

# 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 a 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 options (Dashboard, Forms, Parties, Adjudicator, Messages) and a main content area with "Case Notifications" and "Milestones".

**Case Notifications:** A notification dated Mar 11, 2020, titled "Parties Agree on an Adjudicator" is displayed. The text of the notification reads: "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 lists 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 with columns for Description, Complete By, and Date Completed is partially visible at the bottom of the screenshot.

### 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

The screenshot shows a dashboard for a case titled "Test Respondent | Case Number: 97". The case status is "ODACC to Appoint Adjudicator".

**Case Notifications:** A notification dated Mar 11, 2020, titled "ODACC to Appoint an Adjudicator" is displayed. The text reads: "Case No. 97 - One of the Parties requested ODACC to appoint an Adjudicator. ODACC will appoint an Adjudicator within seven days."

**Milestones:** A table lists several 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:** A table lists the next step 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 navigation options (Dashboard, Forms, Parties, Messages) and a main content area with sections for Case Notifications, Milestones, and Steps to Complete.

**Case Information**  
 Test Company 1 v. Test Company 2 | Case Number: 88 | Case Status: Adjudicator Invited to Adjudication

**Case Notifications**

Mar 05, 2020

**ODACC to Appoint an Adjudicator**

Case No. 88 - One of the Parties requested ODACC to appoint an Adjudicator. ODACC will appoint an Adjudicator within seven days.

**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

**Steps to Complete**

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

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

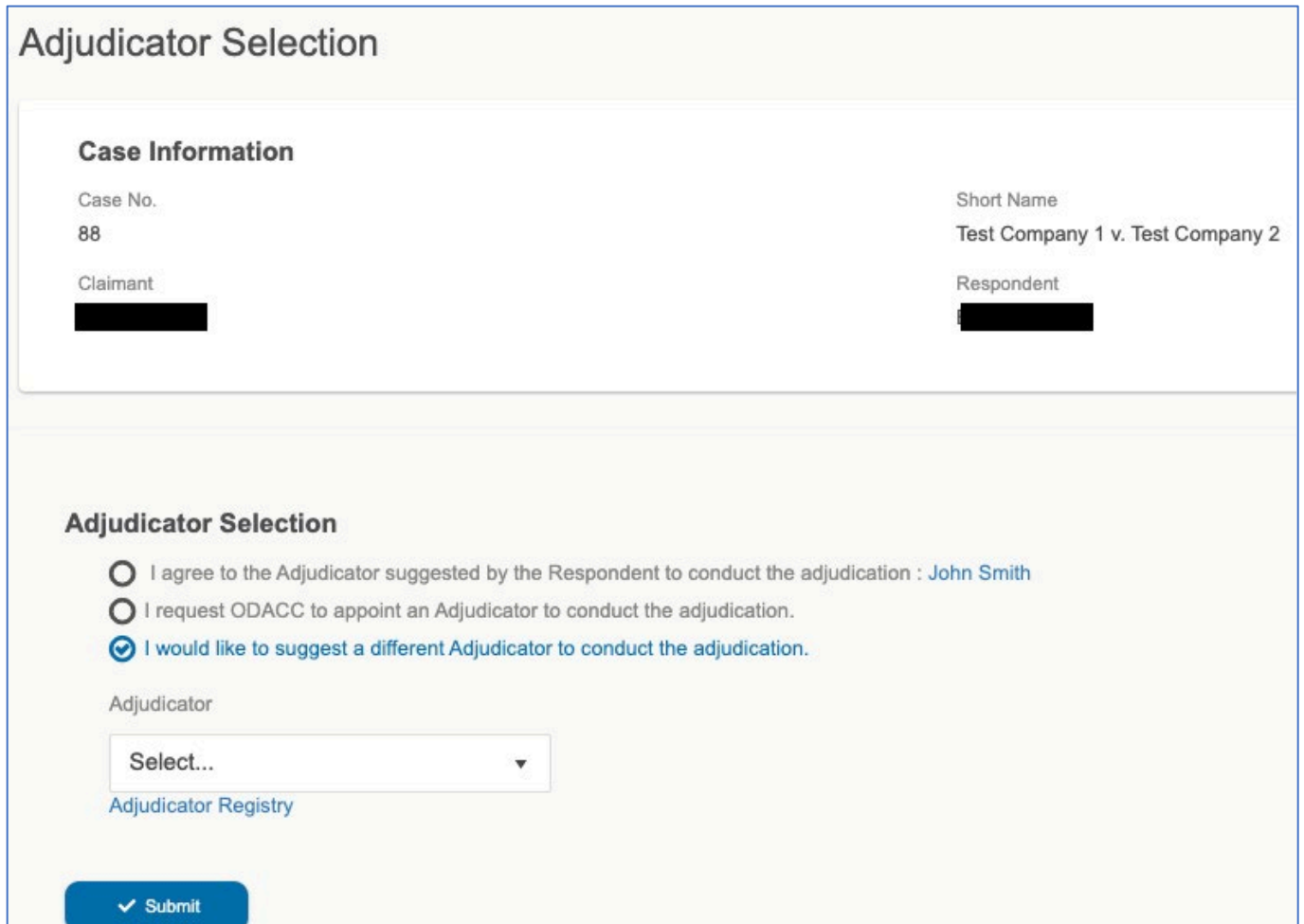
0

**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



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](#).



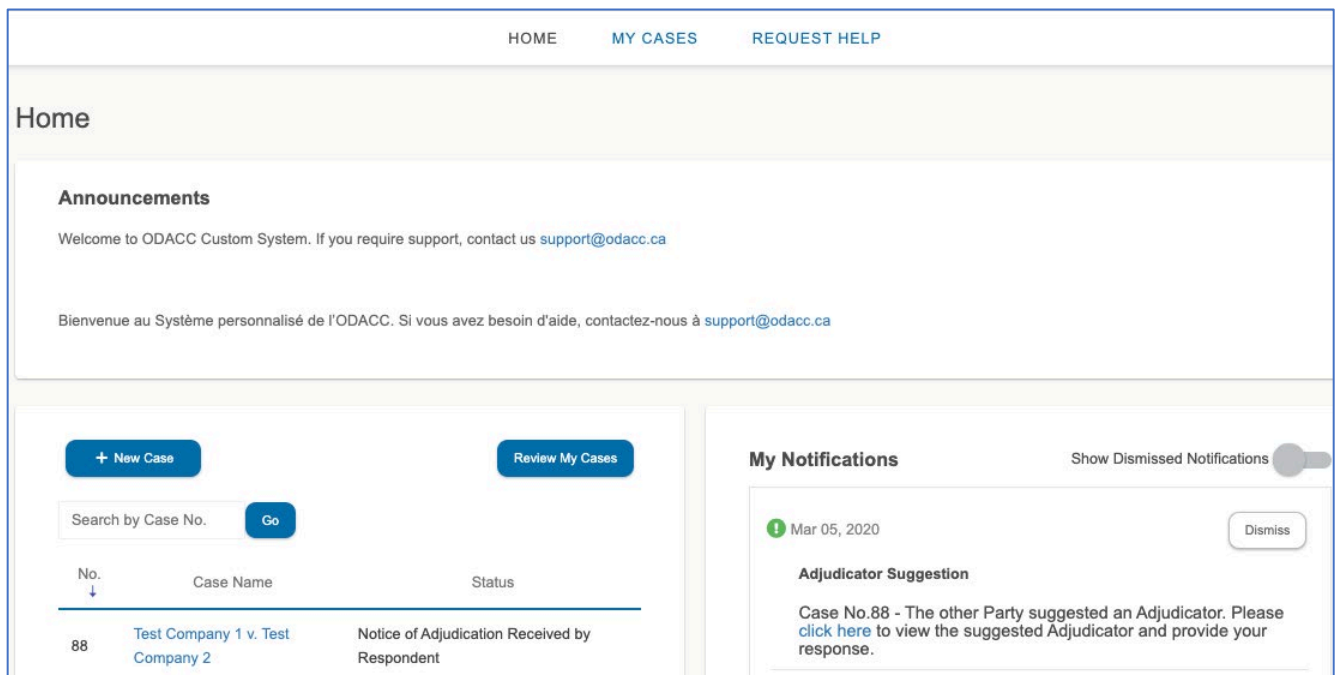
2. “I request ODACC to appoint an Adjudicator to conduct the adjudication.”

- 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](mailto: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 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. 88	Short Name Test Company 1 v. Test Company 2
Claimant [REDACTED]	Respondent [REDACTED]

#### 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

[Adjudicator Registry](#)

### 3. Obtaining an Adjudicator’s Consent to Conduct the Adjudication

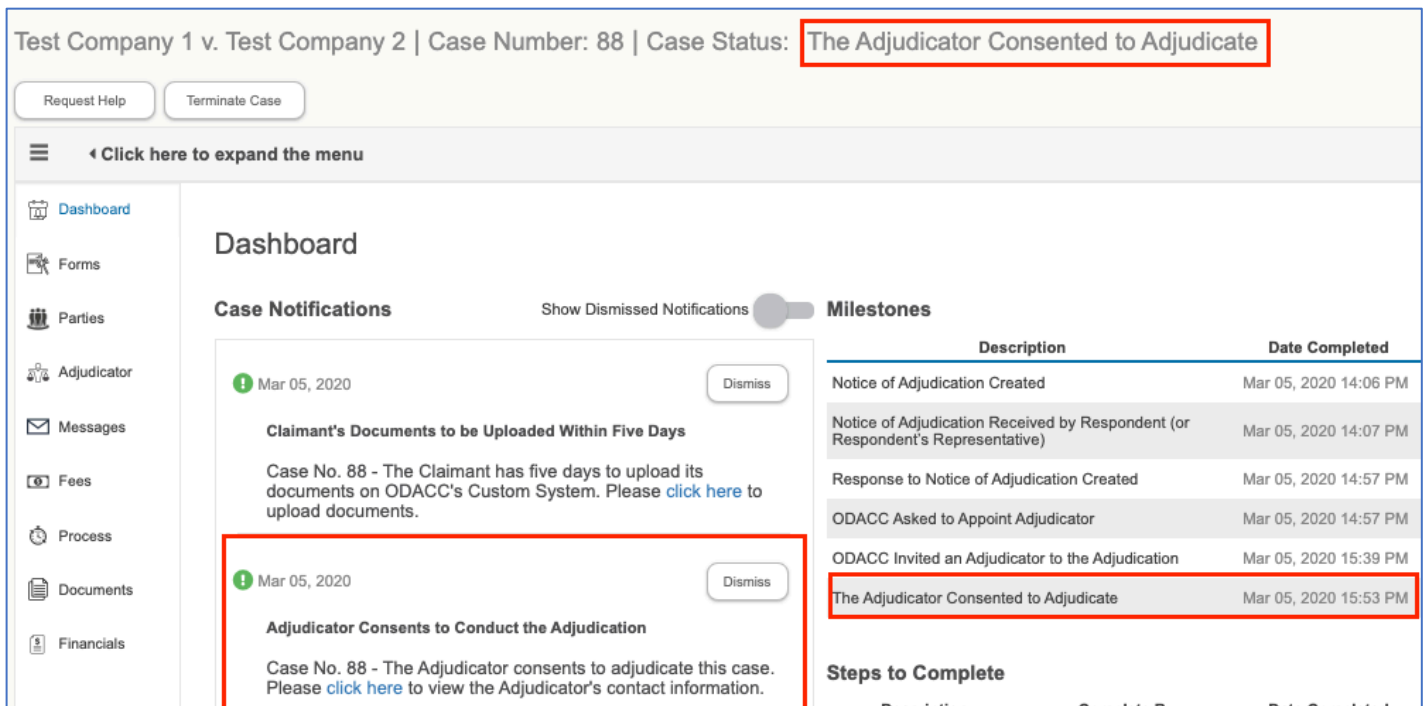
After all the Parties agree on an Adjudicator or ODACC appoints an Adjudicator, the Adjudicator will receive an email requesting that he or she consent to conduct the adjudication. When the Adjudicator receives the email, he or she will have access to the Notice of Adjudication and the Response to Notice 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](mailto: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



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 "The Adjudicator Consented to Adjudicate", which is highlighted with a red box. The dashboard includes a sidebar with navigation options like Dashboard, Forms, Parties, Adjudicator, Messages, Fees, Process, Documents, and Financials. The main content area is divided into "Case Notifications" and "Milestones".

**Case Notifications:**

- Mar 05, 2020: 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: 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

The "The Adjudicator Consented to Adjudicate" milestone entry is also highlighted with a red box. Below the milestones, there is a section for "Steps to Complete".

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

**Adjudicator**

**Appointed Adjudicator**

First Name: John | Middle Name: | Last Name: Smith

Organization: | Title: |

Email: john.smith@gmail.com | Phone Number: [REDACTED]

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

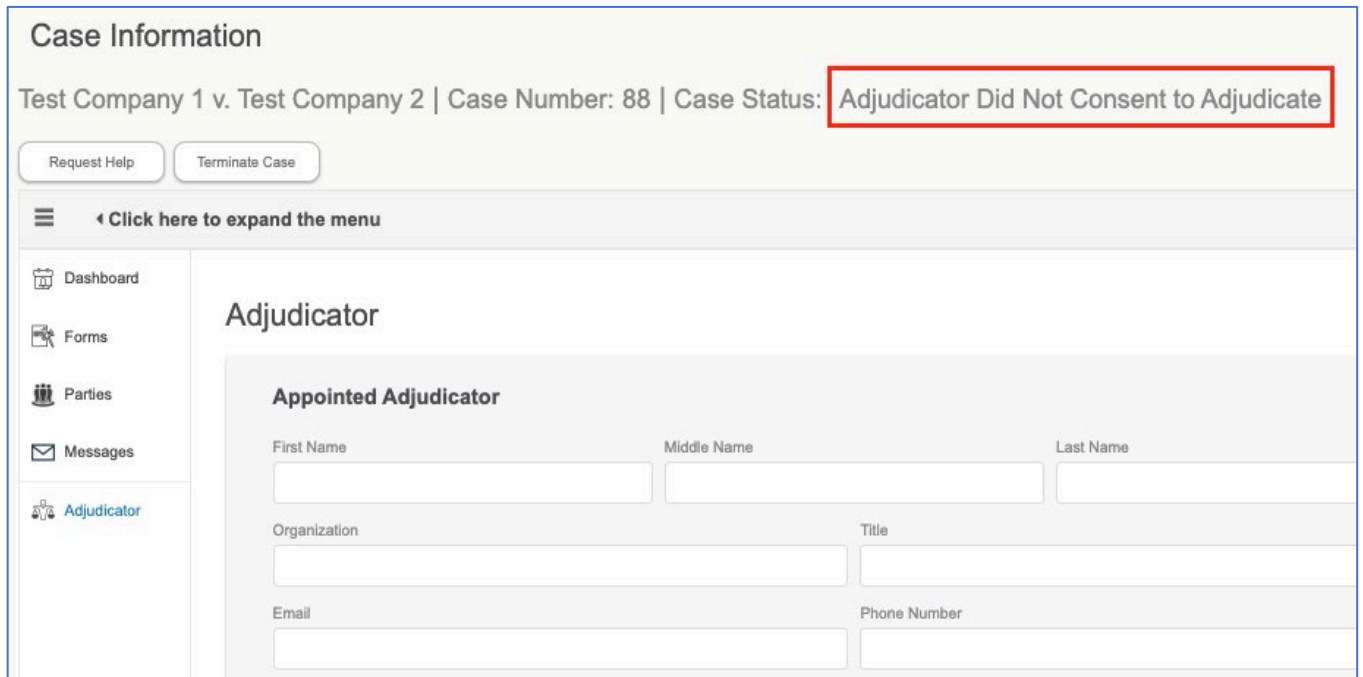
Adjudicator Name	Invite By	Date Invited	Status	Date Responded	Expiry Date	Comments
[REDACTED]	[REDACTED]	Mar 05, 2020	Conflict of Interest	Mar 05, 2020	Mar 11, 2020	
John Smith	[REDACTED]	Mar 05, 2020	Accepted	Mar 05, 2020	Mar 11, 2020	

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 'Case Information' section of the ODACC system. At the top, it shows 'Test Company 1 v. Test Company 2 | Case Number: 88 | Case Status: Adjudicator Did Not Consent to Adjudicate'. The status text is highlighted with a red rectangular box. Below the case information, there are two buttons: 'Request Help' and 'Terminate Case'. A navigation menu is visible on the left side, with 'Adjudicator' selected. The main content area is titled 'Adjudicator' and contains a form for 'Appointed Adjudicator' with fields for First Name, Middle Name, Last Name, 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](mailto: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](mailto: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.