

NOTICE OF CONSOLIDATION*

Federal Prompt Payment for Construction Work Act, S.C. 2019, c. 29, s. 387

**This form is to be used by Contractors to consolidate adjudications pursuant to sections 11(2) of the Federal Prompt Payment for Construction Work Regulations (Dispute Resolution)*

INFORMATION OF CONTRACTOR REQUESTING CONSOLIDATION

Company Name and Operating Name (if Operating Name is Different) of Contractor **OR** if Contractor is an Individual, Name of Individual:

If Contractor is a Company, Name of Individual completing Notice of Consolidation on behalf of the Company:

Title: _____

Email: _____

Phone Number: _____

Address: _____

CONTRACTOR REPRESENTATIVE'S INFORMATION

Name of Individual or Contractor's representative:

Email: _____

Phone Number: _____

Company/Firm Name: _____

Title: _____

Address: _____

I am the Contractor for all the adjudications listed in this Notice of Consolidation.

Number of adjudications to be consolidated*: _____

**The Notice of Consolidation allows a Contractor to enter information on three adjudications. To consolidate four or more adjudications, attach an "Attachment to Notice of Consolidation Form" to the Notice of Consolidation (for each additional adjudication). The Attachment to Notice of Consolidation Form is available at: <https://candacc.ca/en/claimants/procedural-matters/>*

ADJUDICATIONS TO BE CONSOLIDATED

First Adjudication Case Number: _____

Is the Contractor the Claimant or Respondent to this adjudication?

Claimant

Respondent

OTHER PARTY'S CONTACT INFORMATION

Provide the other Party's contact information. (If the Contractor is the Claimant, please provide the Respondent's information; if the Contractor is the Respondent, please provide the Claimant's information.)

Company Name and Operating Name (if Operating Name is Different) **OR** if the other Party is an Individual, Name of Individual:

If the other Party is a Company, Name of Individual (on behalf of the Company):

Title: _____

Email: _____

Phone Number: _____

Address: _____

Second Adjudication Case Number: _____

Is the Contractor the Claimant or Respondent to this adjudication?

Claimant

Respondent

OTHER PARTY'S CONTACT INFORMATION

Provide the other Party's contact information. If the Contractor is the Claimant, please provide the Respondent's information; if the Contractor is the Respondent, please provide the Claimant's information.

Company Name and Operating Name (if Operating Name is Different) **OR** if the other Party is an Individual, Name of Individual

If the other Party is a Company, Name of Individual (on behalf of the Company):

Title: _____

Email: _____

Phone Number: _____

Address: _____

Third Adjudication Case Number: _____

Is the Contractor the Claimant or Respondent to this adjudication?

Claimant

Respondent

OTHER PARTY'S CONTACT INFORMATION

Provide the other Party's contact information. (If the Contractor is the Claimant, please provide the Respondent's information; if the Contractor is the Respondent, please provide the Claimant's information.)

Company Name and Operating Name (if Operating Name is Different) **OR** if other Party is an Individual, Name of Individual:

If other Party is a Company, Name of Individual (on behalf of the Company):

Title: _____

Email: _____

Phone Number: _____

Address: _____

INFORMATION ON THE CONSTRUCTION WORK

- I confirm that all the adjudications listed in this Notice of Consolidation are related disputes pursuant to section 11(1) of the *Federal Prompt Payment for Construction Work Regulations (Dispute Resolution)*.

Name of Construction Work:

Address of Construction Work:

PROPOSED ADJUDICATOR

I suggest the following Adjudicator to conduct the consolidated adjudication*:

*Proposed Adjudicator must be a Certified CanDACC Adjudicator on CanDACC's Adjudicator Registry, available at <https://candacc.ca/en/adjudicator-registry/>

- I consent to potential Adjudicators being given the information in the Notice of Consolidation to allow them to determine whether they have a conflict of interest and whether they are prepared to adjudicate the dispute. I confirm that there is no confidential information in the Notice of Consolidation that cannot be seen by potential Adjudicators.
- I agree to pay the retainer within seven days of receiving the invoice from CanDACC and any additional fees and costs related to the adjudication (beyond the amount paid as a retainer).
- I agree that communications, documents and the Determination (the "Information") shared or disclosed in the adjudication shall not be disclosed to anyone who is not a Party to the adjudication, except in the following limited specified circumstances:
- where the Information is required in a subsequent adjudication respecting the same construction work;

- where a Party applies to a court or to an arbitral tribunal to consider matters dealt with in the adjudication;
- pursuant to an order of a court of competent jurisdiction or where the disclosure is required by law;
- where the Information is otherwise in the public domain;
- where the person to whom the Information is disclosed is a legal or financial advisor to a Party to the adjudication;
- where the person to whom the Information is disclosed is involved in the adjudication (such as a contract administrator, an expert or a witness in a hearing);
- with the consent of all of the Parties to the adjudication;
- where the Information suggests that there will be actual or potential threat to human life or safety or where the disclosure is required in order to prevent the commission of a crime.

Signature
I have authority to bind the Contractor
(if the Contractor is a corporation)

Date

Printed Name of Person Signing

Position of Person Signing

NOTICE TO RESPONDENTS OF NOTICE OF CONSOLIDATION:

Pursuant to s. 11(2) of the *Federal Prompt Payment for Construction Work Regulations (Dispute Resolution)*, the Contractor has required the consolidation of all the adjudications listed in this Notice of Consolidation.

The Adjudicators of the adjudications that were consolidated are deemed to have resigned from the adjudications (s. 11(3)(a) of *Federal Prompt Payment for Construction Work Regulations (Dispute Resolution)*). The adjudications that were consolidated will be closed, following payment of the Adjudicators' fees.

Please visit the following page for further information about consolidations: <https://candacc.ca/en/claimants/procedural-matters/>

Instructions to Contractor Requesting Consolidation

Step 1: Complete Notice of Consolidation

A Contractor wishing to consolidate two or more adjudications must complete a Notice of Consolidation.

Step 2: Provide the Notice of Consolidation to the Parties and the Adjudicators

If related disputes are the subject of separate adjudications, the parties may agree to have those adjudications consolidated and determined by a single Adjudicator in which case they must inform the Adjudicators concerned (s. 11(1) of the *Federal Prompt Payment for Construction Work Regulations (Dispute Resolution)*).

If the parties to each of the adjudications do not agree to consolidated adjudication, a Contractor may require the consolidation of disputes by informing the parties and the Adjudicators concerned (s. 11(2) of the *Federal Prompt Payment for Construction Work Regulations (Dispute Resolution)*).

An Adjudicator appointed to adjudicate a dispute that is consolidated is considered to have resigned from the adjudication as of the date on which they are informed that it is consolidated (s. 11(3)(a) of the *Federal Prompt Payment for Construction Work Regulations (Dispute Resolution)*).

Step 3: Provide a copy of the Notice of Consolidation to CanDACC

The Contractor is to provide a copy of the Notice of Consolidation in electronic format to CanDACC. To provide the Notice of Consolidation to CanDACC, please send it via email to authority@candacc.ca. After CanDACC receives a Notice of Consolidation, CanDACC will create a new consolidated case in CanDACC's Custom System and invite all the Parties to the consolidated case.