

January 16, 2025

Via email only to: general@dig-con.com

DIG-CON International Limited
57 Simpson Road
Bolton ON L7E 4J7

Attention: Sam DiGregorio,

**Re: SUBSTANTIAL & TOTAL PERFORMANCE - Contract No. RFTC-1046-22
Drainage Improvements - Weston Road between Strawberry Hill Trail and Burrows
Road in the Township of King
Our File No. L01 88200**

In accordance with the *Construction Act*, R.S.O. 1990, c. C.30, s. 2, Contract No. RFTC-1046-22 is substantially performed and deemed to be complete. Enclosed are Certificates of Substantial and Total Performance for this contract. Please sign both certificates and arrange for the publication of the Certificate of Substantial Performance in a Construction Trade Newspaper.

In accordance with the terms of the contract, the following documents should be uploaded to the PI Portal within 15 calendar days of the date of this letter:

1. Proof of publication of the Certificate of Substantial Performance
2. Signed Certificate of Total Performance
3. Release
4. WSIB Certificate of Clearance
5. Declaration of Known Adjudication
6. Proper Invoice for the unpaid work completed up to the date of Total Performance

The forms of Release and Declaration of Known Adjudication acceptable to The Regional Municipality of York are attached for your use.

Should you have any questions or concerns, please contact me.

Sincerely,



Dan Foong, P.Eng
Project Manager

Attachments

Copy to: Vanessa Vanclief, Legal Assistant, Legal Services, York Region
Jennifer Leitch, Senior Risk Management Analyst, Controllership Office, via e-mail
insurancecertificates@york.ca
Loren May, Sarah Clark, Ivy Mak, Finance Department, York Region
Tara Marshall, Program Manager, Asset Management, York Region
Sharon Boyles, Construction Administrator, Capital Delivery – TRN, York Region

#16559211

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

The Regional Municipality of York

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

Weston Road between Strawberry Hill Trail and Burrows Road in the Township of King

(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:

Contract No. RFTC-1046-22 - Drainage Improvements

(short description of the improvement)

to the above premises was substantially performed on October 11, 2024.
(date substantially performed)

Date Certificate Signed: January 16, 2025

(payment certifier where there is one)



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

Name of owner: The Regional Municipality of York

Address for service: Office of the Regional Clerk, 17250 Yonge Street, Newmarket, ON, L3Y 6Z1; regionalclerk@york.ca

Name of contractor: DIG-CON International Limited

Address for service: 57 Simpson Road, Bolton, Ontario L7E 4J7; Ca@dig-con.com

Name of payment certifier (where applicable):

Address:

(Use A or B, whichever is appropriate)

☐ A. Identification of premises for preservation of liens:

(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:

The Regional Municipality of York, Office of the Regional Clerk, 17250 Yonge Street, Newmarket, ON L3Y 6Z1;
regionalclerk@york.ca

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

CERTIFICATE OF TOTAL PERFORMANCE OF THE CONTRACT

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

CONTRACT NO. RFTC-1046-22

for

Drainage Improvements - Weston Road between Strawberry Hill Trail and Burrows Road in the
Township of King

was totally performed on:

October 15, 2024

The Regional Municipality of York

DIG-CON International Limited



Name: Dan Foong

Title: Project Manager

Name:

Title:

RELEASE

IN THE MATTER OF a contract for Drainage Improvements - Weston Road between Strawberry Hill Trail and Burrows Road in the Township of King, known as Contract No. RFTC-1046-22, entered into between The Regional Municipality of York (the "Region") and DIG-CON International Limited (the "Contractor").

KNOW ALL MEN BY THESE PRESENTS THAT the Contractor, on its own behalf and on behalf of its Subcontractors, and their respective heirs, executors, administrators, successors and assigns, as the case may be (the "Releasor"), for and in consideration of the payment or promise to pay the statutory holdback under the above-mentioned contract, and for other good and valuable consideration, hereby remises, releases and forever discharges the Region, and its directors, officers, council members, partners, employees, agents, assigns and successors (the "Releasee"), of and from all manner of actions, causes of action, suits, debts, dues, sums of money, claims and demands whatsoever at law or in equity which the Releasor ever had, now has, or may have by reason of the above-mentioned contract, save and except any claim which the Releasor has arising out of:

1. Claims pursuant to GC7 – Claims, Disputes and Adjudication made prior to Total Performance of the Contract and still unsettled, as listed in the attached "Schedule of Outstanding Claims"
2. The retention by the Region of the maintenance security, if applicable
3. Pending/Unresolved Change Orders as listed in the attached "Schedule of Pending/Unresolved Change Orders"
4. Quantities which have not been finalized

With respect to item 1, the Contractor acknowledges and agrees that none of the claims listed in the attached "Schedule of Outstanding Claims" have been admitted, acknowledged or accepted by the Region as valid claims. The Contractor further acknowledges that nothing in this Release prevents or estops the Region from disputing the validity, timeliness and quantum of the claims listed therein.

Dated this _____ day of _____ 20____.

WITNESSED BY:

SIGNED, SEALED AND DELIVERED

CONTRACTOR

Name:

Name:

(Seal)

Title:

Name:

Name:

(Seal)

Title:

I/We have authority to bind the corporation

SCHEDULE OF OUTSTANDING CLAIMS

Description of Dispute	Value of Dispute

SCHEDULE OF PENDING/UNRESOLVED CHANGE ORDERS

C.O. #	Description of Change Order	Value of Change Order

DECLARATION OF KNOWN ADJUDICATIONS

I, of DIG-CON International Limited declare that:
(name of declarant) (name of contractor)

1. I am the of DIG-CON International Limited
(title or position of declarant) (name of contractor)
and as such have knowledge of the facts herein declared.

2. That DIG-CON International Limited entered into Contract No. RFTC-1046-22
(name of contractor) (contract number)
with The Regional Municipality of York for:
Drainage Improvements - Weston Road between Strawberry Hill Trail and Burrows
Road in the Township of King
.....
(description of contract)

3. That DIG-CON International Limited is not engaged in any adjudication with
(name of contractor)
respect to Contract No. RFTC-1046-22 except for those adjudications
(contract number)
identified in Schedule A – Known Adjudications.

4. That DIG-CON International Limited is not aware of any adjudication in which any
(name of contractor)
subcontractors or suppliers are engaged in with respect to Contract No. RFTC-1046-22
(contract number)
except for those adjudications identified in Schedule A – Known Adjudications, and has
made reasonable enquiries to confirm this.

.....
Date

.....
Signature of Declarant

Schedule A - Known Adjudications

[illegible]