

RESPONSE TO NOTICE OF CONSOLIDATION*

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

** This form is to be used by Parties responding to a Notice of Consolidation that was prepared by a Contractor*

Consolidated Adjudication Number: _____

Consolidated Adjudication Name: _____

NAME OF CONTRACTOR REQUESTING CONSOLIDATION

Name: _____

INFORMATION OF RESPONDENT TO NOTICE OF CONSOLIDATION

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

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

Title: _____

Email: _____

Phone Number: _____

Address: _____

RESPONDENT'S REPRESENTATIVE'S INFORMATION

Name of Individual of Respondent's Representative:

Email: _____

Phone Number: _____

Company/Firm Name: _____

Title: _____

Address: _____

ADJUDICATOR SELECTION

Select one of the three options below*:

I agree to the Adjudicator suggested by the Contractor:

I would like to suggest a different Adjudicator.
Adjudicator's name:

I request that CanDACC appoint an Adjudicator.

**Proposed Adjudicator must be a Certified CanDACC Adjudicator. CanDACC's Adjudicator Registry can be found at the following link: <https://candacc.ca/en/adjudicator-registry/>*

RESPONSE TO NOTICE OF CONSOLIDATION

Please provide a brief summary of your response to the Notice of Consolidation (optional and to a maximum 250 words).

- I consent to potential adjudicators being given the information in the Response to 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 Response to 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; and
 - 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 to Individual Completing Response to Notice of Consolidation

The Response to Notice of Consolidation Form allows a Party who was provided with a Notice of Consolidation to provide a summary response to the Notice of Consolidation, a proposed Adjudicator, and contact information.

After CanDACC receives a Notice of Consolidation, CanDACC will create a new adjudication on CanDACC's Custom System. The Parties to the consolidated case will receive an email from communications@candacc.ca with an invitation to access the information relating to the consolidated adjudication.

After accessing the information on CanDACC's Custom System, the Respondent can upload the Response to Notice of Consolidation Form on the Documents tab of the system. All Parties to the consolidated adjudication will be notified via email that a new document has been uploaded on CanDACC's Custom System.