



Ontario Dispute Adjudication for Construction Contracts

180 Duncan Mill Road, 4th Floor
Toronto, ON M3B 1Z6
Email: authority@odacc.ca
Tel: 416-307-0008 | Toll Free: 1-888-221-3721
Fax: 416-362-8825 | Toll Free Fax: 1-877-862-8825
www.odacc.ca

RESPONSE TO NOTICE OF ADJUDICATION

Construction Act, R.S.O. 1990, c. C.30

Case Number:

Case Name:

CLAIMANT'S INFORMATION

Name: _____

Email: _____

Phone Number: _____

RESPONDENT'S INFORMATION

Company Name and Operating Name (if Operating Name is Different):

Name of Individual: _____

Title: _____

Email: _____

Phone Number: _____

Address:



RESPONDENT'S REPRESENTATIVE'S INFORMATION

Name of Individual at Respondent's Representative's Organization:

Email: _____

Phone Number: _____

Company Name: _____

Title _____

Address:

ADJUDICATOR SELECTION

Select one of the three options below*:

I agree to the Adjudicator suggested by the Claimant to conduct the Adjudication.

Adjudicator suggested by the Claimant:

I request ODACC to appoint an Adjudicator to conduct the adjudication.

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

Adjudicator suggested by the Respondent:

**Proposed Adjudicator must be a Certified ODACC Adjudicator. ODACC's Adjudicator Registry can be found at the following link: <https://odacc.ca/en/adjudicator-registry/>.*



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SUGGESTED ODACC ADJUDICATION PROCESS

Suggested ODACC Adjudication Process*:

**More information on ODACC Pre-designed Adjudication Processes can be found at <https://odacc.ca/en/claimants/adjudication-process-2/>.*

RESPONSE TO NOTICE OF ADJUDICATION

Please provide a brief summary of your response to the Notice of Adjudication (to a maximum 250 words). In order for the Adjudicator to check for potential conflicts of interest, please include owners, officers and directors of the company (if any) and the names of potential witnesses in the text box below.



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I consent to potential adjudicators be given the information in the Notice of Adjudication to allow them to determine whether they have a conflict of interest and whether they are prepared to adjudicate the dispute. I confirm that there is no confidential information in the Notice of Adjudication that cannot be seen by potential adjudicators.

I agree to pay the retainer within seven days of receiving the retainer from ODACC and any additional fees and costs related to the adjudication (beyond the amount paid as a retainer) within fourteen days from the date the Determination is issued to the Parties. Please click here for more information: <https://odacc.ca/en/claimants/payments/>.

I agree that communications, documents and the Determination (the "Information") shared or disclosed in the adjudication shall not be disclosed to anyone who is not a Party to the adjudication, except in the following limited specified circumstances:

- where the Information is required in a subsequent adjudication respecting the same Improvement;
- where a Party applies to a court or to an arbitral tribunal to consider matters dealt with in the adjudication;
- pursuant to an order of a court of competent jurisdiction or where the disclosure is required by law;
- where the Information is otherwise in the public domain;
- where the person to whom the Information is disclosed is a legal or financial advisor to a Party to the adjudication;
- where the person to whom the Information is disclosed is involved in the adjudication (such as a contract administrator, an expert or a witness in a hearing);
- with the consent of all of the Parties to the adjudication; and
- where the Information suggests that there will be actual or potential threat to human life or safety or where the disclosure is required in order to prevent the commission of a crime.

Signature

I have authority to bind the Respondent
(if the Respondent is an organisation)

Date

Printed Name of Person Signing

Position of Person Signing



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Instructions for filing a Response to Notice of Adjudication Form

The Response to Notice of Adjudication Form allows a Respondent to provide a summary response to the Notice of Adjudication, a proposed Adjudicator, a proposed adjudication process and contact information. After an Adjudicator is appointed, the Respondent will be given an opportunity to provide a further written Response, in accordance with s. 17 of *Ontario Regulation 306/18*. The Adjudicator will specify the form of the Response, including the number of pages and the deadline for submitting the Response.

The Respondent can respond to the Notice of Adjudication through ODACC's Custom System. ODACC's Custom System is the technology platform used by ODACC to administer and facilitate adjudications. ODACC's Custom System will enable the Respondent to view the Claimant's Notice of Adjudication, respond to the Notice of Adjudication, upload documents and progress through the adjudication process. The Respondent can also communicate with the Claimant and the Adjudicator within ODACC's Custom System.

If the Respondent has an ODACC Custom System account from a previous adjudication matter, the same account may be used for multiple adjudications. To register on ODACC's Custom System, please visit <https://app.odacc.ca/en-CA/Identity/Account/Login?ReturnUrl=%2F>.

If the Respondent does not wish to use ODACC's Custom System, the Respondent may file the Response to Notice of Adjudication Form with ODACC by sending it to ODACC via email at authority@odacc.ca or via fax 416-362-8825.

The Respondent will also need to provide to the other party the Response to Notice of Adjudication Form in accordance with the *Construction Act*, R.S.O. 1990, c. C.30.

Where the Response to Notice of Adjudication Form is uploaded to the custom system between 4:00 p.m. and midnight (EST), it will be deemed to have been uploaded on the following Day.