

Rules for Mediation and Arbitration of Construction Disputes

(for use with CCDC Contract Forms)

Construction disputes are commonplace. The multiplicity of parties and technical complexity of major construction projects makes these projects very susceptible to disagreements. The costs associated with resolving disagreements can be burdensome even for the largest organizations. To avoid major expenses, lengthy and drawn out courts cases, and damaging future business partnerships, many Canadian firms are looking to other processes, often known as alternative dispute resolution (ADR) processes to manage conflict more efficiently.

The recommended practices in CCDC 40 reflect a broad consensus of Canadian construction industry participants, and are intended to apply to any public or private sector project. By following these practices, the potential for costly misunderstandings, disputes, delays, and other difficulties can be minimized.

Canadian Construction Documents Committee (CCDC) has adopted this approach to dispute resolution in its contract forms. The CCDC contract forms set out very specific methods for settling disputes incorporating the ADR concepts of negotiation, mediation and arbitration in a manner that encourages speedy, inexpensive and voluntary resolutions of construction disputes.

CCDC 40 - Rules for Mediation and Arbitration of Construction Disputes has been specifically designed to be used with the dispute resolutions of CCDC contract forms and are incorporated by reference, most notably CCDC 2.

Some of the features included in this document are:

1. Graphic sequence of the process delineated in PART 8 – DISPUTE RESOLUTION of CCDC 2 – 2005, including timeframes for the expeditious resolution of construction disputes.
2. Rules for mediation of construction disputes broken into three parts which include general information, the process itself, and subsequent proceedings.
3. Rules for arbitration of CCDC 2 construction disputes broken into five parts including general information, pre-arbitration considerations, proceedings, the award and project disputes.

These rules are specifically written to set the requirements of the process and should be read and understood by both parties to the CCDC contract.

For more information, please visit

ccdc.org

