

Adjudication of Construction Claims



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The following note has been posted to this website by **Harvey J. Kirsh**, the First President of the College and the Founding Editor-in-Chief of the *Construction Law Letter*:

Ten years ago, my article on "Adjudication in the Construction Industry" was published in *The Lawyers Weekly*. In it, I reviewed the apparent success of the U.K. model of **Statutory Adjudication** in overcoming a myriad of problems of delays and excessive expense arising out of the resolution of construction claims in Great Britain and Northern Ireland. I concluded that "*If this expedited process for the resolution of construction disputes lives up to its expectations, it may only be a matter of time before the adjudication model is adopted for use in Canadian construction contracts*".

Fast forward to today. The recent enactment of the Construction Act in Ontario not only introduced the concept of "*prompt payment*", but, as a supplement to traditional lien legislation, also imported the concept of **Construction Adjudication**, which, as you might expect, is intended to facilitate the speedy and cost-effective resolution of construction claims.

In this context, I am posting a copy of the November/December 2019 issue of the **Construction Law Letter** (published by LexisNexis), which includes the first of two installments of articles describing and reviewing aspects of the **Adjudication of Construction Claims**. The first article, "*Construction Adjudication: An Overview*", is by **Howard Krupat** and **Emma Cosgrove**. The second article, which addresses the transition from the former to the new legislation, was written by **Brendan Bowles** and **Brandon Keshen**. And the third article by **Robert Bales** is entitled "*The Role and Function of the Adjudication Nominating Authority*".

The second issue (which will be posted on this site in the near future) will include articles dealing with the appointment and training of adjudicators; their authority and jurisdiction in rendering their decisions (called "determinations"); the enforcement and possible judicial review of those decisions; and a brief overview of relevant U.K. case law on how the Technology and Construction Court (part of Senior Courts of England and Wales) has protected adjudicators' decisions.

[... Click here for the November/December 2019 issue of the Construction Law Letter \(Volume 36, Issue 2\)](#)