

VIEWING THE ADJUDICATION PROCESS

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WWW.ODACC.CA support@odacc.ca



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

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DISCLAIMER: Please note that nothing in this document shall be considered as legal advice. Parties to disputes are advised to consult a lawyer to clarify their legal rights.



1. Introduction

The Parties may have suggested a Pre-Designed Process to the Adjudicator in the Notice of Adjudication and the Response to Notice of Adjudication, as discussed at <https://odacc.ca/en/claimants/adjudication-process-2/>. Once an Adjudicator is appointed to the adjudication, the Adjudicator will contact the Parties to discuss and set the adjudication process.

The Adjudicator will conduct the adjudication in the manner the Adjudicator determines appropriate, in accordance with s. 13.12(4) of the Construction Act. Some adjudications may include a hearing by videoconference, some may have an in-person hearing, some may require a site visit, and some may proceed only with documents. Factors Adjudicators may consider (when deciding on the appropriate process) include:

- the amount in dispute;
- whether an oral hearing is necessary to determine facts; and
- whether a site visit is necessary

After the Adjudicator sets the process, the Adjudicator will then communicate the adjudication process and timetable to the Parties on ODACC's Custom System.

2. Viewing the Adjudication Process on ODACC’s Custom System

Once the Adjudicator sets the process, the Adjudicator will communicate the process to the Parties on ODACC’s Custom System. The Parties will receive an email with the subject line “ODACC Custom System Notification,” asking the Parties to log in to the system. After opening the adjudication on ODACC’s Custom System (for instructions on how to log in, please refer to <https://odacc.ca/en/odacc-custom-system/>), the Parties will see a notification and step to complete, as shown at Figure 1. The notification will state, “The Adjudicator has determined the adjudication process. Please click here to view the adjudication process and acknowledge receipt.” The step to complete, “Adjudicator to Communicate the Adjudication Process to the Parties,” will have a completion date.

Figure 1: Dashboard After Adjudicator Communicates Adjudication Process to Parties

The screenshot shows the ODACC dashboard interface. On the left is a navigation menu with items: Dashboard, Forms, Parties, Adjudicator, Messages, Fees, Process, Documents, and Financials. The main content area is titled 'Dashboard' and is divided into three sections: Case Notifications, Milestones, and Steps to Complete.

Case Notifications: This section contains two notifications. The first, dated Mar 05, 2020, is titled 'Adjudication Process Set' and states: 'Case No. 88 - The Adjudicator has determined the adjudication process. Please [click here](#) to view the adjudication process and acknowledge receipt.' The second notification, also dated Mar 05, 2020, is titled 'Claimant's Documents to be Uploaded Within Five Days' and states: 'Case No. 88 - The Claimant has five days to upload its documents on ODACC's Custom System. Please [click here](#) to upload documents.'

Milestones: This section is a table with columns 'Description' and 'Date Completed'. It lists several events:

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

Steps to Complete: This section is a table with columns 'Description', 'Complete By', and 'Date Completed'. It lists the current step and a previous one:

Description	Complete By	Date Completed
Adjudicator to Communicate Adjudication Fee to the Parties	Mar 10, 2020	
Adjudicator to Communicate the Adjudication Process to the Parties	Mar 12, 2020	Mar 05, 2020

If the Parties click on the notification link or on the “Process” tab, they will have access to the adjudication process, as set by the Adjudicator (refer to Figure 2).

Figure 2: Process Tab

ODACC Adjudication Process

Party Name	Party Role	Process Acknowledged
[REDACTED]	Claimant	<input type="checkbox"/>
[REDACTED]	Respondent	<input type="checkbox"/>

Adjudication Process and Timeline

Adjudication Process and Timeline

Day 1: Adjudicator selected by the Parties or appointed by ODACC.

Day 5: Claimant submits a copy of the construction contract and, if there is an invoice that the Claimant submits is unpaid, the Claimant may also provide a copy of that invoice. Claimant submits its arguments (and photographs), to a maximum of two Pages.

Day 7: The Adjudicator communicates the balance of the adjudication process to the Parties. The balance of the adjudication process is the timing for the Respondent to submit its two Pages of arguments (and photographs).

Day 12: Respondent submits its arguments (and photographs), to a maximum of two Pages.

Day 30: Draft Determination is provided to ODACC.

Day 35: Final Determination is released to the Parties.

I acknowledge that I have read the adjudication process and timeline as set out above by the Adjudicator.

Confirm

After reading the process, the Parties should then click on the checkbox at the bottom of the Process tab, which states “I acknowledge that I have read the adjudication process and timeline as set out above by the Adjudicator” (refer to Figure 2). After clicking on the “Confirm” button, the chart at the top of the process screen will be updated, as shown at Figure 3.

Figure 3: Process Tab After a Party Acknowledges Reading the Process

