



ONTARIO
DISPUTE ADJUDICATION
FOR
CONSTRUCTION CONTRACTS



2025 ANNUAL REPORT

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MESSAGE FROM THE MANAGING DIRECTOR

The Ontario Dispute Adjudication for Construction Contracts (“ODACC”) is pleased to report continued growth in its sixth year of operation. As the Authorized Nominating Authority (“ANA”) for the Province of Ontario, ODACC is responsible for administering construction-related Adjudications, as well as training and certifying Adjudicators under the Ontario *Construction Act*, R.S.O. 1990, c. C.30 (the “*Construction Act*”) and Ontario Regulation 306/18 (the “*Regulations*”).

2025 Fiscal Year Highlights



- ◇ A 17% increase in the number of Adjudications commenced
- ◇ A greater overall utilization of Adjudication by subcontractors
- ◇ An increased growth in sub-subcontractor initiated Adjudications
- ◇ An increase in Adjudications within the industrial, commercial and institutional (ICI) sector
- ◇ A continued use of Adjudication for higher value disputes
- ◇ A notable rise in consolidated Adjudications

Adjudication continues to demonstrate its value as a fast, efficient, and cost-effective dispute resolution process. Contractors, subcontractors, sub-subcontractors and other industry participants increasingly recognize that Adjudication enables them to resolve disputes swiftly without halting ongoing construction projects. Once parties experience the benefits of Adjudication, they often choose to use the process again for future disputes.

ODACC observed a particular increase in consolidated Adjudications (the joining of two or more Adjudications into one Adjudication), resulting in all levels of the construction chain on a construction project resolving their dispute together in one forum. Consolidation has proven beneficial in achieving efficient and consistent outcomes.

During the 2025 Fiscal Year, 324 Adjudications were commenced, and 122 Determinations were rendered. An additional 21 Determinations were issued during the 2025 Fiscal Year from Adjudications that commenced near the end of the previous fiscal year (the “2024 Fiscal Year”), bringing the total to 143 Determinations rendered in Fiscal 2025. As of Fiscal 2025 year end, 57 Adjudications remained open.

Not all Adjudications result in a Determination, as some are terminated on consent, commonly due to settlement between the parties or consolidation with other Adjudications. ODACC continues to observe a growing trend of parties resolving their disputes during the Adjudication process, reflecting its effectiveness in fostering settlement.

All Adjudications were administered through ODACC's custom online system, supported by a dedicated team who assist members of the construction community and their representatives in navigating the process.

ODACC expresses its appreciation to Ontario's construction associations, industry stakeholders, and members of the construction sector for their ongoing commitment to promoting awareness and understanding of Adjudication. Their collaboration continues to play an essential role in the success of the Adjudication process.

The Construction Adjudication and ODACC Orientation Program, a two-day educational course, provided training to individuals seeking certification as Adjudicators and offered valuable insight to those wishing to learn more about the Adjudication process. *The Continuing Education Training Program*, delivered annually to Certified ODACC Adjudicators, ensures they remain both informed and up to date on best practices and regulatory developments. Both programs were conducted by the Stitt Feld Handy Group.

ODACC extends its sincere thanks to the Certified Adjudicators for their professionalism, efficiency, and commitment to the Adjudication process and for bringing about resolution to construction disputes. The Adjudicator Registry represents a diverse group of professionals, including lawyers, engineers, mediators, arbitrators, project managers, and quantity surveyors, each of whom have at least 10 years of relevant construction experience. Many Adjudicators hold multiple professional designations, further enhancing the depth of expertise available to the industry.

Adjudication continues to gain momentum in Ontario as a trusted, effective means of resolving construction-related disputes. ODACC looks forward to building on this success in the upcoming fiscal year, reaffirming its commitment to supporting the construction industry through education, accessibility, and time and cost-efficient dispute resolution.

ODACC looks forward to continuing to work together with construction associations, industry stakeholders and members of the industry to provide information and education about Adjudication and how to use it to resolve disputes. Together with our Adjudicators and industry partners, we remain focused on advancing a dispute

resolution culture of timely resolution, and procedural and cost efficiency across Ontario's construction sector.

Thank you,

A handwritten signature in blue ink, consisting of a stylized 'E' followed by a series of loops and a long horizontal stroke.

Elise Teitler
Managing Director, ODACC

MESSAGE FROM THE STITT FELD HANDY GROUP

The Construction Adjudication and ODACC Orientation Program (the “Program”) was offered for the sixth consecutive year by the Stitt Feld Handy Group. The Program continues to serve both individuals seeking certification as Certified ODACC Adjudicators and those interested in gaining a deeper understanding of construction-related Adjudication in Ontario.

The training combines a self-paced online module with a two-day live virtual workshop. It provides an overview of the Ontario *Construction Act* and its *Regulations* on Prompt Payment and Adjudication, along with practical instruction on the Adjudication process and the role of Adjudicators. This training continues to evolve as more cases are adjudicated. Participants engage in case-based learning, practice key Adjudication skills, and receive an introduction to ODACC’s custom online system that is used by Adjudicators, parties, and representatives.

Program participants represented a wide range of professions, including contractors, engineers, lawyers, project managers, quantity surveyors, subcontractors and other industry representatives. Some completed the Program to pursue certification as Adjudicators, while others attended to enhance their understanding of Ontario’s Adjudication framework.

The Continuing Education Training Program, also designed and delivered by the Stitt Feld Handy Group, was again offered on behalf of ODACC. This annual refresher course is required for all Certified ODACC Adjudicators to maintain their certification, and provides an opportunity to review current developments, refine Adjudication skills and exchange best practices based on experience in adjudicating cases in the past year.

The Stitt Feld Handy Group extends its appreciation to all of the Program participants for their ongoing engagement in the Program, sharing their expertise, and commitment to learning about Adjudication in Ontario. We look forward to continuing to support the construction industry by offering the Program to potential Adjudicators and other interested parties and representatives, as well as the *Continuing Education Training Program* for Certified ODACC Adjudicators. We also look forward to continuing to partner with ODACC to strengthen professional development opportunities and explore new ways to make training responsive to the

evolving needs of Ontario's construction industry as amendments to the Ontario *Construction Act* move towards proclamation.

It has been our pleasure to work with so many members of the construction industry and with the ODACC team.



A handwritten signature in black ink, appearing to read "E. Whitmore".

Elinor Whitmore
Vice President
Stitt Feld Handy Group



A handwritten signature in black ink, appearing to read "Jason Stitt".

Jason Stitt
ADR Instructor and Mediator
Stitt Feld Handy Group

2025 ANNUAL REPORT

ODACC is the Authorized Nominating Authority (the “ANA”) under the Ontario *Construction Act* and is responsible for administering construction-related Adjudications and for training and qualifying Adjudicators. ODACC derives its powers from the *Construction Act R.S.O. 1990 c. C.30* and *Ontario Regulation 306/18*, accessible at the following links:

Construction Act, R.S.O. 1990 c. C.30: <https://www.ontario.ca/laws/statute/90c30>

Ontario Regulation 306/18: <https://www.ontario.ca/laws/regulation/180306#BK14>

The Adjudication and Prompt Payment provisions of the *Construction Act* came into force on October 1, 2019.

Section 14. (1) of *Ontario Regulation 306/18* requires ODACC as the ANA to issue and make public its annual report no later than ninety days after the end of each fiscal year.

ODACC is pleased to provide this report on the sixth year of its operation for the fiscal year August 1, 2024, to July 31, 2025 (the “2025 Fiscal Year”).

ODACC’S DUTIES AND POWERS

Section 13.3(1) of the *Construction Act* sets out ODACC’s duties, as follows:

(1) The Authority shall,

- a) develop and oversee programs for the training of persons as adjudicators;
- b) qualify persons who meet the prescribed requirements as adjudicators;
- c) establish and maintain a publicly available registry of adjudicators;
- d) appoint adjudicators for the purposes of subsection 13.9 (5); and
- e) perform any other duties of the Authority set out in this Part or that may be prescribed for the purposes of this Part.

Section 13.3(2) of the *Construction Act* sets out ODACC’s powers, as follows:

(2) The Authority may,

- a) subject to the regulations, set fees, costs or other charges related to the administration of adjudication under this Part, including fees, costs or

charges for the training and qualification of persons as adjudicators or for the appointment of adjudicators, and require their payment; and

- b) exercise any other power of the Authority set out in this Part or that may be prescribed for the purposes of this Part.

Further duties and powers of ODACC are listed in sections 6 through 15.1 of *Ontario Regulation 306/18*. These additional duties and powers relate to:

- ◇ The Adjudicator Registry;
- ◇ The Adjudicators' Code of Conduct;
- ◇ Training programs for Adjudicators;
- ◇ The Schedule of Fees;
- ◇ Complaints regarding Adjudicators;
- ◇ Educational materials;
- ◇ ODACC's Annual Reports;
- ◇ Accessibility; and
- ◇ The administrative support services for Adjudications.



BENEFITS OF ADJUDICATION

Resolving construction-related disputes effectively is vital to maintaining project momentum, preserving business relationships, and ensuring that work continues without unnecessary delay or cost. In its sixth year of operation, Ontario's Adjudication system continues to demonstrate that Adjudication is not simply an *alternative* to traditional dispute resolution, it is the process of choice for timely and practical outcomes in the construction industry.

Adjudication is specifically designed to meet the realities of construction projects. It enables parties to resolve payment and contractual disputes while work continues, avoiding the prolonged disruptions and costs often associated with litigation and arbitration. The process is deliberately streamlined, allowing Adjudicators to set a process that is proportionate to the nature and value of the dispute. This flexibility ensures that each Adjudication remains efficient and cost-effective, and that the resolution of the dispute is done in a timely manner.

Unlike other forms of dispute resolution, Adjudication under the *Construction Act* is a statutory right meaning any party to a contract can initiate an Adjudication without requiring the other party's consent. This right empowers contractors, subcontractors, and other parties to a contract to pursue resolution quickly and independently.

Each matter is determined by a Certified ODACC Adjudicator, an experienced professional with at least 10 years of construction-related expertise. Adjudicators with construction-related experience, as well as knowledge and background in commercial dynamics and industry practices, allows for reasoned and informed Determinations.

In 90 percent of the cases at ODACC, the Adjudication Fee is negotiated among the parties and the Adjudicator. If the parties and the Adjudicator cannot mutually agree on the Adjudication Fee, ODACC will set the Adjudication Fee based on the amount of money in dispute and pursuant to its Schedule of Fees.

Adjudicators must issue a binding written decision (a "Determination") within 30 days after receiving the Claimant's supporting documents, unless the parties agree to extend this timeline. This requirement ensures Adjudication remains a quick resolution process. Determinations can be filed with the court providing the same legal effect as a court order and are enforceable as if they were an order of the court.

If the Adjudicator orders one party to pay the other party, the payment must be made within 10 days of the Determination being communicated to the parties. If the amount ordered to be paid by a party under a Determination is not paid to the other

party when it is due, the Contractor or Subcontractor may suspend further work under the contract or subcontract until the amount is paid.

Adjudication also fosters resolution among the parties even before a Determination is rendered. Many disputes are settled during the Adjudication process as parties engage constructively through exchanges of evidence, submissions and negotiation. The Adjudication environment often restores business relationships and keeps projects moving forward.

Adjudications and the Determinations rendered by the Adjudicator are currently private and confidential.

As Ontario's construction sector continues to evolve, Adjudication stands as a cornerstone of efficient and fair dispute resolution enabling the industry to focus on building rather than litigating.

For more information on the Adjudication Fee, and related fees please refer to the ODACC Fee Schedule available at: <https://odacc.ca/en/claimants/fees/>.

ODACC CUSTOM ONLINE COMPUTER SYSTEM

Adjudications under the Ontario *Construction Act* are overseen and administered by ODACC through its custom online computer system (the “ODACC Custom System”) and through its administrative team. The ODACC Custom System allows parties, representatives, and Adjudicators to work online through the system portal to set the Adjudication process and fee, communicate with one another, upload documents and supporting evidence, and release the Determination to parties and representatives.

ODACC facilitates the Adjudications and provides administrative support to assist parties and representatives throughout the Adjudication process. ODACC also provides guides to assist parties on how the ODACC Custom System works at <https://odacc.ca/en/>.

The features of the ODACC Custom System are listed below:

PARTIES’ ACCESS TO PARTICIPATE IN THE ADJUDICATION PROCESS

Parties and representatives can:

- ◇ Visit the ODACC website (www.odacc.ca) to create an account as a party or a representative;
- ◇ Request ODACC grant other individuals (i.e., project managers, contract managers, clerks, or assistants) access to the ODACC Custom System and to the documents filed in the case; and
- ◇ Receive email notifications from the ODACC Custom System each time a step or action is taken in the Adjudication.

NOTICE OF ADJUDICATION AND RESPONSE TO NOTICE OF ADJUDICATION

Parties (and their representatives) can:

- ◇ Create a Notice of Adjudication and Response to Notice of Adjudication (the “Forms”) on the ODACC Custom System;
- ◇ View and download PDFs of the Forms; and
- ◇ Electronically send the Forms to the parties, the Adjudicator, and ODACC.

SELECTION OF THE ADJUDICATOR

Parties (and their representatives) can:

- ◇ Propose an Adjudicator from those individuals listed on ODACC's Adjudicator Registry;
- ◇ Accept or reject the other party's proposed Adjudicator;
- ◇ Ask an Adjudicator to consent to adjudicate a dispute; and
- ◇ Ask ODACC to appoint an Adjudicator if the parties cannot agree on the selection of an Adjudicator.

SELECTION OF ADJUDICATION PROCESS

Parties (and their representatives) can:

- ◇ Recommend to an Adjudicator a type of process for the Adjudication. They may recommend one of the suggested Pre-Designed Adjudication Processes or a Custom Adjudication Process. For information on Pre-Designed Adjudication Processes, please visit <https://odacc.ca/en/claimants/adjudication-process-2/>; and
- ◇ View the details of the Adjudication process set by the Adjudicator.

FEES, RETAINERS, AND PAYMENTS

Parties (and their representatives) can view on the ODACC Custom System:

- ◇ The Adjudication fee negotiated with the Adjudicator, and any other agreed-upon costs or fees;
- ◇ The amount of the Adjudication fee retainer requested by the Adjudicator and paid by each party to cover the expected Adjudication fees;
- ◇ The Adjudication fee retainer invoices. The parties can also pay these invoices online; and
- ◇ The parties' accounts which detail payments and refunds.

PARTIES' SUPPORTING DOCUMENTS

Parties (and their representatives) can use the ODACC Custom System to:

- ◇ Upload their supporting documents for the Adjudicator and the parties to view; and
- ◇ View and download supporting documents that the Adjudicator and the parties have uploaded.

MESSAGES

Parties (and their representatives) can use the ODACC Custom System to:

- ◇ Communicate to all parties, representatives, the Adjudicator, and ODACC; and
- ◇ Receive email notifications each time a message is delivered by one of the parties or their representatives or the Adjudicator.

EXTENDING THE DETERMINATION DATE

Parties (and their representatives) can use the ODACC Custom System to:

- ◇ Propose an extension of the Determination due date; and
- ◇ Accept or reject a proposal of the Determination due date extension.

TERMINATION REQUESTS

Parties (and their representatives) can use the ODACC Custom System to:

- ◇ Request that the Adjudication be terminated; and
- ◇ Respond to a request to terminate an Adjudication by one of the parties.

DETERMINATIONS RENDERED BY THE ADJUDICATOR

Parties (and their representatives) can use the ODACC Custom System to:

- ◇ View and download the Determination; and
- ◇ View and download the Certified Determination.

CERTIFIED ODACC ADJUDICATORS

ADJUDICATOR TRAINING AND CONTINUING EDUCATION TRAINING PROGRAMS

The *Construction Adjudication and ODACC Orientation Program* (the “Program”) was offered for the sixth year in a row by the Stitt Feld Handy Group. This Program is offered to individuals seeking to become Certified ODACC Adjudicators as well as to construction professionals, parties and representatives interested in learning more about construction Adjudication in Ontario.

The Program includes a self-paced online component and two-day live online workshop on Adjudication that is offered to individuals seeking to become Certified ODACC Adjudicators as well as to parties and representatives interested in learning more about Adjudication. To learn more about the Program, please visit:

<https://odacc.ca/en/adjudicators/certification-process/>.

Participants in the Program included general contractors, engineers, lawyers, project managers, quantity surveyors, sub-contractors, and other professionals from the construction industry. Some of the Program participants applied to become Certified ODACC Adjudicators and others used the opportunity to learn more about construction-related Adjudication in Ontario.

During the 2025 Fiscal Year, the Stitt Feld Handy Group offered the Program on two occasions. The total number of participants in the Program was 32.

Certified ODACC Adjudicators are required to complete the *Continuing Education Training Program* annually to renew their certification. The *Continuing Education Training Program* takes place via Zoom for a half day and is provided by the Stitt Feld Handy Group.

During the 2025 Fiscal Year, the Stitt Feld Handy Group offered the *Continuing Education Training Program* on two occasions. There was a total of 53 participants.

APPLYING TO BECOME A CERTIFIED ODACC ADJUDICATOR

Individuals are offered the opportunity to apply to ODACC to become a Certified ODACC Adjudicator once they complete the *Construction Adjudication and ODACC Orientation Program* (the “Program”) offered by the Stitt Feld Handy Group.

To be eligible to receive a certificate to adjudicate, an Adjudicator applicant is required to meet the criteria set out in section 3(2) of *Ontario Regulation 306/18*, including having at least 10 years of relevant working experience in the construction industry. Under the *Construction Act*, ODACC is responsible for evaluating Adjudicator applicants. During the application process Adjudicator applicants are required to provide information about their experience in the construction industry, answer evaluation questions, draft a sample Determination and provide a short video answering some additional questions (among other requirements). Upon receipt of the completed application, ODACC assesses the Adjudicator applicant and determines whether they are qualified to adjudicate and receive certification.

During the 2025 Fiscal Year, eight individuals applied to become Certified ODACC Adjudicators. ODACC certified two of these Adjudicator applicants for the ODACC Adjudicator Registry.

The Certified ODACC Adjudicators are listed in the ODACC Adjudicator Registry available at <https://odacc.ca/en/adjudicators/adjudicator-registry/>. Only Certified ODACC Adjudicators listed in the ODACC Adjudicator Registry are permitted to conduct Adjudications and make Determinations under the *Construction Act*.



PROFESSIONAL BACKGROUNDS OF THE CERTIFIED ODACC ADJUDICATORS

Certified ODACC Adjudicators include Engineers, Project Managers, Architects, Lawyers, Accountants, Quantity Surveyors, Arbitrators and Mediators. The number of Certified ODACC Adjudicators in each profession is listed below in Table 1.

TABLE 1: CERTIFIED ODACC ADJUDICATORS' PROFESSIONS

Profession	Number of Certified Adjudicators*
Engineer	27
Project Manager	27
Architect	3
Lawyer	16
Accountant	1
Quantity Surveyor	10
Arbitrator	9
Mediator	3

**Some Adjudicators have more than one profession.*

HOURLY RATES CHARGED

Adjudicators set their hourly fee rate in one the fee categories: \$250, \$400, \$500, or \$750 per hour. On October 1, 2024 each of the hourly fee rates were increased as set out in the table below. Table 2 lists the number of the Certified ODACC Adjudicators during the 2025 Fiscal Year for each hourly rate.

TABLE 2: CERTIFIED ODACC ADJUDICATORS' HOURLY RATES

Hourly Rate	Number of Certified Adjudicators
\$275	15
\$425	21
\$550	15
\$800	6

FLAT FEE RATES CHARGED

Seventy-four percent of Certified ODACC Adjudicators are willing to conduct Adjudications for a flat fee rate that is proportionate to the amount in dispute.

Table 3 lists ODACC's suggested flat fee rates for lower-value Adjudications and the number of Adjudicators who are willing to conduct Adjudications for that rate. On October 1, 2024 each of the flat fee rates were increased as set out in the table below.

TABLE 3: FLAT FEE RATES OF CERTIFIED ODACC ADJUDICATORS

Flat Fee Rate	Number Of Certified Adjudicators*
\$1,100	41
\$1,300	44
\$2,300	48
\$3,300	49

**Most Adjudicators are willing to conduct Adjudications for more than one flat fee rate.*

LANGUAGES SPOKEN

All of the Certified ODACC Adjudicators can conduct Adjudications in English. Seven of the Certified ODACC Adjudicators can conduct Adjudications in French as well.

GEOGRAPHICAL LOCATIONS

**TABLE 4: GEOGRAPHICAL AREAS WHERE CERTIFIED ODACC
ADJUDICATORS ARE WILLING TO TRAVEL TO WITHOUT CHARGING
TRAVEL FEES OR DISBURSEMENTS**

Geographical Area	Number of Adjudicators Willing to Travel to the Geographical Area Without Charging Travel Fees or Disbursements
Algoma	30
Brant	37
Bruce	36
Chatham-Kent	30
Cochrane	27
Dufferin	38
Durham	44
Elgin	32
Essex	28
Frontenac	35
Grey	37
Haldimand	35
Haliburton	35
Halton	44
Hamilton	47
Hastings	33
Huron	34
Kawartha Lakes	40
Kenora	25
Lambton	29
Lanark	32
Leeds and Grenville	33
Lennox and Addington	33
Manitoulin	28
Middlesex	30
Muskoka	40
Niagara	40
Nipissing	29

**TABLE 4 CONTINUED: GEOGRAPHICAL AREAS WHERE CERTIFIED ODACC
ADJUDICATORS ARE WILLING TO TRAVEL TO WITHOUT CHARGING
TRAVEL FEES OR DISBURSEMENTS**

Geographical Area	Number of Adjudicators Willing to Travel to the Geographical Area Without Charging Travel Fees or Disbursements
Norfolk	34
Northumberland	37
Ottawa	35
Oxford	33
Parry Sound	34
Peel	48
Perth	35
Peterborough	42
Prescott and Russell	29
Prince Edward	35
Rainy River	24
Renfrew	30
Simcoe	41
Stormont, Dundas, and Glengarry	31
Sudbury	32
Thunder Bay	25
Timiskaming	27
Toronto	51
Waterloo	42
Wellington	39
York	47

STATISTICS

Under section 14(1) of *Ontario Regulation 306/18*, ODACC is required to report the following aggregated information for Adjudication in Ontario.

(A) ADJUDICATIONS COMPLETED DURING THE FISCAL YEAR, AND THE GEOGRAPHICAL AREA IN WHICH THE ADJUDICATIONS WERE COMPLETED

During the 2025 Fiscal Year, 324 Adjudications were commenced at ODACC. Of the 324 Adjudications, 122 Adjudications resulted in the rendering of a Determination during the 2025 Fiscal Year. Adjudications that were commenced at the end of the fiscal year ending July 31, 2024 (the “2024 Fiscal Year”) resulted in the rendering of 21 Determinations in the 2025 Fiscal Year. Therefore, in total, 143 Determinations were rendered in the 2025 Fiscal Year.

Fifty-seven Adjudications remained open as of the end of the 2025 Fiscal Year. The remaining Adjudications were terminated on consent of the parties or were closed as a result of consolidation.

The 143 Adjudications that were completed in the 2025 Fiscal Year and resulted in Determinations being rendered were completed in the following geographical areas and related to the following industry sectors as provided in Table 5.

**TABLE 5: NUMBER OF ADJUDICATIONS COMPLETED IN THE FISCAL YEAR
BY GEOGRAPHICAL AREA AND INDUSTRY SECTOR**

Geographical Area	Number of Adjudications Completed During the Fiscal Year	Industry Sector
Algoma	3	1 Commercial, 2 Transportation and Infrastructure
Brant	1	1 Commercial
Chatham-Kent	1	1 Transportation and Infrastructure
Dufferin	1	1 Commercial
Durham	2	2 Residential
Essex	2	2 Transportation and Infrastructure
Frontenac	4	1 Commercial, 1 Public Buildings, 1 Residential, 1 Transportation and Infrastructure
Grey	1	1 Residential
Halton	10	1 Industrial, 4 Residential, 5 Transportation and Infrastructure
Hamilton	6	3 Commercial, 2 Public Buildings, 1 Residential
Hastings	1	1 Commercial
Huron	3	1 Commercial, 1 Residential, 1 Transportation and Infrastructure
Kawartha Lakes	4	4 Residential
Lambton	1	1 Public Buildings
Leeds and Grenville	3	1 Commercial, 2 Transportation and Infrastructure
Lennox and Addington	9	3 Commercial, 6 Public Buildings
Middlesex	6	3 Residential, 3 Transportation and Infrastructure
Muskoka	2	2 Commercial

**TABLE 5 CONTINUED: NUMBER OF ADJUDICATIONS COMPLETED IN THE
FISCAL YEAR BY GEOGRAPHICAL AREA AND INDUSTRY SECTOR**

Geographical Area	Number of Adjudications Completed During the Fiscal Year	Industry Sector
Niagara	8	2 Commercial, 1 Public Building, 4 Residential, 1 Transportation and Infrastructure
Nipissing	1	1 Transportation and Infrastructure
Northumberland	2	1 Commercial, 1 Residential
Ottawa	13	6 Commercial, 1 Industrial, 6 Residential
Peel	4	2 Commercial, 2 Transportation and Infrastructure
Peterborough	2	1 Commercial, 1 Residential
Prescott and Russell	1	1 Residential
Prince Edward	1	1 Residential
Rainy River	3	3 Transportation and Infrastructure
Renfrew	1	1 Public Buildings
Simcoe	6	2 Commercial, 2 Residential, 2 Transportation and Infrastructure
Sudbury	1	1 Transportation and Infrastructure
Thunder Bay	3	1 Commercial, 2 Transportation and Infrastructure
Toronto	22	4 Commercial, 1 Industrial, 2 Public Buildings, 11 Residential, 4 Transportation and Infrastructure
Waterloo	5	3 Commercial, 1 Residential, 1 Transportation and Infrastructure
Wellington	3	3 Residential
York	7	3 Commercial, 2 Residential, 2 Transportation and Infrastructure

B) ADJUDICATIONS COMPLETED DURING THE FISCAL YEAR, BROKEN DOWN BY EACH MATTER LISTED UNDER PARAGRAPHS 1 TO 7 OF SUBSECTION 13.5 (1) OF THE CONSTRUCTION ACT

The following is a breakdown of the 143 Adjudications that were completed in the 2025 Fiscal Year and resulted in Determinations during the 2025 Fiscal Year as they relate to the matters listed under section 13.5 of the *Construction Act*:

- a) Forty-seven Adjudications dealt with “The valuation of services or materials provided under the contract”;
- b) Seventy-two Adjudications dealt with “Payment under the contract, including in respect of a change order, whether approved or not, or a proposed change order.”;
- c) Nine Adjudications dealt with “Disputes that are the subject of a notice of non- payment under Part I.1”;
- d) Three Adjudications dealt with “Payment of a holdback under section 26.1 or 26.2”;
- e) Six Adjudications dealt with “Non-payment of holdback under section 27.1”; and
- f) Six Adjudications dealt with “Any other matter that the parties to the adjudication agree to, or that may be prescribed”.

No Adjudications were completed that dealt with the matters listed under item 4 of subsection 13.5(1) of the *Construction Act*. Table 6 below summarizes this information.



TABLE 6: NUMBER OF ADJUDICATIONS COMPLETED DURING THE FISCAL YEAR, BROKEN DOWN BY EACH MATTER LISTED IN S.13.5(1) OF THE CONSTRUCTION ACT

Matter Listed Under Paragraphs 1 to 7 of Subsection 13.5(1) of the Construction Act	Number of Adjudications Completed During the Fiscal Year
1. The valuation of services or materials provided under the contract.	47
2. Payment under the contract, including in respect of a change order, whether approved or not, or a proposed change order.	72
3. Disputes that are the subject of a notice of non-payment under Part I.1.	9
4. Amounts retained under section 12 (set-off by trustee) or under subsection 17 (3) (lien set-off).	0
5. Payment of a holdback under section 26.1 or 26.2.	3
6. Non-payment of holdback under section 27.1.	6
7. Any other matter that the parties to the Adjudication agree to, or that may be prescribed.	6
TOTAL	143

(C) THE TOTAL AMOUNT CLAIMED IN ALL NOTICES OF ADJUDICATION GIVEN DURING THE FISCAL YEAR, AND THE AVERAGE AND MEDIAN OF THE AMOUNTS CLAIMED DURING THAT YEAR

In the 2025 Fiscal Year, the total amount claimed for the 324 Notices of Adjudication was \$205,597,884.82. The average amount claimed was \$634,561.37 and the median amount claimed was \$212,811.77.

Table 7 lists the total, average and median amounts claimed in the 324 Notices of Adjudication during the 2025 Fiscal Year, broken down by industry sector.

TABLE 7: TOTAL, AVERAGE AND MEDIAN AMOUNTS CLAIMED DURING THE FISCAL YEAR, BROKEN DOWN BY INDUSTRY SECTOR

Industry Sector	Number of Notices of Adjudication Given During the Fiscal Year	Total Amount Claimed	Average Amount Claimed	Median Amount Claimed
Residential	105	\$40,131,221.26	\$382,202.11	\$157,791.07
Commercial	96	\$92,888,445.04	\$967,587.97	\$216,172.72
Industrial	16	\$20,343,377.17	\$1,271,461.07	\$474,856.94
Public Buildings	35	\$ 13,576,685.29	\$387,905.29	\$243,071.68
Transportation and Infrastructure	72	\$38,658,156.06	\$536,918.83	\$240,786.50
All Sectors	324	\$205,597,884.82	\$634,561.37	\$212,811.77

**(D) THE TOTAL AMOUNT AND THE AVERAGE, AND MEDIAN AMOUNT
REQUIRED TO BE PAID UNDER DETERMINATIONS MADE DURING THE
FISCAL YEAR**

During the 2025 Fiscal Year, of the 324 Adjudications that were commenced, 122 Adjudications resulted in the rendering of a Determination during the 2025 Fiscal Year. The Adjudications that were commenced near the end of the 2024 Fiscal Year resulted in the rendering of 21 Determinations in the 2025 Fiscal Year. Therefore, in total 143 Determinations were rendered in the 2025 Fiscal Year.

The total amount required to be paid under the 143 Determinations is \$26,610,365.85. The average amount required to be paid under the 143 Determinations is \$186,086.47. The median amount required to be paid under the 143 Determinations is \$73,658.18

Table 8 lists the total, average and median amounts required to be paid under the 143 Determinations rendered during the 2025 Fiscal Year, broken down by industry sector.

**TABLE 8: TOTAL AVERAGE AND MEDIAN AMOUNTS REQUIRED TO BE PAID UNDER
DETERMINATIONS MADE DURING THE FISCAL YEAR, BROKEN DOWN BY INDUSTRY**

Industry Sector	Number of Determinations Made	Total Amount Required to be Paid Under Determinations	Average Amount Required to be Paid Under Determinations	Median Amount Required to be Paid Under Determinations*
Residential	50	\$13,635,816.72	\$272,716.33	\$61,217.61
Commercial	40	\$3,992,828.45	\$99,820.71	\$59,569.04
Industrial	3	\$452.00	\$150.67	\$452.00
Public Buildings	14	\$722,275.74	\$51,591.12	\$43,677.29
Transportation and Infrastructure	36	\$8,258,992.95	\$229,416.47	\$149,449.12
All Sectors	143	\$26,610,365.85	\$186,086.47	\$73,658.18

** Excludes Determinations where no amount was required to be paid.*

(E) THE PERCENTAGE OF ADJUDICATIONS COMPLETED DURING THE FISCAL YEAR IN WHICH THE ADJUDICATOR MADE A DETERMINATION WITHIN THE TIMELINE SPECIFIED IN SUBSECTION 13.13 (1) OF THE CONSTRUCTION ACT

Sixty-one percent of the Determinations (87 out of 143 Determinations) rendered during the 2025 Fiscal Year were made within the timeline specified in subsection 13.13(1) of the *Construction Act*.

(F) THE TOTAL NUMBER OF ADJUDICATIONS THAT WERE TERMINATED UNDER SECTION 13.14 OF THE CONSTRUCTION ACT DURING THE FISCAL YEAR

One hundred and sixteen of the 324 Adjudications that were commenced during the 2025 Fiscal Year were terminated under section 13.14 of the *Construction Act*.

Section 13.14 states:

Termination of Adjudication

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.

In the 116 Adjudications that were terminated, an Adjudicator was appointed in 57 of those Adjudications. The other Adjudications were terminated before an Adjudicator consented to adjudicate the matter.

Table 9 lists the reasons why these Adjudications were terminated.

TABLE 9: REASONS FOR TERMINATION OF ADJUDICATION

Reason for Termination	Number of Adjudications that were Terminated
The Parties settled the dispute	43
The Parties agreed to resolve the dispute through other means	20
No jurisdiction to adjudicate the matter	11
Other	42

(G) THE TOTAL AMOUNT OF FEES, COSTS, OR OTHER CHARGES PAID DURING THE FISCAL YEAR TO THE AUTHORITY

The Fee Schedule, as approved by the Attorney General of Ontario on September 13, 2019, and as later updated on October 1, 2024 lists the fees that are payable to ODACC. The Fee Schedule is available at <https://odacc.ca/en/claimants/fees/>.

Amounts Related to Adjudications

In 122 of the 324 Adjudications commenced during the 2025 Fiscal Year, Determinations were rendered and ODACC received fees. These cases were subsequently closed during the 2025 Fiscal Year. ODACC also received fees for the Adjudications commenced at the end of the 2024 Fiscal Year that resulted in 21 Determinations being rendered during the 2025 Fiscal Year. In some of the Adjudications that were terminated under section 13.14 of the *Construction Act*, ODACC also received fees.

The fees for Adjudications that remained open at the end of the 2025 Fiscal Year will be reported during the next fiscal year.

Adjudication Fee

The Adjudication Fee is the fee paid by the parties for the Adjudication. The Adjudication Fee may be agreed upon among the parties and the Adjudicator. If the parties and the Adjudicator cannot agree on the Adjudication Fee, ODACC will set the Adjudication Fee, on the Adjudicator's request, pursuant to subsection 13.10(2)(b) of the *Construction Act* and in accordance with the Fee Schedule.

During the 2025 Fiscal Year, ODACC received \$1,648,439.61 (plus applicable taxes) in Adjudication Fees. ODACC retains a portion of the Adjudication Fee and pays the Adjudicator the remaining amount, as explained below under the heading Administrative Fee.

Adjudication Referral Fee

The Adjudication Referral Fee is the fee paid by the Claimant to commence the Adjudication process. The Adjudication Referral Fee is:

- ◇ \$0 where the amount claimed in the Notice of Adjudication is less than \$50,000; or
- ◇ \$500* (plus applicable taxes), where the amount claimed in the Notice of Adjudication is equal to or over \$50,000.

*This fee was increased to \$600 on October 1, 2024.

During the 2025 Fiscal Year, ODACC received \$119,120 (plus applicable taxes) in Adjudication Referral Fees.

Certification Fee

Pursuant to subsections 22(1)(b) and 22(3)(b) of *Ontario Regulation 306/18*, ODACC certifies Determinations. The fee charged by ODACC for the certification of the Determination (the “Certification Fee”) is as follows:

- ◇ \$0 where the amount claimed in the Notice of Adjudication is less than \$50,000; and
- ◇ \$100[†] (plus applicable taxes), where the amount claimed in the Notice of Adjudication is equal to or over \$50,000.

[†]This fee was increased to \$120 on October 1, 2024.

The parties to the Adjudication will split the cost of the Certification Fee unless the Adjudicator orders otherwise.

During the 2025 Fiscal Year, ODACC received \$10,299.99 in Certification Fees.

Table 10 lists the amounts received by ODACC related to Adjudications.

TABLE 10: AMOUNTS RECEIVED BY ODACC RELATED TO ADJUDICATIONS

Type of Fee	Amount Received by ODACC During the Fiscal Year (excluding applicable taxes)
Adjudication Fee*	\$1,648,439.61
Referral Fee	\$119,120.00

Certification Fee	\$10,299.99
Total	\$1,777,859.60

**The Adjudication Fee is payable by ODACC to the Adjudicator. ODACC retains an administrative Fee, as explained at <https://odacc.ca/en/adjudicators/fees/>.*

Amounts Related to Training of Adjudicators

The Fee Schedule, as approved by the Attorney General of Ontario on September 13, 2019, lists the fees that are payable by Certified ODACC Adjudicators to ODACC. The Fee Schedule is available at <https://odacc.ca/en/adjudicators/fees/>.

Training Fee

According to the Fee Schedule, individuals who participate in the *Construction Adjudication and ODACC Orientation Program* offered by the Stitt Feld Handy Group must pay a training fee, as follows:

A fee of \$995[§] plus applicable taxes will be payable to ODACC by participants and Adjudicator applicants for the Program.

§This fee was increased to \$1,195 on October 1, 2024.

During the 2025 Fiscal Year, ODACC received \$31,554.50 (plus applicable taxes) in training fees.

Qualification Examination Fee

The Fee Schedule states:

A fee of \$250[¶] plus applicable taxes is payable to ODACC by Adjudicator applicants who complete the *Construction Adjudication and ODACC Orientation Program* and wish to complete the application process to receive a Certificate to adjudicate.

¶This fee was increased to \$300 on October 1, 2024.

During the 2025 Fiscal Year, ODACC received eight applications from Adjudicator applicants, and ODACC received \$2,350 (plus applicable taxes) in qualification examination fees.

Continuing Education Training Program Fee

Certified ODACC Adjudicators are required to complete continuing education training programs yearly. According to the Fee Schedule:

A fee of \$200[†] plus applicable taxes will be payable by each Adjudicator to ODACC for an online “refresher” continuing education training program each year. The refresher program must be completed every year by Certified ODACC Adjudicators.

[†]This fee was increased to \$225 on October 1, 2024.

During the 2025 Fiscal Year, ODACC received \$11,066.25 (plus applicable taxes) in continuing education training program fees.

Table 11 summarizes the amounts that were received by ODACC for training and qualifying Adjudicators.

TABLE 11: AMOUNTS RECEIVED BY ODACC FOR TRAINING AND QUALIFYING ADJUDICATORS

Type of Fee	Amount Received by the Stitt Feld Handy Group During the Fiscal Year (excluding applicable taxes)
Training Fees	\$31,554.50
Qualification Examination Fees	\$2,350.00
Continuing Training Program Fees	\$11,066.25
Total	\$44,970.75

(H) THE TOTAL AMOUNT OF FEES, PAID DURING THE FISCAL YEAR TO THE ADJUDICATORS

Administrative Fee

According to the Fee Schedule:

A fee is payable by an Adjudicator to ODACC for each Adjudication (the “Administrative Fee”). The Administrative Fee is based on the Adjudication Fee.

- ◇ Where the Adjudication Fee is \$3,000 or less (not including applicable taxes), the Administrative Fee will be fifty percent of the amount paid by the parties;
- ◇ Where the Adjudication Fee is over \$3,000 (not including applicable taxes), the Administrative Fee will be forty percent of the amount paid by the parties; and

- ◇ Where the parties agree to terminate an Adjudication under s. 13.14 of the *Construction Act*, the Administrative Fee is payable by the Adjudicator to ODACC with respect to the Adjudication Fee paid by the parties.

During the 2025 Fiscal Year, ODACC received \$1,648,439.61 (plus applicable taxes) in Adjudication Fees. ODACC kept an Administrative Fee of \$672,623.94 (plus applicable taxes) and ODACC paid Adjudicators \$975,815.67 (plus applicable taxes).

ODACC ADJUDICATION PROCESS

Construction Act, R.S.O. 1990 c. C.30
(the "Act") and Ontario Regulation
306/18 (the "Regulations")



01 step

Construction related
DISPUTE arises
(s. 13.5(1) of the Act).



02 step

The Claimant
completes a **NOTICE
OF ADJUDICATION**
on ODACC's Custom
System.



03 step

The Claimant provides
the **Notice of Adjudica-
tion** to the Respondent
and ODACC (s. 13.7(1) of
the Act and s. 16 of the
Regulations).



04 step

The Parties agree on an **ADJUDI-
CATOR** or they ask ODACC to
appoint an Adjudicator (s. 13.9(2)
of the Act). If four days have
passed since the Notice of
Adjudication was provided to the
Respondent, the Claimant shall
request ODACC to appoint an
Adjudicator (s. 13.9(4) of the Act).



05 step

The Respondent
completes a
**RESPONSE TO
NOTICE OF
ADJUDICATION** on
ODACC's Custom
System.



06 step

The Adjudicator
determines the
**ADJUDICATION
PROCESS**
(s. 13.12(4) of the Act).



07 step

The Parties and the
Adjudicator negotiate
FEES or ODACC
sets the fees
(s. 13.10(2) of the
Act).



08 step

The Claimant submits
its **DOCUMENTS**, on
ODACC's Custom
System, no later than
five days after an
Adjudicator agrees or
is appointed to conduct
the adjudication
(s. 13.11 of the Act).



09 step

The Respondent submits
its **DOCUMENTS**, on
ODACC's Custom
System, as per the
process set by the
Adjudicator (s. 17.(3)
of the Regulations).



10 step

The Adjudicator may
conduct a site visit, an
oral hearing and may
retain the assistance of
an expert (s. 13(12)(1) of
the Act).



11 step

The Adjudicator issues a
DETERMINATION within
30 days from the day the
Claimant submits its
documents (s. 13.13(1) of
the Act).



12 step

A **CERTIFIED** copy of
the Determination is
provided to the Parties
within seven days
following the making
of the Determination
(s. 22.1(b) of the
Regulations).



13 step

PAYMENTS ordered are due within 10 days after the
Determination has been communicated to the parties (s.
13.19(2) of the Act). If an amount payable to a contractor or
subcontractor under a determination is not paid by the party
when it is due the contractor or subcontractor may suspend
further work under the contract or subcontract until the party
pays the required amounts (s. 13.19(5) of the Act)



14 step

The Certified Determination
can be **ENFORCED** as if it
were an order of the Court
(s. 13.20(1) of the Act).

ODACC

ONTARIO DISPUTE ADJUDICATION FOR CONSTRUCTION CONTRACTS

2001 Sheppard Avenue East, Suite 200

Toronto, ON

M2J 4Z8

Tel: 1-888-221-3721 | Fax: 1-877-862-8825

Email: authority@odacc.ca