

MTO Claims Summary
Fiscal 2024/2025 - April 1, 2024 to March 31, 2025

A. Provincial Office Level Claim Summary

Claims Summary			
New Claims Received	70	Construction	67
		Maintenance	3
Completed Claims Reviews	65	Denied	39
		Settled	19
		Proceeded to ADR	7
Withdrawn Claims	1		
Net Active Claims Under Review	41	Construction	41
		Maintenance	0

B. Provincial Office Level Claim Breakdown by Contract Type

- **Construction Claims**
 - 70 new construction claims were received.
 - 5 claims are from contracts with the 2016 GCs
 - 60 claims are from contracts with SP 100S55 (GC 3.15 clause)
 - 5 claims are from contracts with the 2023 GCs
 - There are currently 41 active construction claims.
- **Maintenance Claims**
 - 3 new maintenance claims were received.
 - There are currently no active maintenance claims.

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C. Referees, Adjudications, Mediations and Litigations

i. Referee

Referee Summary			
New Referee Requests Received	4	Construction	4
		Maintenance	0
Referee Decision Received	4		
Active Referee Proceedings	0		

ii. Adjudications.

Adjudications Summary			
New Adjudication Requests Received	12	Construction	12
		Maintenance	0
Adjudication Determinations Received	12		
Active Adjudication Proceedings	3		

iii. Mediations

Mediations Summary			
New Mediation Requests Received	4	Construction	0
		Maintenance	4
Mediation Completed	0		
Active Mediations	4		

iv. Litigations

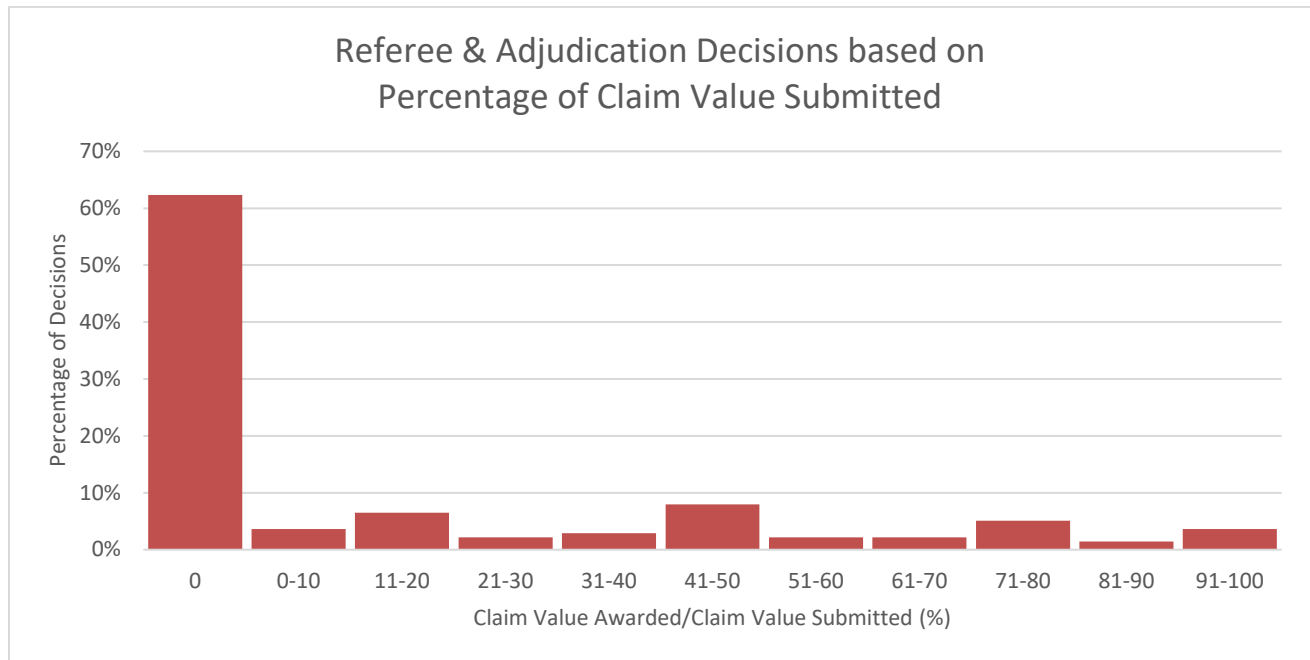
Litigations Summary			
New Litigations Received	3	Construction	3
		Maintenance	0
Litigations Resolved	2		
Active Litigations Underway	29		

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Referee and Adjudication Decisions

- The following chart is based on 95 referee decisions and 48 adjudication determinations since the start of the referee and adjudication processes for MTO contracts. One referee decision was removed from the data as the decision included only a time component.



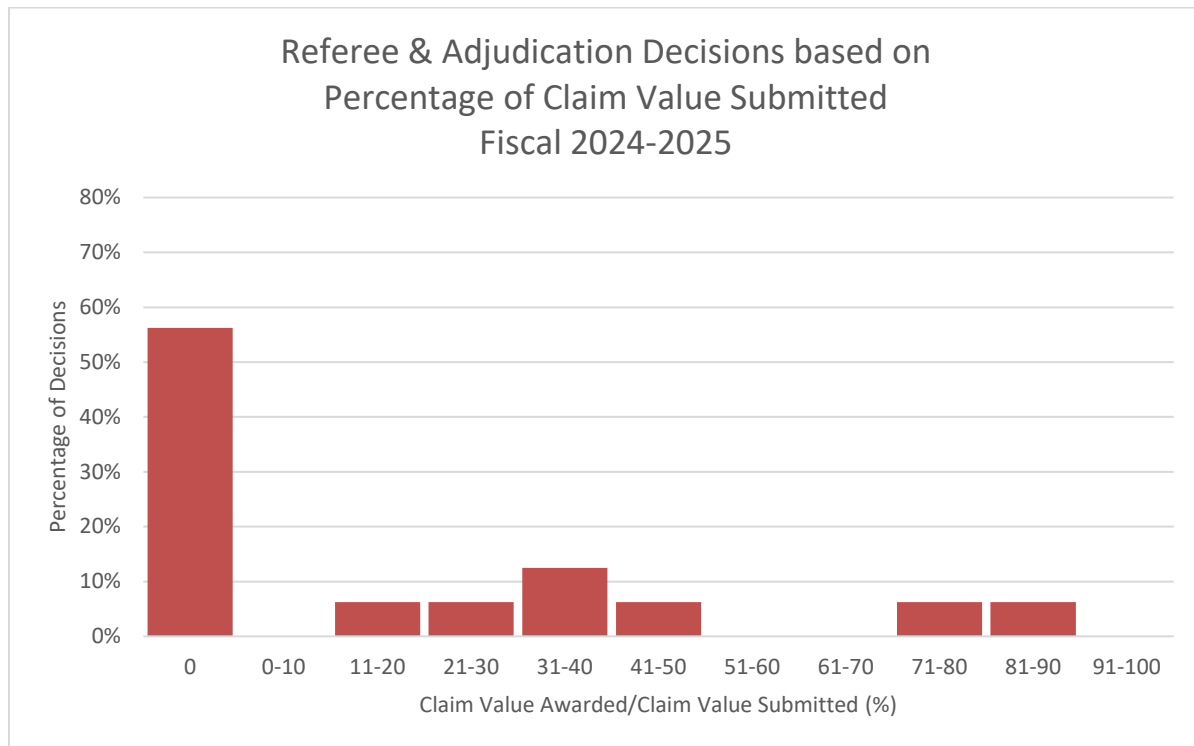
- 62% of all referee and adjudication decisions awarded \$0 to the contractor.
- 3% of all referee and adjudication decisions awarded the contractor with between 91% and 100% of the claimed value of their submission.

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Breakdown for Fiscal 2024/2025 April 1, 2024, to March 31, 2025

- The chart below represents the referee and adjudication decisions that occurred within the reporting period.
- This represents 4 referee decision and 12 adjudication determinations.
- Of the 16 third-party decisions:
 - 9 decisions supported MTO position by dismissing the claims.
 - 1 decision awarded an amount between 10 and 20%,
 - 1 decision awarded an amount between 20 and 30%,
 - 2 decisions awarded an amount between 30 and 40%,
 - 1 decision awarded an amount between 40 and 50%,
 - 1 decision awarded an amount between 70 and 80% and.
 - 1 decision awarded an amount between 80 and 90% of the claimed value.



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D. Analysis

- Referee and adjudicator decisions are typically supportive of MTO's positions. As of the end of F2024-25, there have been:
 - 4 referee decision and,
 - 12 adjudication determinations
 - 9 denials, 7 partial awards.
- MTO considers that, in general, referee and adjudication decisions seem to support MTO's position and indicate that MTO is reasonable in its assessment of claim principle and quantum. Most decisions do not support the contractor's claim amounts but rather are closer to the MTO position (which may include an acknowledgement of some MTO responsibility for a portion of the claim amount).
- Just over half (56%) of the referee and adjudication decisions/determinations were denials of the contractor claims in their entirety compared to 61% since the new claims process was implemented. Referee and Adjudication decisions have awarded on average 10.8% of the claim value submitted since 2017.
 - For F2024-25 the average is 18.8%,
 - For F2023-24 the average is 9.9%, and
 - For F2022-23 the average is 14.0%.