



Ontario Dispute Adjudication for Construction Contracts

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RESPONSE TO NOTICE OF CONSOLIDATION*

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

**This form is to be used by Parties responding to a Notice of Consolidation that was prepared by another Party.*

Consolidated Adjudication Number: _____

Consolidated Adjudication Name: _____

NAME OF PARTY REQUESTING CONSOLIDATION

Name: _____

INFORMATION OF RESPONDENT TO NOTICE OF CONSOLIDATION

Company name and operating name (if operating name is different) or if Party is an individual name of individual:

Name of company contact (if applicable):

Title: _____

Email: _____

Phone Number: _____

Address:

RESPONDENT'S REPRESENTATIVE'S INFORMATION

Name of Individual of Respondent's Representative:

Email: _____

Phone Number: _____

Company/Firm Name:

Title _____

Address: _____

ADJUDICATOR SELECTION

Select one of the three options below*:

I agree to the Adjudicator suggested by the other Party:

I would like to suggest a different Adjudicator.

Adjudicator's name:

I request that ODACC appoint an Adjudicator.

**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/>.*

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.

I consent to potential adjudicators being given the information in the Response to Notice of Consolidation 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 Consolidation that cannot be seen by potential adjudicators.

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

Signature

I have authority to bind the Respondent
to Notice of Consolidation
(if the Respondent is an organization)

Date

Printed Name of Person Signing

Position of Person Signing

Instructions to Individual Completing Response to Notice of Consolidation

The Response to Notice of Consolidation Form allows a Party who was served with a Notice of Consolidation to provide a summary response to the Notice of Consolidation, a proposed Adjudicator, and contact information.

The adjudications will be consolidated, subject to the agreement of the adjudicators of the adjudications as confirmed by ODACC. ODACC shall determine whether the adjudicators of the separate adjudications agree to consolidation and, on that basis, shall notify the adjudicator and parties for each of the adjudications as to whether or not the adjudications are to be consolidated.

In the event that the adjudications are consolidated, ODACC will create a new adjudication on ODACC's Custom System. The Parties to the consolidated case will receive an email from communications@odacc.ca with an invitation to access the information relating to the consolidated adjudication.

After accessing the information on ODACC's Custom System, the Respondent can upload the Response to Notice of Consolidation Form can be uploaded through the documents tab, as outlined at <https://odacc.ca/en/claimants/supporting-documents/>. All Parties to the consolidated adjudication will be notified via email that a new document has been uploaded on ODACC's Custom System.