

RESPONSE TO NOTICE OF ADJUDICATION

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

**This form is to be used by a Respondent pursuant to s. 18 of the Federal Prompt Payment for Construction Work Regulations (Dispute Resolution)*

Case Number:

Case Name:

CLAIMANT'S INFORMATION

Name: _____

Email: _____

Phone Number: _____

RESPONDENT'S INFORMATION

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

If Respondent is a Company, Name of Individual completing Response to Notice of Adjudication on behalf of the Company:

Title: _____

Email: _____

Phone Number: _____

Address including City/Town, Province and Postal Code:

RESPONDENT'S REPRESENTATIVE'S INFORMATION

Name of Respondent's Representative:

Email:

Phone Number:

Company/Firm Name:

Title

Address:

SUGGESTED CanDACC ADJUDICATION PROCESS

Suggested CanDACC Adjudication Process*(Process 1, Process 2 or Custom Process):

**More information on CanDACC Pre-designed Adjudication Processes can be found at the following link:*
<https://candacc.ca/en/claimants/adjudication-process-2/>

PART A - STATEMENT OF FACTS ON WHICH THE RESPONDENT INTENDS TO RELY

Please provide a written statement of the facts on which the Respondent intends to rely pursuant to section 18(a) of the *Federal Prompt Payment and Construction Work Regulations (Dispute Resolution)*. In order for the Adjudicator to check for potential conflicts of interest, please include owners, officers and directors of the company (if any) and the names of potential witnesses below.



Règlement des différends en matière de contrats de construction au Canada

2001 Sheppard Avenue East, Suite 200
Toronto, ON M2J 4Z8
email: authority@candacc.ca
tel: 416-307-0008 | 1-888-221-3721
fax: 416-362-8825 | 1-877-862-8825

[illegible]



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[illegible]

PART B – MATERIALS THE RESPONDENT WISHES THE ADJUDICATOR TO CONSIDER

The Respondent will also need to provide to the other Party and the Adjudicator copies of any material it wishes the Adjudicator to consider (s. 18(b) of the *Federal Prompt Payment for Construction Work Act Regulations (Dispute Resolution)*). Copies of these materials should be uploaded onto CanDACC's Custom System.

- ☐ I consent to the Adjudicator being given the information in the Response to Notice of Adjudication 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 Response to Notice of Adjudication that cannot be seen by the Adjudicator.
- ☐ 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 Respondent
(if the Respondent is a corporation)

Date

Printed Name of Person Signing

Position of Person Signing

Instructions for filing a Response to Notice of Adjudication Form

The Response to Notice of Adjudication Form allows a Respondent to:

- (a) provide a written statement of the facts on which the Respondent intends to rely;
- (b) to propose an adjudication process; and
- (c) to provide contact information.

A Respondent that intends to respond has 20 days after the day on which the documents referred to in s. 16 of the *Federal Prompt Payment for Construction Work Regulations (Dispute Resolution)* are received to send to the Adjudicator and every other Party (a) a written statement of the facts on which it intends to rely; and (b) copies of any material it wishes the Adjudicator to consider (s. 18 of the *Federal Prompt Payment for Construction Work Regulations (Dispute Resolution)*).

The Respondent can respond to the Notice of Adjudication through CanDACC's Custom System. CanDACC's Custom System is the technology platform used by CanDACC to administer and facilitate adjudications. CanDACC's Custom System will enable the Respondent to view the Claimant's Notice of Adjudication, provide a Response to the Notice of Adjudication, upload material it wishes the Adjudicator to consider and progress through the adjudication process. The Respondent can also communicate with the Claimant and the Adjudicator within CanDACC's Custom System.

If the Respondent has a CanDACC Custom System account from a previous CanDACC adjudication matter, the same account may be used for multiple adjudications. To register on CanDACC's Custom System, please visit www.candacc.ca.