

Goodmans^{LLP} Update

One Step Closer to Prompt Payment and Adjudication under the *Construction Act*

On July 18, 2019, the Attorney General for Ontario announced the designation of ADR Chambers Inc. to act as the Authorized Nominating Authority (the “ANA”) under the *Construction Act* (the “Act”).

Under the *Act*, the ANA is to play a key role in the new prompt payment and adjudication regimes, which come into force on October 1, 2019.

As specified under the regulations to the *Act*, the ANA is responsible for:

- i. developing and overseeing training programs for adjudicators;
- ii. qualifying individuals who meet the prescribed requirements as adjudicators;
- iii. maintaining a fee schedule, code of conduct for adjudicators, and complaints process;
- iv. appointing an adjudicator to a dispute from a roster of qualified professionals maintained by the ANA, if requested by the parties;
- v. developing a website to enable parties to learn about adjudication and access services; and
- vi. publishing educational materials regarding the adjudication process, and an annual report containing aggregated information regarding adjudication in Ontario (*Adjudication Regulation 306/18*)

The ANA is intended to operate independently of the government and is intended to be self-funded.

ADR Chambers Inc. was selected as the ANA following an open Call for Applications.

Now that the ANA has been appointed, we eagerly anticipate the rollout of the program that is intended to put in place the adjudicators who will be responsible for dealing with prompt payment and other construction claims that may arise under the *Act*.

For further information concerning these developments, please contact either of the authors or any other member of our [Construction Law Group](#).

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