

Schedule of Fees

Fee schedule as approved by the Attorney General on September 13, 2019

Adjudication Fee

The fee paid by the Parties for the adjudication (the "Adjudication Fee"), may be agreed among the Parties and the Adjudicator. If the Parties and the Adjudicator cannot agree on an Adjudication Fee, ODACC will set the Adjudication Fee, on the Adjudicator's request, pursuant to s. 13.10(2)(b) of the *Construction Act*. ODACC will set the Adjudication Fee as below:

Adjudication Fee, if Parties and Adjudicator Do Not Agree on the Adjudication Fee

Amount Claimed on Notice of Adjudication	Adjudication Fee ^{1, 2}
≤ \$9,999	\$800
\$10,000 ≤ \$24,999	\$1,000
\$25,000 ≤ \$34,999	\$2,000
\$35,000 ≤ \$49,999	\$3,000
\$50,000 ≤ \$249,999	Adjudicator hourly rate of \$250
\$250,000 ≤ \$499,999	Adjudicator hourly rate of \$400
\$500,000 ≤ \$1,000,000	Adjudicator hourly rate of \$500
> \$1,000,000	Adjudicator hourly rate of \$750

¹ Parties will be required to pay HST on the Adjudication Fee. Disbursements will be charged to the Parties at cost.

In accordance with s. 13.10(3) of the *Construction Act* and except in the case of a consolidated adjudication, the Parties to the adjudication will split payment of the Adjudication Fee equally, unless the Adjudicator decides that the split of fees should be different pursuant to s. 13.17 of the *Construction Act*.

For consolidated adjudications, the Adjudicator may determine how the Adjudication Fee is to be apportioned between or among the Parties. For consolidated adjudications, the amount at issue will be the total combined amount at issue.

If the Parties agree to terminate the adjudication in accordance with s. 13.14 of the *Construction Act*, the Adjudication Fee will be set as follows:

- a) Where the amount at issue in the Notice of Adjudication is less than \$50,000:
 - i. If the termination occurs within 15 days from the appointment of the Adjudicator, the Parties will pay 50% of the Adjudication Fee otherwise payable; and
 - ii. If the termination occurs after 15 days from the appointment of the Adjudicator, the Parties will pay 100% of the Adjudication Fee otherwise payable.
- b) Where the amount at issue in the Notice of Adjudication is greater than or equal to \$50,000, the Parties will pay the agreed or imposed hourly rate for the Adjudicator, for the time spent by the Adjudicator up to the date of termination.

² The fee is payable by an Adjudicator to ODACC for each adjudication (the "Administrative Fee") and is based on the Adjudication Fee.

- Where the Adjudication Fee is \$3,000 or less (not including HST), the Administrative Fee will be fifty percent of the amount paid by the Parties;
- Where the Adjudication Fee is over \$3,000 (not including HST), 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.

Adjudication Referral Fee

The fee paid to start the adjudication process (the "Adjudication Referral Fee") is payable to ODACC by the Claimant. The Adjudication Referral Fee is:

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

If the Adjudicator fails to complete the adjudication, the Adjudication Referral Fee will be refunded to the Party who paid it, except where (i) the Parties agree to terminate the adjudication in accordance with s. 13.14 of the *Construction Act*; or (ii) the adjudication was consolidated under s. 13.8 of the *Construction Act*. For consolidated adjudications, no additional Adjudication Referral Fee is payable once the adjudications are consolidated, other than the initial Adjudication Referral Fees payable at the time each dispute was submitted to adjudication.

Certification Fee

Pursuant to ss. 22(1)(b) and 22(3)(b) of the *Ontario Regulation 306/18*, ODACC will certify Determinations. The fee charged by ODACC for the certification (the "Certification Fee") will be as follows:

- \$0 where the amount claimed in the Notice of Adjudication is less than \$50,000; and
- \$100 (plus HST), where the amount claimed in the Notice of Adjudication is over or equal to \$50,000.³

Only one Certification Fee is payable for each Determination and the Parties to the adjudication will split the cost of the Certification Fee equally, unless the Adjudicator orders otherwise. Every Party to the adjudication will receive a certified copy of the Determination.

³ There will be no additional cost for Certifying Determinations that are amended pursuant to s. 22 of the *Ontario Regulation 306/18*.

Adjudicator Appointment Fee

ODACC will not charge a fee when exercising its right to appoint Adjudicators in accordance with s. 13.9(5) of the *Construction Act*.





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