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Adjudication Awareness Bulletin (July, 2018) Role of the Authorized Nominating Authority

*This is further to the **Adjudication Awareness Bulletin (June, 2018)** titled “**Dramatic Change – Prompt Payment & Adjudication**” with respect to the *Construction Act* that came into force in Ontario in 2017.*

Who appoints the Authorized Nominating Authority (“Authority”) and what are the duties and powers of the Authority?

The Minister responsible for the administration of this Act may designate an entity to act as an Authorized Nominating Authority.

The **duties** of the Authority are as follows:

- **Training:** Develop and oversee programs for the training of persons as adjudicators
- **Qualification:** Qualify persons who meet the prescribed requirements as adjudicators
- **Registry:** Establish and maintain a publicly available registry of adjudicators
- **Appointment:** Appoint adjudicators for the purposes set out in the Construction Act

The **powers** of the Authority are that it may:

- Set fees for the training and qualification of persons as adjudicators
- Set fees for the appointment of adjudicators
- Require the payment of such fees

Notwithstanding the above, the Minister responsible for the administration for this Act may act as the Authorized Nominating Authority on an interim basis for any period during which an entity is not designated as the Authorized Nominating Authority.

Where such Minister acts as the Authorized Nominating Authority, the Minister shall perform the duties of the Authority other than the duty to develop and oversee programs for the training of persons as adjudicators. Further, the Minister may exercise the powers of the Authority other than to set/require fees.

Interesting Facts:

1. The Minister is responsible to appoint the Authority.
2. The Authority trains, qualifies, registers and appoints adjudicators.
3. The Authority sets and requires the payment of fees.
4. The Minister can act as the Authority on an interim basis with certain exceptions.

***Watch this space:** The next **Adjudication Awareness Bulletin** will also explore the disputes that can be adjudicated and the restrictions on when adjudication can be commenced.*

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