

DECEMBER 5, 2024

E.C. King Contracting
2125 20th Avenue East
Owen Sound, ON N4K 5P7

PROJECT NO: 218-2659-RI23

SENT VIA: EMAIL

Attention: Steve Andrew, Project Manager

**RE: CERTIFICATE OF SUBSTANTIAL PERFORMANCE
EDEN OAK-HIGHWAY 26 ROAD WIDENING
EDEN OAK (TRAILSHEAD INC).
TOWN OF THE BLUE MOUNTAINS**

Please find attached the Certificate of Substantial Performance for the above-noted project. As outlined in the contract documents, the Contractor shall publish a copy of the Certificate in a local Construction Trade Newspaper, and it must include:

- i) The name and address for service of the OWNER and of the CONTRACTOR;
- ii) The name and address of the payment certifier, where there is one;
- iii) A short description of the improvement;
- iv) The date on which the Contract was substantially performed;
- v) Where the lien attaches to the premises a concise description containing a reference to lot and plan or instrument registration number sufficient to identify the premises; and, or, where the lien does not attach to the premises, a statement of where the lien notice must be delivered to preserve lien rights; and
- vi) The street address, if any, of the premises.

Within fifteen (15) days of the date of advertisement of the Certificate of Substantial Performance the Contractor is to submit proof of publication of the Certificate. A copy of the publication is to be included, with all other pertinent documents (Statutory Declaration and WSIB Certificate), in the release of holdback request to the Contract Administrator. Please see enclosed Punch List which includes the outstanding deficiencies.

As per the agreement between Eden Oak (Trailshead) Inc. and your firm, the 24-month Guaranteed Warranty Period has commenced and will end on November 5, 2026. Unless otherwise noted by the Owner.

Should you have any questions or require any further information, please do not hesitate to contact the undersigned.

Sincerely,

C.F. CROZIER & ASSOCIATES INC.



Ariane Stewart, C.E.T., rcca
Manager, Construction Services (Transportation)
AKS/mk

c.c. Romas Kartavicius, Eden Oak (Trailshead) Inc
 Katherine Hemstock, Ministry of Transportation
 Khalid Backtash, Ministry of Transportation

Enclosure Certificate of Substantial Performance (Form 9)
 Certificate of Substantial Performance Punch List

FORM 9
CERTIFICATE OF SUBSTANTIAL PERFORMANCE OF THE
CONTRACT UNDER SECTION 32 OF THE ACT
Construction Act

Town of The Blue Mountains in the County of Grey

(County/District/Regional Municipality/Town/City in which the premises are situated)

Schedule "A" to Agreement No. CM 20 0011 between the Ministry of Transportation and Eden Oak (Trailhead) Inc.

(street address and city, town, etc., or, if there is no street address, the location of the premises)

This is to certify that the contract for the following improvement:

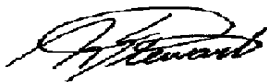
Construction of Highway 26 road widening including, but not limited to, road structure removal and replacement for widening, asphalt resurfacing, and line painting

(short description of the improvement)

To the above premises was substantially performed on: **November 5, 2024**

(date substantially performed)

Date certificate signed: **December 5, 2024**



(payment certifier where there is one)

(owner and contractor, where there is no payment certifier)

Name of Owner: **Eden Oak (Trailhead) Inc.**

Address for Service: **1443 Hurontario Street, Mississauga ON L5G 3H5**

Name of Contractor: **E.C. King Contracting**

Address for services: **2125 20th Avenue East, Owen Sound ON N4K 5P7**

Name of payment certifier (where applicable): **C.F. Crozier & Associates Inc.**

Address: **70 Huron Street, Suite 100, Collingwood ON L9Y 4L4**

(Use A or B, whichever is appropriate)

☐ A. Identification of premises for preservation of liens:


Schedule "A" to Agreement No. CM 20 0011 between the Ministry of Transportation and Eden Oak (Trailhead) Inc.

(if a lien attaches to the premises, a legal description of the premises, including all property identifier number and addresses for premises)

☐ B. Office to which the claim for lien must be given to preserve lien:

(if the lien does not attach to a premises, a concise description of the premises, including address, and the name and address of the person or body to whom the claim for lien must be given)

<div><div><div>CROZIER CONSULTING ENGINEERS</div></div><div>PROJECT: Eden Oak Highway 26 Widening</div><div>Project: 218-2659-RI23 Date: 05-Nov-24 Revised: 12-Nov-24</div></div>						
Punch List						
Issue #	S.U.P #	Description	Responsible party	Estimated Cost	Date of Rectification	Additional Comments
Maintenance Turnover to MTO						
1		Culvert extension at pumping station	EC King		07-Nov-24	Contractor to cut back damaged section of existing culvert and install new extension with coupler. Length of culvert extension to be reviewed with Crozier prior to install.
2	D11f	STA 10+050 Rb-5A to be reinstated	EC King		07-Nov-24	
3		Hydroseeding to be monitored per standards	EC King			Contractor to address any touch-ups as needed in the spring of 2025
4		STA 10+015 Snow plow marker signs to be reinstated per drawings	EC King		07-Nov-24	
5		STA 10+133 Snow plow marker sign to be reinstated by existing manhole located at STA 10+165	EC King		07-Nov-24	
6	D3g	STA 10+165 Manhole to be raised to match existing grade	EC King		07-Nov-24	Asphalt to be placed around manhole
7	D11e	STA 10+226 Wa-103R to be reinstated	EC King		07-Nov-24	MTO approved of the use of Wa-3R instead of Wa-103R
8	D11j	Ra-1 at Fraser Crescent to be installed at location shown on the drawings.	EC King		07-Nov-24	Tree to be trimmed to allow visibility to sign
9		Hydroseeding and grading at all driveway entrances to be repaired as needed	EC King	\$500.00		Per conversation during site walk
10		Mailbox to be removed at 209729 ON-26	EC King		07-Nov-24	Contractor to discuss and confirm with Homeowner prior to removing mail box.
11		Culvert located at 209727 ON-HWY26 to be cleaned out (outside of contractor limits)	EC King	\$800.00		Small swale to be installed up to watercourse as per MTO request
12	D5	Granular sealing to be placed as per contract	EC King		12-Nov-24	
13		DWY Culvert to be installed at STA 9+910, 209743 ON-26 as per MTO direction and permit received.	EC King		07-Nov-24	



PROJECT: Eden Oak Highway 26 Widening

Project: 218-2659-RI23
Date: 05-Nov-24
Revised: 12-Nov-24

Punch List

Issue #	S.U.P #	Description	Responsible party	Estimated Cost	Date of Rectification	Additional Comments
Substantial Performance per GC1.08.01						
a) The Work or a substantial part thereof has passed inspection and testing and is ready for use or is being used for the intended purposes; and						
b) The Work to be performed under the Contract is capable of completion or, where there is a known defect, correction,						
Executed Contract Total		\$1,913,687.10				
3% of the first		\$1,000,000.00		\$30,000.00		
2% of the next		\$1,000,000.00		\$20,000.00		
1% of the balance		\$0.00		\$0.00		
Total:				\$50,000.00		
Total Outstanding Cost: \$1,300.00 at a cost of not more than \$50,000. This Contract is Substantially Performed						
Outstanding Works Outside of Contract Items						
14	F13	Hydro poles to be deep set and culverts to be removed at STA 9+890 and STA 10+185	Hydro One/EC King	\$ 16,650.00		Contractor to remove temporary 525mm culverts and regrade ditch after existing hydro poles have been deep set Note: Cost associated with this work have not been included within Substantial Performance calculation. As MTO has agreed and acknowledged that the Hydro One works will be completed at a later date. Installation of the culverts are a temporary measure due the depth of the existing Hydro Poles
NOTES:	The site walk was completed on November 5, 2024 to start the 1 year maintenance period and to complete the HWY maintenance transfer agreement. The following parties were in attendance: Ariane Stewart (Crozier), Butool Rizvi (Crozier), Ryan MacLaughlan (Crozier), Steven Andrew (EC King), Katherine Hemstock (MTO), Doug Chisholm (GEMTEC), Lucas Kartavicius (Eden Oak)					