

Adjudication Under Ontario's Construction Act



Adjudication and prompt payment provisions of the Construction Act came into force on October 1, 2019. Certain disputes can now be referred to adjudication, including:

- The valuation of services or materials;
- Payments under a contract, including in respect of a change order;
- Notices of non-payment;
- Holdbacks; and
- Any other matter that the parties to the adjudication agree to.



(For details, please refer to section 13.5(1) of the *Construction Act*, R.S.O. 1990, c. C. 30)

What is Adjudication?

Adjudication is a dispute resolution process that allows disputants to present their arguments to an independent adjudicator, who will make a decision that can be filed with the court.

Benefits of Adjudication

Adjudications are:

- **Quick.** A decision will be made in 39 to 46 days (unless the parties agree to an extension).
- **Cost-effective and relatively inexpensive.**
- **Meant to keep cash flowing.** Payments ordered must be made within ten days.
- **Available as a right.** A party to a construction contract can commence an adjudication without the other party's consent.
- **Enforceable.**

How to Commence an Adjudication

Adjudications must be commenced through ODACC, the body responsible for administering adjudications and training and qualifying adjudicators.



Video Conference Option

ODACC adjudications can be dealt with completely online using ODACC's Custom System. Video hearings, when required, can take place using zoom technology. Our systems allow parties to present witnesses and present documents online.

To learn more, please visit www.odacc.ca or contact ODACC at authority@odacc.ca or 416-307-0008.

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.

