



**Subsection 33.4(1) of the *Prompt Payment and Construction Lien Act*, R.S.A. 2000, c. B-7
and Subsection 20(1) of Alta. Reg. 23/2022**

NOTICE OF ADJUDICATION

TAKE NOTICE that pursuant to the *Prompt Payment and Construction Lien Act* the dispute described within is referred to the Nominating Authority for Adjudication.

Notes to consider before completing the application

- This form initiates the legislated adjudication process (PPCLA) and recommends **ARCANA(AB)** act as the Nominating Authority (NA). The information contained herein will be relied upon by the NA, so it is important to ensure that the information is accurate and complete.
- This Notice of Adjudication must be delivered to the Respondent and all parties to this dispute (by email or otherwise) AND emailed to ARCANA(AB) at the following two email addresses:
arcana@rics.org
arcana@adralberta.com
- This application will be administered by ARCANA(AB) upon full payment of the admin fee (if applicable). Payment instructions (EFT or Cheque) will be emailed to the applicant upon receipt of this notice. For more information, please contact arcana@adralberta.com.

PARTIES INFORMATION

Please ensure the full names of the parties are correctly stated. Errors in this information may lead to an inappropriate appointment. Incorrect information will prevent the proposed adjudicator carrying out a thorough check for any potential conflicts of interest. If the parties have professional representation, these details must be stated. ARCANA(AB) will forward all relevant correspondence to them. Normally administrative communications from ARCANA(AB) are sent by email so it is important you provide email addresses and contact numbers. Where a party is unrepresented, please ensure contact numbers and email addresses are included.

Names and addresses of parties in dispute (complete details required)

Applicant

Firm Name: _____

Contact Name: _____

Address: _____

Province/Territory: _____ City/Ville/Community: _____

Postal Code: _____ Cell Phone: _____

Email: _____ Telephone: _____



Respondent

Firm Name: _____

Contact Name: _____

Address: _____

Province/Territory: _____ City/Ville/Community: _____

Postal Code: _____ Cell Phone: _____

Email: _____ Telephone: _____

Applicant's Legal Representative (if applicable)

Title: _____ First Name: _____ Last Name: _____

Designation: _____ Firm Name: _____

Address: _____

Province/Territory: _____ City/Ville/Community: _____

Postal Code: _____ Telephone: _____ Cell Phone: _____

Direct Dial: _____ Email: _____

If you are completing this form as a party representative, please state in what capacity you are acting
e.g. as a company official, a surveyor or lawyer.

Respondent's Legal Representative (if applicable)

Title: _____ First Name: _____ Last Name: _____

Designation: _____ Firm Name: _____

Address: _____

Province/Territory: _____ City/Ville/Community: _____

Postal Code: _____ Telephone: _____ Cell Phone: _____

Direct Dial: _____ Email: _____

If any additional parties are involved, use an attachment to provide their complete contact details.



DISPUTE INFORMATION

Amount in dispute: \$ _____

Nature and brief description of the dispute (details respecting how and when it arose): _____

Address of the project/property: _____

_____ Postal Code: _____

Province/ Territory: _____ City/Ville/Community: _____

Date of contract or accepted estimate: _____

Date that work commenced: _____

Date that work ended (if applicable): _____

Check any applicable element of this dispute:

- ☐ A. The valuation of services or materials provided under the contract or subcontract, including in respect of a written change order, whether approved or not, or a proposed change order, as the case may be;¹ or
- ☐ B. Payment under the contract or subcontract, including in respect of a written change order, whether approved or not, or a proposed change order;² or
- ☐ C. Disputes that are the subject of a notice of non-payment under Part 3 of the *Act*;³ or
- ☐ D. Payment or non-payment of an amount retained as a major lien fund or minor lien fund and owed to a party during or at the end of a contract or subcontract, as the case may be;⁴ or
- ☐ E. Any other matter in relation to the contract or subcontract, as the case may be, that the parties in dispute agree to, regardless of whether or not a proper invoice was issued or the claim is lienable.⁵

Attach any additional details regarding the contract or subcontract, services or materials provided.

Please email all parties to this dispute and the Nominating Authority at:
arcana@adralberta.com **AND** arcana@rics.org

¹ Subsection 19(a) A.R. 23/2022

² Subsection 19(b) A.R. 23/2022

³ Subsection 19(c) A.R. 23/2022

⁴ Subsection 19(d) A.R. 23/2022

⁵ Subsection 19(e) A.R. 23/2022



APPOINTMENT OF ADJUDICATOR

The Alternative Dispute Resolution Institute of Alberta (ADRIA), The Alternative Dispute Resolution Institute of Canada, Inc. (ADRIC), and the Royal Institution of Chartered Surveyors (RICS) are working in partnership as ARCANA(AB), the ADR Institutes/RICS Construction Adjudication Nominating Authority (Alberta), to appoint adjudicators under the Prompt Payment and Construction Lien Act RSA 2000 (PPCLA).

Have you agreed on an Adjudicator?

(The list of adjudicators can be found at [ARCANA\(AB\) online Roster](#))

Yes ☐

No ☐

Name: _____

Firm: _____

Professional background of the adjudicator

ARCANA(AB) will appoint a qualified construction adjudicator. All ARCANA(AB) adjudicators have at least ten years' experience in the construction sector and have completed the relevant RICS training. Sometimes, the details of a dispute may suggest that an adjudicator with a particular professional background would be helpful. This section should only be completed if extra skills are needed to understand the dispute. Avoid specifying the expertise too narrowly. ARCANA(AB) will consider any suggestions but is not bound by them when making an appointment.

If possible, please list the professional skills required (e.g. surveyor, lawyer, architect etc.): _____

Conflict of Interest

ARCANA(AB) will take reasonable steps to ensure that the appointed adjudicator is free from conflict of interest. It is therefore essential that you provide details of the parties involved (including any companies or related entities that a prospective adjudicator would need to consider in their conflict checks). Adjudicators are required to disclose involvement or potential conflicts of interest to ARCANA(AB) prior to appointment. ARCANA(AB) will never knowingly appoint an adjudicator who has a conflict of interest. If in your view there are any adjudicators who would have a conflict of interest regarding this matter, you should list them in the box below. Please also provide for such person, brief but clear reasons for this statement. Your attention is drawn to the legal principle that misrepresentations in this statement could invalidate the appointment process in its entirety, rendering any decision made unenforceable.

Name	Firm	Reason

Please note: Whilst ARCANA(AB) will give careful consideration to any representations, it will reach its own decision as to who is appointed. Notwithstanding any such statements, ARCANA(AB) always retains an unfettered discretion to appoint any adjudicator it regards as suitable.



Notice of Adjudication submitted by Applicant:

Name: _____

Firm Name: _____ Date: _____

Signed: _____

ADJUDICATION AND FEE SCHEDULE

Kindly refer to the fee schedule available at the link below.

[ARCANA\(AB\) Fee Schedule](#)

Your Privacy

ARCANA(AB) takes the privacy and security of the personal information you provide very seriously. Your details are held in a secure database with authorized access only. We apply data processing policies in compliance with the relevant national and provincial legislation. ARCANA(AB) will not use the information you provide in this application to contact you with offers of products and services. Nor will ARCANA(AB) share your information with third parties for the purpose of sending you details of offers of products and services.

Explanatory notes:

- ARCANA(AB) has a duty to act independently and transparently when appointing an adjudicator. Upon receiving a request, ARCANA(AB) will select suitably qualified adjudicators who are free from conflicts of interest from the ARCANA(AB) roster of adjudicators. A copy of this notice will be sent to prospective adjudicators to help them decide whether they are able to accept the appointment.
- After checking that the adjudicator meets the criteria, the recommendation/appointment is confirmed on or on behalf of ARCANA(AB) and the parties and the adjudicator is notified.
- If the dispute is resolved before an appointment is made, you must notify ARCANA(AB) as soon as possible.
- Parties are reminded that they may be jointly and severally liable, under contract or statute, for payment of the adjudicator's reasonable fees (including abortive fees for any work undertaken if the matter is settled before a decision is issued).
- Please note that holiday and/or work commitments may prevent an adjudicator accepting an appointment.

Submitting this application to ARCANA(AB) confirms that you have read and understood the explanatory notes contained in this application form. Your application is accepted on this basis.

Distribution: Please email all parties to this dispute and the Nominating Authority at:
arcana@adralberta.com **AND** arcana@rics.org

Visit our [website](#) for more adjudication information the [ARCANA Construction Guide for Users](#) for additional information on the procedure.