

# Adjudico

• EXPERT SERVICES •

## Adjudication Awareness Bulletin (December, 2018) Administrative Aspects of Adjudication Frequently Asked Questions!

*This Adjudication Awareness Bulletin is in respect to the Construction Act that came into force in Ontario in 2017.*

**1. Roster of Adjudicators:** Has the authority responsible for maintaining a registry of Adjudicators been appointed?

**No**

**2. Administration of Adjudication:** Who is responsible for training, qualifications, setting fees and appointment of Adjudicators?

**The Adjudication Nominating Authority (ANA)**

**3. Authority of Minister:** With no Authority (ANA) appointed, can the Minister act as the authority on an interim basis.

**Yes**

**4. Timing of Adjudication:** Can Adjudication be commenced if an adjudication notice is given after Substantial Completion?

**Yes – subject to agreement between the parties**

**5. Singular Adjudication:** Adjudication can only address one matter?

**No – however, the parties must agree if more than one matter to be adjudicated**

**6. Undetermined Matters:** Can a matter be referred to adjudication even if the matter is subject of a court action or arbitration and has not yet been determined?

**Yes**

**7. Private Conditions:** Parties are free to agree on procedures within the contract or subcontract that are contrary to the provisions of the Act?

**No**

**8. Adjudication Notice:** Is the content of the notice of adjudication prescribed or can the parties establish this themselves?

**The content is prescribed**

**9. Consolidated Adjudication:** The Contractor can require consolidated adjudication where matters are “same” or “related”.

**Yes**

**10. Appointment of Adjudicator:** If the parties cannot agree on the Adjudicator, then they can agree to they can contact a professional body to nominate on their behalf for the appointment of an Adjudicator?

**No – in such instances appointment is by the Adjudication Nominating Authority (ANA)**

**11. Judicial Review:** Can the parties ask for a judicial review of the Adjudicator’s determination?

**Yes**

**12. Setting Aside:** Are there specific reasons for setting aside the Adjudicator’s determination?

**Yes**

**13. Payment Deadline:** How many days after the date of the Adjudicators’ determination is payment due to the receiving party?

**10 days**

*Watch this space: Further Adjudication Awareness Bulletins will follow!*

Note: This Adjudication Awareness Bulletin is issued for informational purposes only and does not constitute legal advice. Further, Adjudico Inc. is not liable for reliance by any party in respect of any and all statements contained within this Adjudication Awareness Bulletin.

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