

# **CERTIFICATE OF SUBSTANTIAL PERFORMANCE**

(equivalent to Form 9 under Section 32 of the Construction Act)

This is to verify that Contract # 2023-6003 for the following:

21 km north of Canada/US border northerly, Neebing, Oliver Paipoonge

**was substantially performed on:** 11/8/2024



**Recommended By:**

Norman MacKinnon

11/20/2024 11:17 AM

**Contract Administrator**

**Date Recommended**



**Approved By:**

(payment certifier)

**Area Manager Construction**

12/5/2024 3:03 PM

**Date Certified**

MTO- Thunder Bay, ON P7E 6P6

**Address**

ON

County/District/Regional Municipality/Town/City in which the Work is located

615 James Street S, Thunder Bay

street address and city, town, etc. If no street address, the work location as described in the executed contract

**Name of Owner:**

His Majesty the King in Right of Ontario as represented by the Minister of Transportation.

**Address for Service:**

Ministry of Transportation

MTO- Thunder Bay, ON P7E 6P6

**Name of Contractor:** L H North Ltd. & L H Crane and Rigging Ltd.

**Address for Service:** 4 Cooper Road, Rosslyn, ON, P7K 0E3

Office to which claim for lien must be given to preserve lien:

**Ministry of Transportation of Ontario  
Director, Legal Services Branch  
125 Sir William Hearst Avenue, 1<sup>st</sup> Floor  
Downsview, Ontario  
M3M 0B5**

**This notice published in the on:**

**Attachments**

2023-6003 Application for Substantial Performance.pdf

WSIB Clearance Cert. Exp. Nov 19, 2024.pdf

To: Gary Weiss  
Manager, Construction Management Office

Date: November 7, 2024

Northwest  
Area

Contract No.: 2023-6003

In accordance with the contract requirements, I/We L H North Ltd. (Name of Contractor) hereby apply for:

☒ Certificate of Substantial Performance

☐ Certificate of Completion

All work invoiced to date	\$ 41,821,417.08
Payments made to date	-\$ 39,156,100.46
Less holdback	-\$ 2,446,931.84
Less Owner's set-offs	-\$ 0
Amount due	=\$ TBD

I/We L H North Ltd. (Name of Contractor) hereby declare that the Certificate of Substantial Performance shall be published in: Daily Commercial News (Name of the construction trade newspaper). The link for the construction trade newspaper is: <https://canada.constructconnect.com/dcn>

I/We L H North Ltd. (Name of Contractor) hereby release the owner of all further claims related to the contract with the following exceptions:

- List outstanding issues in accordance with MTO General Conditions of Contract

Final Progress Payment(s)  
Warranty and Deficiencies  
Outstanding Compensation Matters  
Compensation Request #3 Culvert 45 Culvert Overruns  
Compensation Request #5 Copenhagen Quarry Granular Premiums  
Compensation Request #6 Culvert 41 Overruns  
Compensation Request #8 Culvert 38 Overruns  
Compensation Request #9 Culvert 39 Overruns  
Compensation Request #10 Culvert 35 Overruns  
Compensation Request #11 Culvert 33 Overruns  
Compensation Request #13 Culvert 32 Overruns  
Compensation Request #14 Culvert 30 Overruns  
Compensation Request # 15 Culvert 48 Geotechnical Obstructions  
Compensation Request #16 2023 Global Impacts Open-cut Culverts  
Compensation Request #17 Culvert 46 CSP Obstruction  
Compensation Request #18 2023 Shoulder Widening Overruns  
Compensation Request #19 Jarvis River #6 Quarry Blast Preparation  
Compensation Request #20 Culvert 11 and 12 Overruns  
Compensation Request #21 Culvert 9 Overruns  
Compensation Request #22 2024 Shoulder Widening Overruns  
Advance Payment for Jarvis River #6 Quarry Remaining Stockpiles  
Compensation for Crossfall Correction of Superelevated Curves  
Granular Unit Rate Premium Compensation 2024  
Smoothness QA/REF Results and Repair Proposal  
Unperformed Work Change Orders

I/We L H North Ltd. (Name of Contractor) hereby declare and submit with this Application a Statutory Declaration in the form provided that all liabilities incurred by the

Contractor, and the Contractor's Sub-Contractors, in carrying out the contract have been discharged, except for the statutory holdbacks properly retained in accordance with the Construction Act.

- List outstanding liabilities:

Name: Craig Hipwell

Signature: \_\_\_\_\_

Position: Project Manager

Date: November 7, 2024

## STATUTORY DECLARATION

Canada  
Province of Ontario

IN THE MATTER OF a contract entered with  
**His Majesty the King in right of Ontario, represented by the Minister  
of Transportation, (Owner)**

By L H North Ltd., (Contractor), at

MTO Contract Number: 2023-6003

I, Craig Hipwell,

### DO SOLEMNLY DECLARE:

1. that I am Project Manager, of L H North Ltd., the Contractor named in the above mentioned Contract, and as such have personal knowledge of the fact herein declared.

2. that all accounts for labour, sub-contracts, products, materials, services and construction machinery and equipment, which have been incurred directly by the Contractor in the performance of the work as required by the Contract, and for which the Owner might in any way be held responsible, have been discharged, except for:

- (1) holdback monies properly retained,
- (2) payments deferred by agreement between the Contractor and the Owner,
- (3) amounts withheld by reason of legitimate dispute which have been identified to the party or parties, from whom payment has been withheld and are listed below and, (identify payees and amounts payable to each)

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- (4) payments that are yet to be made because they are subject to the Contractor's verification processes.

3. that all accounts for labour, material suppliers and sub-contracts have been informed of the name of the construction trade newspaper, as declared.

**AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the CANADA EVIDENCE ACT.**

Declared before me at the city  
Of Rosslyn  
in the province  
of Ontario this 8th  
day of November A.D. 2024

  
(Deponent)

A Commissioner etc.

Shera-Lynn Fetter, a Commissioner, etc.,  
Province of Ontario, for LH North Ltd.  
Expires May 10, 2025.

### INSTRUCTION

This declaration must be sworn before a commissioner for oaths, notary public or justice of the peace.

Statutory declaration to be submitted along with application to the appropriate MTO Construction Management Office



## Your clearance(s) / Vos certificats de décharge

We confirm that the business(es) listed below are active and in good standing with us.

Nous confirmons que la ou les entreprises énumérées ci-dessous sont actives et que leurs comptes sont en règle.

Contractor legal or trade name / Raison sociale ou appellation commerciale de l'entrepreneur	Contractor address / Adresse de l'entrepreneur	Contractor NAICS Code and Code Description / Code du SCIAN de l'entrepreneur et description	Clearance certificate number / Numéro du certificat de décharge	Validity period (dd-mmm-yyyy) / Période de validité (jj- mmm-aaaa)
L H NORTH LTD.	4 COOPER RD, ROSSLYN, ON, P7K0E3, CA	237310: Highway, street and bridge construction	A0000J55D0	20-Aug-2024 to 19-Nov-2024

Under Section 141 of the *Workplace Safety and Insurance Act*, the WSIB waives our right to hold the principal (the business that has entered into a contractual agreement with the contractor/subcontractor) liable for any unpaid premiums and other amounts the contractor may owe us for the validity period specified. Aux termes de l'article 141 de la *Loi sur la sécurité professionnelle et l'assurance contre les accidents du travail*, la WSIB renonce à son droit de tenir l'entrepreneur principal (l'entreprise qui a conclu une entente contractuelle avec l'entrepreneur ou le sous-traitant) responsable de toute prime impayée et autre montant que l'entrepreneur pourrait lui devoir pour la période de validité indiquée.

WSIB Head Office: 200 Front Street West  
Toronto, Ontario, Canada M5V 3J1

Siège social : 200, rue Front Ouest  
Toronto (Ontario) Canada M5V 3J1

1-800-387-0750 | TTY/ATS 1-800-387-0050  
employeraccounts@wsib.on.ca | wsib.ca