Prompt Payment Construction Adjudication in Alberta

ARCANA
Alberta
Construction Adjudication

Adjudication is an expedited dispute resolution process used to resolve construction disputes quickly and cost effectively, providing outcomes that are enforceable, interim and binding.

In Alberta the Prompt Payment and Construction Lien Act (PPCLA) and accompanying Regulation govern the adjudication process and the scope of the Adjudicator's duties.

All new construction contracts in Alberta signed after August 29, 2022, must comply with the Act and Regulation and, if a dispute arises, the disputing parties can adjudicate.

ARCANA (AB) has been appointed under the PPCLA as a Nominating Authority, and offers an online roster of professional and experienced Adjudicators that are fully trained and certified.

The benefits of adjudication

Quick and cost effective

Adjudication is usually regulated by a strict timetable that ensures determinations are made quickly. The Act and the Regulation usually require an Adjudicator to do so within 45 - 60 days of their appointment.

Protects relationships

Disputes are resolved when they arise, avoiding unnecessary tension between the parties and potentially preserving the relationship.

Avoid delays

An Adjudicator's determination is binding and must be complied with (unless steps are taken to have it suspended or set aside). This enables construction projects to continue even if the matter is eventually referred to court.
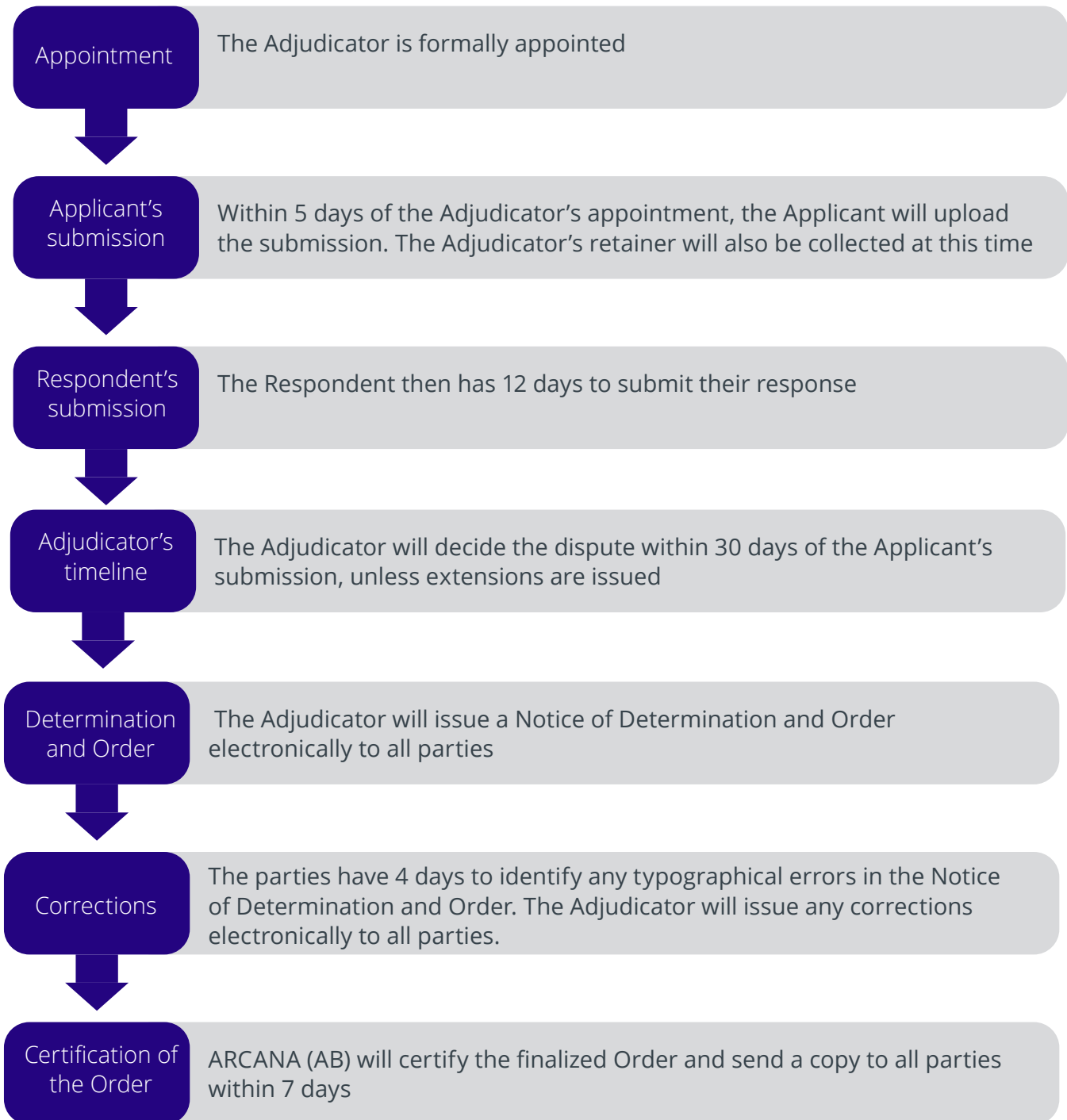
For more information on ARCANA (AB) Construction Adjudication and how to apply for an Adjudicator visit https://adralberta.com/prompt-payment/ or scan the QR code:

The adjudication process timeline

Whilst they are required to operate within the parameters set out in legislation, an Adjudicator still has the authority to determine how to administer the adjudication. This will depend on the circumstances of each case.

The following is an indication of how a typical adjudication may run:

Appointment	The Adjudicator is formally appointed
Applicant's submission	Within 5 days of the Adjudicator's appointment, the Applicant will upload the submission. The Adjudicator's retainer will also be collected at this time
Respondent's submission	The Respondent then has 12 days to submit their response
Adjudicator's timeline	The Adjudicator will decide the dispute within 30 days of the Applicant's submission, unless extensions are issued
Determination and Order	The Adjudicator will issue a Notice of Determination and Order electronically to all parties
Corrections	The parties have 4 days to identify any typographical errors in the Notice of Determination and Order. The Adjudicator will issue any corrections electronically to all parties.
Certification of the Order	ARCANA (AB) will certify the finalized Order and send a copy to all parties within 7 days

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