

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

Town of Whitchurch-Stouffville, Regional Municipality of York , .

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

Ballantrae Golf & Country Club , .

(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:

Common Roads – Sidewalk Brick Replacement

(short description of the improvement)

to the above premises was substantially performed on . October 4, 2024

(date substantially performed)

Date certificate signed: October 21, 2024

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

Name of owner: YRCECC 967 c/o FirstService Residential

Address for service: 1 Final Round, Stouffville, Ontario L4A 1N3

Name of contractor: Bouwmeister Inc

Address for service: 4812 Vandorf Sideroad Stouffville

Name of payment certifier (where applicable): SCS Consulting Group Ltd.

Address: 30 Centurian Drive, Suite 100, Markham, Ontario L3R 8B8

(Use A or

B, whichever is appropriate)

A. Identification of premises for preservation of liens:

Town of Whitchurch-Stouffville Concession 9, Lot 21,22 and 23

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

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

1 Final Round, Stouffville Ontario L4A 1N3

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

Ms. Andrea Kennedy

YRCECC 967 c/o FirstService Residential
1 Final Round
Stouffville, Ontario, L4A 1N3

Dear Ms. Kennedy:

**Re: Confirmation of Substantial Performance - Contract I
Ballantrae Golf & Country Club – Common Roads
YRCECC 967, Town of Whitchurch-Stouffville**

In accordance with the Construction Lien Act, we have prepared the following concerning 'Substantial Performance' certification for Contract I/Contract II:

A. Substantial Performance

The following provisions of the Construction Lien Act govern certification.

1. *For the purpose of the Act, a contract is substantially performed,*
 - (a) *when the improvement to be made under the contract or a substantial part thereof is ready for use or is being used for the purposes intended; and*
 - (b) *when the improvement to be made under that contract is capable of completion or, where there is a known defect, correction, at a cost of not more than,*
 - i) *3 percent of the first \$1,000,000 of the contract price,*
 - ii) *2 percent of the next \$1,000,000 of the contract price, and*
 - iii) *1 percent of the balance of the contract amount.*
2. *For the purposes of this Act, where the improvement of a substantial part thereof is ready for use or is being used for the purposes intended and the remainder of the improvement cannot be completed expeditiously for reasons beyond the control of the contractor or, where the owner and the contractor agree not to complete the improvement expeditiously, the price of the services or materials remaining to be supplied and required to complete the improvement shall be deducted from the contract price in determining Substantial Performance.*

Re: **Confirmation of Substantial Performance - Contract I**
Ballantrae Golf & Country Club – Common Roads
YRCECC 967, Town of Whitchurch-Stouffville

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B. Assessment of Substantial Performance

At this time, the contract is Substantially Performed as requirements noted above have been fulfilled as follows.

- a) The works are ready for use and are being used for the purpose intended.
- b) The owner agrees that no further work can be initiated due to seasonal and building schedule constraints.
- c) The estimated cost to complete known deficiencies is less than the allowable cost to complete known deficiencies.

- i) Net contract amount governing Substantial Performance is calculated as follows:

- Contract I amount, excluding contingency amount \$206,741.65
- Incomplete work deferred or deleted (through no fault of Contractor)

Following items deducted:

None Total (\$0)

Net Contract Amount \$206,741.65*

* Use this Net Contract Amount for purpose of Substantial Performance calculation below.

- ii) The allowed cost to complete deficiencies (per Lien Act) based on a Net Contract Amount of \$206,741.65* is:
3% x \$206,741.65 = \$6,202.25

Allowed Cost to Complete Deficiencies is \$6,202.25

- iii) Estimated Cost to Complete known deficiencies as follows is:

None \$0

Estimated Cost to Complete Deficiencies \$0

We conclude that from the above the total 'Estimated Cost to Complete' known deficiencies is less than the 'Allowed Cost to Complete' known defects and therefore Contract I is 'Substantially Performed'.

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C. Contract Provisions - Holdback Release

In accordance with the contract provisions, items which govern holdback release are summarized as follows:

10% Statutory Holdback

The Contract Agreement stipulates that "Sixty (60) days after advertisement of Substantial Performance as described in the Construction Lien Act,... the Engineer will certify payment of the ten (10%) percent Statutory Holdback...".

Upon your concurrence with our assessment of Substantial Performance, we will issue the 'Substantial Performance Certificate'.

After expiry of the lien period and supply of supporting documentation by the contractor this holdback will be certified for release.

D. Summary

With the determination of Substantial Performance, expiry of the lien period, and supply of the appropriate documentation, the following amounts will be certified for release on or about December 20, 2024:

10% Statutory Holdback (to previous PC# 3)	Total	\$28,406.15
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Should you have any questions or concerns regarding the above, please contact Julia Risi or the undersigned.

Sincerely,

SCS Consulting Group Ltd.



Kris Marsh, C.Tech
kmarsh@scsconsultinggroup.com

c. Mr. John Bouwmeister, Bouwmeister Inc.

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