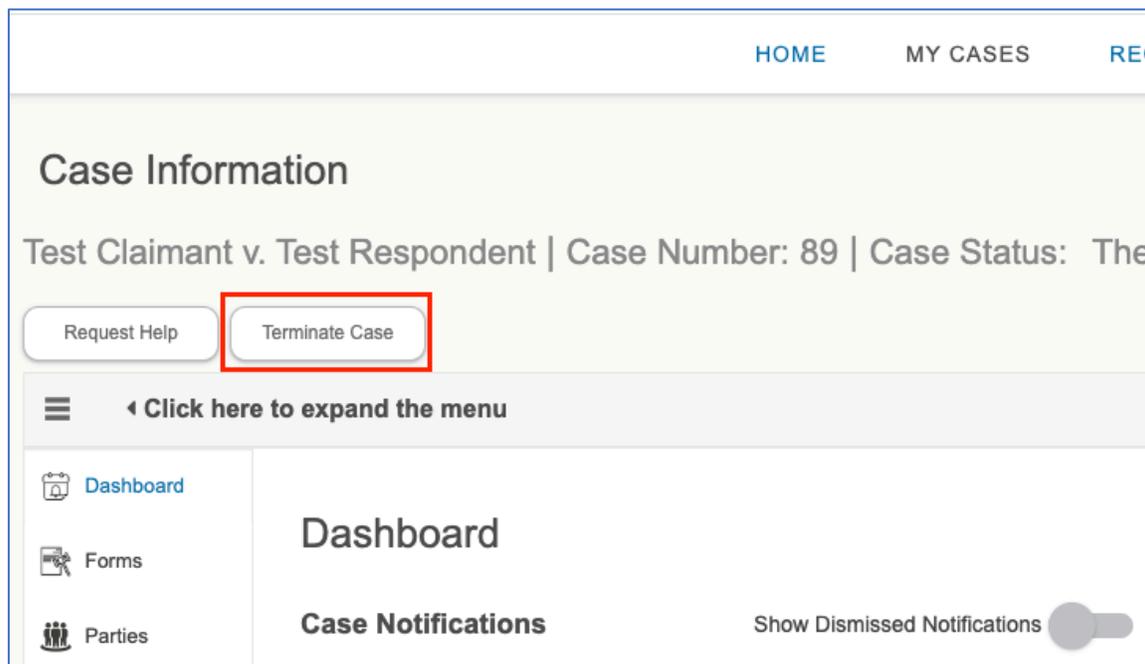
At any time before the Adjudicator makes a Determination, the Parties may agree to terminate the adjudication, subject to the payment of the Adjudicator's fee. Section 13.14 of the *Construction Act* states:

13.14 At any time after the notice of adjudication is given and before the adjudicator makes his or her determination, the parties to the adjudication may agree to terminate the adjudication, on notice to the adjudicator and subject to the payment of the adjudicator's fee.

2. Requesting the Other Party's Consent to Terminate the Adjudication

All Parties to an adjudication need to provide their consent to terminate an adjudication. To obtain a Party's consent to terminate an adjudication, a Claimant or Respondent can submit a termination request on ODACC's Custom System by clicking the "Terminate Case" button (refer to Figure 1).

Figure 1: Terminate Case Button



The Terminate Case button will be available to the Parties after the Respondent submits a Response to Notice of Adjudication. If the Parties wish to terminate the adjudication before the Respondent submits its response, please email ODACC at support@odacc.ca and ODACC will make the "Terminate Case" button visible.

On the “Termination” page, the Party initiating the termination should select the reason for the termination from the drop-down menu and press the “Submit” button, as shown at Figure 2.

Figure 2: Submit Termination Page

Termination

1 Submit Termination 2 Review & Respond 3 Define Fees 4 Consent to Fees 5 Payment

Reason for Termination

The dispute is now resolved.

Comments *

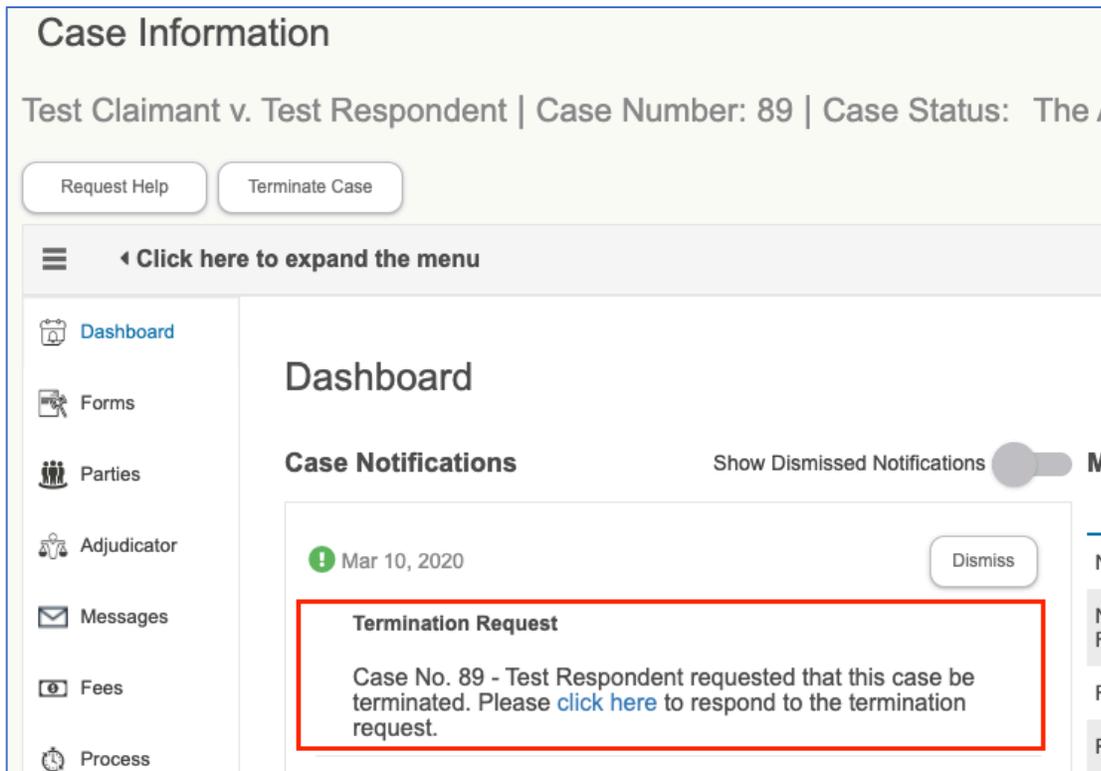
Termination requested. Dispute settled.

Submit

3. Responding to a Termination Request

After the termination request is submitted, the responding Party will receive an email informing him or her that a request has been submitted to terminate the adjudication, and asking the Party to log in to ODACC's Custom System to view the request. On the system, there will be a notification stating, "[NAME] requested that this adjudication be terminated. Please click here to respond to the termination request."

Figure 3: Notification of Termination Request



The notification contains a link to the Termination page, where the responding Party can indicate if they consent to terminate the adjudication by clicking on “Approve” or “Reject”, as shown at Figure 4.

Figure 4: Reviewing and Responding to a Termination Request

Termination

1 Submit Termination 2 Review & Respond 3 Define Fees 4 Consent to Fees 5 Payment

i Instructions: Adjudications may be terminated in accordance with s. 13.14 of the Construction Act, which states: "At any time after the notice of adjudication is given and before the adjudicator makes his or her determination, the parties to the adjudication may agree to terminate the adjudication, on notice to the adjudicator and subject to the payment of the adjudicator's fee." Please click on the check-box below, and indicate if you consent to terminate the adjudication by clicking on the "Approve" or "Reject" button accordingly. If all Parties agree to terminate the adjudication, the Adjudicator will be asked to set his or her fees.

I am aware of the other Parties' intention to terminate the adjudication.

Approve Reject

Party Name	Party Role	Respond Date	Party Agrees?
Test Claimant	Claimant		<input type="checkbox"/>
Test Respondent	Respondent	Mar 10, 2020	<input checked="" type="checkbox"/>

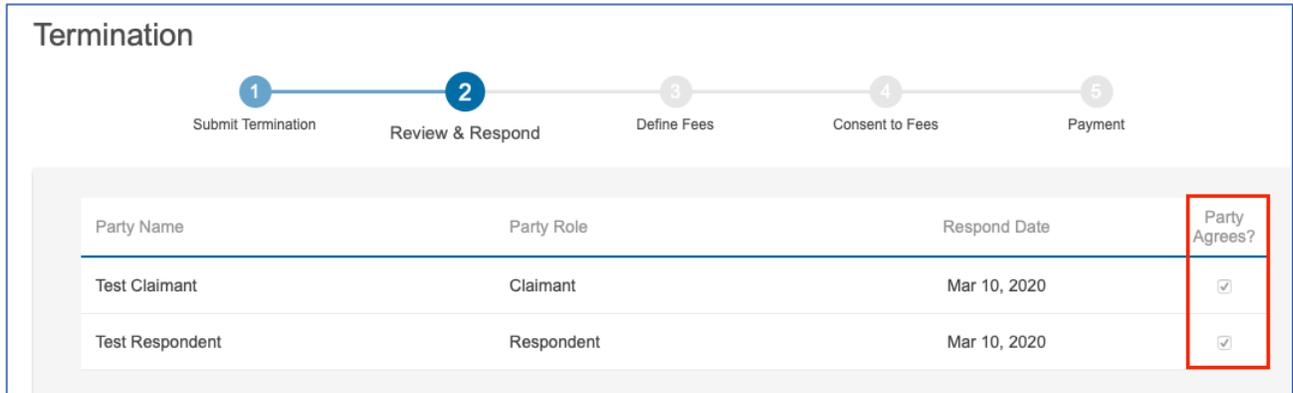
3.1 Rejecting the Request to Terminate the Adjudication

If the responding Party rejects the request to terminate the adjudication, the other Party will receive an email from communications@odacc.ca with the subject line “Termination Request Rejected.” On ODACC’s Custom System, there will also be a notification stating that the request to terminate the adjudication was rejected. The adjudication will proceed.

3.2 Consenting to Terminate the Adjudication

If all Parties consent to terminate the adjudication, the chart at the bottom of the Termination page (refer to Figure 5) will be updated to indicate that all Parties consent.

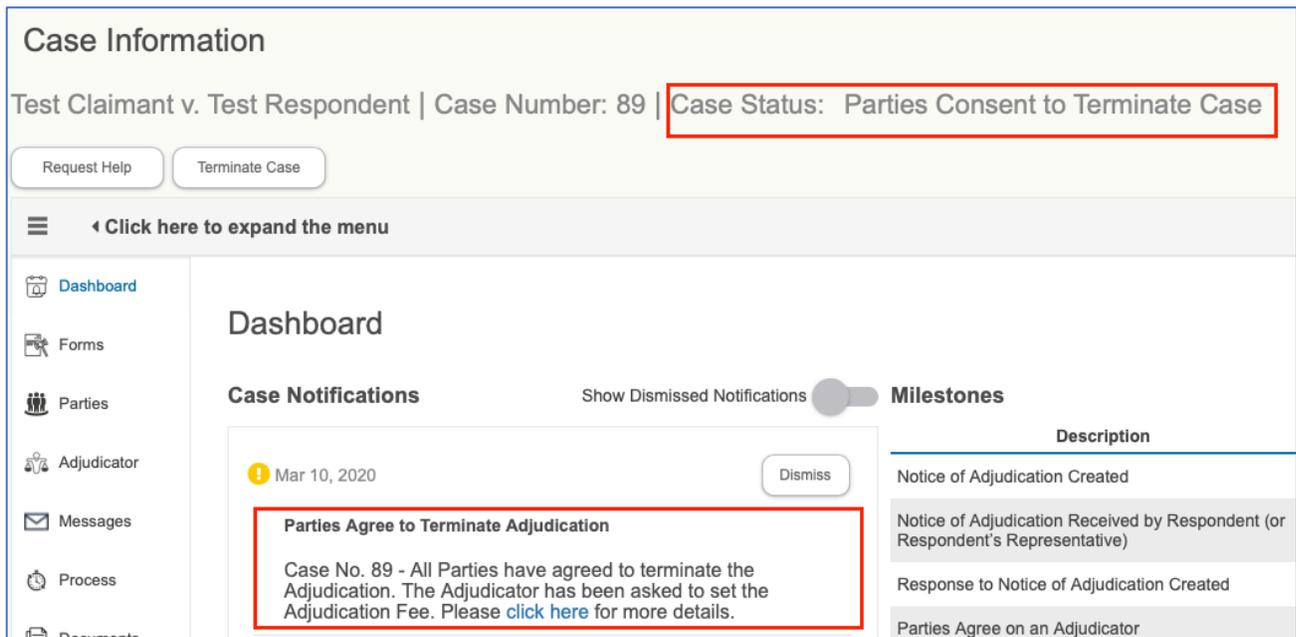
Figure 5: All Parties Consent to Terminate the Adjudication



If all Parties consent to terminate the adjudication, the Parties will receive an email from communications@odacc.ca asking them to log in to ODACC’s Custom System. On the system, the case status will read “Parties Consent to Terminate Case” and there will be a notification stating that the Adjudicator has been asked to set the Adjudication Fee (Refer to Figure 6).

If the Parties agree to terminate the adjudication before an Adjudicator is appointed, then ODACC will set the Adjudication Fee at \$0.

Figure 6: Dashboard After Parties Agree to Terminate Adjudication



3.2.1 Negotiating the Adjudication Fee with the Adjudicator

If all Parties agree to terminate the adjudication, the Adjudicator will be sent an email informing the Adjudicator that the Parties have agreed to terminate the adjudication. The Adjudicator and Parties will need to negotiate the Adjudication Fee. After the Parties and Adjudicator agree on an Adjudication Fee, the Adjudicator will enter the Adjudication Fee on the Termination page of ODACC’s Custom System. After an Adjudicator enters the Adjudication Fee on ODACC’s Custom System, the Parties will receive an email from communications@odacc.ca asking them to log in to ODACC’s Custom System. On the Termination page, the Parties will be instructed to review the Adjudication Fee that was negotiated with the Adjudicator and to indicate that it’s the agreed amount (refer to Figure 7).

Figure 7: Adjudication Fee Negotiated with Adjudicator

Termination

i Instructions: To view the Adjudication Fee and the Final Cost of Adjudication at Termination, please click on the blue dot with the number "3" above "Define Fees". Please confirm if you agree with the Adjudication Fee by selecting the check box and clicking on "Approve Amount". If you do not approve the amount, please click on "Reject Amount". If you reject the amount, the Adjudicator may set a new Adjudication Fee or may ask ODACC to set the fee.

I have viewed the Final Cost of Adjudication at Termination and approve the Adjudication Fee.

Approve Amount
Reject Amount

Party Name	Party Role	Respond Date	Adjudication Fee Approved
Test Claimant	Claimant		<input type="checkbox"/>
Test Respondent	Respondent		<input type="checkbox"/>

After all Parties approve the Adjudication Fee, the chart at the bottom of the Termination page will be updated (refer to Figure 8) and the Parties will be able to pay outstanding amounts on ODACC’s Custom System (refer to Figure 10).

Figure 8: Adjudication Fee Approved by Parties

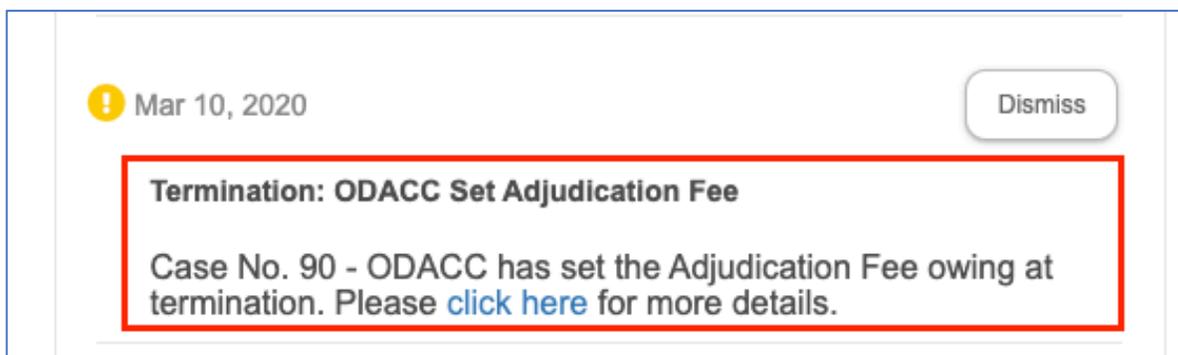
Termination

Party Name	Party Role	Respond Date	Adjudication Fee Approved
Test Claimant	Claimant	Mar 12, 2020	<input checked="" type="checkbox"/>
Test Respondent	Respondent	Mar 12, 2020	<input checked="" type="checkbox"/>

3.2.2 Adjudication Fee Set by ODACC

If the Parties and the Adjudicator are unable to negotiate an Adjudication Fee, the Adjudicator will ask ODACC to set the Adjudication Fee. ODACC will set the Adjudication Fee in accordance with the [Schedule of Fees](#). If the Parties agree to terminate the adjudication before an Adjudicator is appointed, then ODACC will set the Adjudication Fee at \$0. After ODACC sets the Adjudication Fee, the Parties and the Adjudicator will be notified via email and asked to log in to ODACC’s Custom System to view the amount. On the system, the Parties will have a notification stating “ODACC has set the Adjudication Fee owing at termination” (refer to Figure 9).

Figure 9: Notification After ODACC Sets Adjudication Fee



The Parties will be able to pay outstanding fees by clicking on the “Click Here to Pay” link on the Termination page (refer to Figure 10).

Figure 10: Payment Page

Termination

i To pay by credit card, please click on the “Click Here to Pay” link. Please visit the following page for instructions on paying by cheque or electronic fund transfer: [Fees, Retainers and Payments](#). Please refer to the “Financials” tab to download an invoice.

Payments

Description	Party Name	Party Role	Termination Fee	Amount	
Invoice No : 197	Test Claimant	Claimant	\$169.50	\$169.50	Click Here to Pay
Invoice No : 198	Test Respondent	Respondent	\$169.50	\$169.50	Click Here to Pay



Règlement des différends en matière de contrats de construction de l'Ontario

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www.odacc.ca

4. Closing the Adjudication File

Once all fees have been paid, ODACC will close the adjudication file.