MTO Claims Summary
Fiscal 2025/2026
Reporting Period: April 1, 2025 to September 30, 2025

A. Provincial Office Level Claim Summary

Claims Summary

- **New Claims Received** **23**
  - Construction 23
  - Maintenance 0
- **Completed Claim Reviews** **23**
  - Denied 1
  - Settled 8
  - Denied – Proceeded to ADR 10
  - Offered – Proceeded to ADR 4
- **Withdrawn Claims** **2**
  - Construction 2
  - Maintenance 0
- **Net Active Claims Under Review** **41**
  - Construction 41
  - Maintenance 0

B. Provincial Office Level Claim Breakdown by Contract Type

- **Construction Claims**
  - 23 new construction claims were received.
    - 1 claim are from contracts with the 2016 GCs
    - 19 claims are from contracts with 2016 GC with SP 100S55
    - 3 claims are from contracts with the 2023 GCs
  - There are currently 41 active construction claims.

- **Maintenance Claims**
  - No new maintenance claims were received.

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C. Referees, Adjudications, Mediations and Litigations

i. Referee

Referee Summary

- **New Referee Requests Received** **0**
  - Construction 0
  - Maintenance 0
- **Referee Decision Received** **0**
- **Active Referee Proceedings** **0**

ii. Adjudications

Adjudication Summary

- **New Adjudication Requests Received** **6**
  - Construction 6
  - Maintenance 0
- **Adjudication Determinations Received** **5**
- **Active Adjudication Proceedings** **2**

iii. Mediations

Mediations Summary

- **New Mediation Requests Received** **2**
  - Construction 0
  - Maintenance 2
- **Mediations Completed** **1**
- **Active Mediations** **5**

iv. Litigations

Litigations Summary

- **New Notice of Action Received** **2**
  - Construction 2
  - Maintenance 0
- **Litigation File Closed** **9**
- **Active Litigations** **22**

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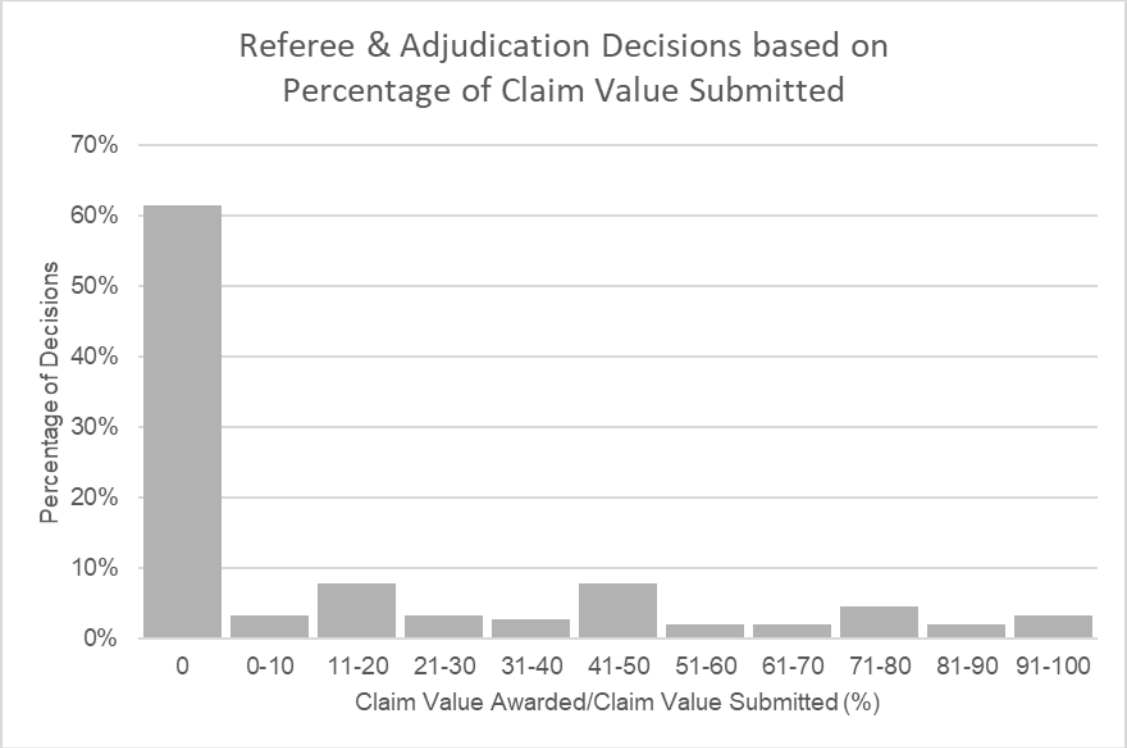
Referee and Adjudication Decisions

- The following chart is based on 95 referee decisions and 57 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.



- 61% 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.
- There have been no referee or adjudication decisions in the first half of 2025/2026.

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D. Analysis

- 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).
- Almost two-thirds (61%) of the referee and adjudication decisions/determinations were denials of the contractor claims in their entirety since the new claims process was implemented. Referee and Adjudication decisions have awarded on average 9.6% of the claim value submitted since 2017.
    - For F2025-26 the average is 9.9%,
    - For F2024-25 the average is 18.8%, and
    - For F2023-24 the average is 9.9%.