

Authorized Nominating Authority Announces Ontario Adjudicator Application Process



On July 18, 2019, the provincial government announced that the role of the Authorized Nominating Authority ("ANA") would be carried out by ADR Chambers Canada.

Under the *Construction Act*, the role of the ANA is to develop and oversee programs for the training of persons as adjudicators; to qualify persons who meet the prescribed requirements as adjudicators; to establish and maintain a publicly available registry of adjudicators; and to appoint adjudicators for the purposes of subsection 13.9(5) of the *Act*.

ADR Chambers Canada recently released more information on the application process to become an adjudicator. The news release is accessible on ADR Chambers Canada's [website](#). The announcement states that the adjudication body will be known as Ontario Dispute Adjudication for Construction Contracts ("ODACC") and confirms that ODACC will commence operation on October 1, 2019.

The announcement contains an application process and a number of requirements for would-be adjudicators that incorporate the legislated qualification requirements set out in Ontario Regulation 306/18 (the "Regulation"). Pursuant to section 3(1) of the Regulation, anyone seeking to be an adjudicator is required to follow the process outlined by the authorized nominating authority in accordance with its procedures.

Among other things, the requirements set out by ADR Chambers include that adjudicators may not be undischarged bankrupts, may not have been previously convicted of an indictable offence in Canada (or comparable offence outside Canada), must have 10 years of relevant experience in the

construction industry (including experience as an accountant, architect, engineer, quantity surveyor, project manager, arbitrator, or lawyer), and otherwise comply with the requirements set out in section 4 of the Regulation.

Step one of the two-step application process introduced in the article is to complete a mandatory orientation program offered by ODACC. Few details are provided in the announcement about the length or cost of the program, other than an external link to a training provider named Stitt Feld Handy Group (“SFHG”). The SFHG website indicates that the training program is a two-day course that costs \$1,124.35. At the time of writing, the orientation program was being offered in Toronto and Ottawa in September and November 2019.

Step two of the process is to submit a number of application documents to ODACC. The documents include an orientation program evaluation form, an adjudicator application form, adjudicator declarations that the applicant will comply with the Construction Act and regulations, a resume, and a letter of recommendation. Both the resume and letter of recommendation must support the requirement that the applicant have ten years of construction industry experience. The application form itself is available on the ADR Chambers website. It includes questions related to, among other things, the applicant’s expertise, proposed geographical areas to cover “without charging travel time or expenses” and willingness to adjudicate four pre-designed adjudication processes.

The selection of Ontario's first group of adjudicators will determine the delivery capacity and geographical coverage of the adjudication regime in Ontario. The entire construction bar will be following these developments closely as we approach the October 1, 2019 adjudication start date.

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