

January 27, 2025



To: Paul Guercio, Greenspace Construction Inc.
From: Firas Al Jandali, Aquafor Beech Limited
CC: Mark Norman, Town of Milton
Re: Mill Pond Channel Works, Contract No. 24-01-00511
Certification of Substantial Performance

Dear Paul,

On Behalf of the Town of Milton, we are writing in response to your December 03, 2024 application for Certification of Substantial Performance for the above-referenced contract between Greenspace Construction Incorporated and the Town of Milton, and to your letter dated January 20, 2025.

Upon review of your application, we are pleased to present you with the attached Certificate of Substantial Performance. Please note that the value of the asphalt and curb restoration to their preconstruction conditions or better - as a part of the demobilization line item in the contract, is deducted from the total value of remaining works in the deficiency list and the contract value. This is based on the agreement between the Town and Greenspace that this restoration work will be completed in the spring of 2025, after the Substantial Performance date, as per Greenspace's letter dated January 20, 2025.

As required by the Section 32(1) Paragraph 5 of the Construction Lien Act, R.S.O. 1990, c.C.30, as amended, you are now required to publish a copy of the certificate in the Daily Commercial News pursuant to the conditions of the Act.

As per clause GC 8.02.04.05.03 of the OPSS MUNI's General Conditions of Contract, the Substantial Performance Statutory Holdback Release Payment Certificate shall be due 61 Days after the date of publication of the Certificate of Substantial Performance subject to the provisions of the Construction Lien Act and submission by the Contractor of the following documents:

- (a) a satisfactory Certificate of Clearance from the Workplace Safety and Insurance Board; and
- (b) proof of publication of the Certificate of Substantial Performance

Should you have any questions regarding this matter, please contact me directly.

Best Regards,

Firas Al Jandali
Contract Administrator

AQUAFOR BEECH LIMITED
aljandali.f@aquaforbeech.com

Attachments:

- Certificate of Substantial Performance
- Deficiency list and Confirmation of Substantial Performance
- Greenspace's application for Certification of Substantial Performance
- Greenspace's confirmation letter of asphalt and curb restoration works timing

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

Construction Act

The Corporation of the Town of Milton, in the Regional Municipality of Halton, Province of Ontario

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

Near 100 Garden Ln., in the Town of Milton

(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:

Mill Pond Channel Works, Contract No. 24-01-00511

(short description of the improvement)

to the above premises was substantially performed on **December 03, 2024**

(date substantially performed)

Date certificate signed: **January 27, 2025**

(payment certifier where there is one)

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

Name of owner: **The Corporation of the Town of Milton**

Address for service: **150 Mary Street, Milton, Ontario, L9T 6Z5**

Name of contractor: **Greenspace Construction Incorporated**

Address for service: **50 Carroll Street, Toronto, Ontario, M4M 3G3**

Name of payment certifier (where applicable): **Aquafor Beech Limited**

Address: **55 Regal Road, Unit 3 Guelph, Ontario N1K 1B6**

(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 Corporation of the Town of Milton

(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)



Confirmation of Substantial Performance

Contract Number: 24-01-00511

Tender Call Number: 24-01-00511

Enter Value of Remaining Work, Including Deficiencies \$ 13,350.25

Contract Price, Exclusive of Taxes \$ 849,391.29

Construction Act

Contracts, substantial performance and completion

When contract substantially performed

2. (1) For the purposes of this Act, a contract is substantially performed

(a) YES
when the improvement to be made under that 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 per cent of the first \$1,000,000 of the contract price,	\$25,481.74
(ii) 2 per cent of the next \$1,000,000 of the contract price, and	\$0.00
(iii) 1 per cent of the balance of the contract price.	\$0.00

Total Subsection (b) \$25,481.74

Improvement Value (b) vs. Deficiencies \$12,131.49

Substantial Completion Achieved? Yes

Idem

2. (2) For the purposes of this Act, where the improvement or a substantial part thereof is ready for use or is being used for the purposes intended and 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.

Project Lead: Mark Norman

Telephone : 905-878-7252 ext. 2277

Date: 21-Jan-25

NOTE: A copy of the latest deficiency list with values for outstanding work is to be attached to this sheet. This sheet is to accompany the Certificate of Substantial Performance.



DEFICIENCY LIST

Page 1 of 2	Inspector: Thomas Coulson and Zahid Sheikh	Date: January 21th, 2025	Contract No. 24-01-00511
Contractor: Greenspace Construction Inc.			
Contract Administrator: Aquafor Beech Ltd.			Location: Mill Pond Channel Works

Item	Date	Location	Description	Cost	Accepted	
					By	Date
1	2024-10-03	Sediment Bag Locations	Restoration at all locations where sediment bags were placed (Monitor in Spring 2025)	\$ 250.00		
2	2024-10-18	Site Staging Area	Restore boulevard area (Monitor in Spring 2025)	\$ 750.00		
3	2024-10-18	Boulevard at Project Sign/ Phase 1/2 and Phase 4 Access	Restore boulevard area (Monitor in Spring 2025)	\$ 1,500.00		
4	2024-10-21	Phase 2	Angular stone revetment has been damaged by access to Phase 1 and must be rectified - several stones have fallen off wall and should be reinstated		TC	07-Nov-24
5	2024-10-18	Site Staging Area, Phase 1/2 Access	Asphalt and curb damage - to be restored to pre-construction condition or better (Deferred to the spring of 2025)	\$ 20,000.00		
6	2024-10-31	Planting works	Comments as per attached report for the October 31 site inspection		TC, BR	05-Nov-24
7	2024-11-05	Planting Works	Live stakes need to be planted to 2/3 the depth of the stake. Reviewed with contractor on-site and asked to rectify some plantings and ensure to complete remaining plantings to prescribed depth.		TC	11-Nov-24
8	2024-11-11	Phase 3 access	Remove pea gravel from Phase 3 access point		TC	26-Nov-24
9	2024-12-10	Phase 3 access	North bank adjacent to bridge landing was cleared of vegetation. Potential for erosion, to be monitored Sping 2025).			
Total (excluding deferred item)				\$		2,500.00



OUTSTANDING LIST

Page 2 of 2

Inspector: Thomas Coulson and Zahid Sheikh

Date: January 21th, 2025

Contract No. 24-01-00511

Contractor: Greenspace Construction Inc.

Contract Administrator: Aquafor Beech Ltd.

Location: Mill Pond Channel Works

Item	Date	Location	Description	Cost	Accepted	
					By	Date
1	2024-10-03	Pond Inlet Structure	Supply and Installation of Pedestrian Handrails (6.7m*2)	\$ 5,586.19		
2	2024-10-03	Pond Inlet Structure	Supply and Installation of Fish Screen	\$ 1,239.06		
3	2024-10-03	Phases 1, 3 and 4	Bank Restoration		TC	26-Nov-24
4	2024-10-03	Northern Berm Slope - Phase 1	Nodal Shrub Plantings		TC	11-Nov-24
5	2024-10-03	Phases 2, 3 and 4	Live Staking		TC	08-Nov-24
6	2024-10-03	Phase 1	Armourstone Retaining Wall		TC	07-Nov-24
7	2024-10-15	Phase 2	Angular stone revetment at access point		TC	08-Nov-24
8	2024-10-03	Boulevard Garden Lane	Restore armourstones that were moved for construction		TC	08-Nov-24
10	2024-10-03	Throughout channel	Remove garbage/ construction debris from creek		TC	26-Nov-24
11	2024-10-03	P1 and P2 Channel	Restore creek bed - remove construction debris and pea gravel		TC	12-Nov-24
12	2024-11-11	STM inlet and access point - P1 and P2	Remove pea gravel and sediment from inlet headwall and surrounding access point		TC	12-Nov-24
13	2024-12-18		As-Built survey and drawings	\$ 4,025.00		
14	2024-12-18	Excess Soil Management	Provide Final Excess Soil Management Documentation and Form 180-3			
Total				\$	10,850.25	

aljandali.f@aquaforbeech.com

From: Bishoy Anees <bishoy@greenspacegroup.ca>
Sent: December 3, 2024 10:35 AM
To: aljandali.f@aquaforbeech.com
Cc: Will Cowlin <cowlin.w@aquaforbeech.com>; Thomas Coulson; Nathan Halcovitch; Mark.Norman@milton.ca; Chris Guercio
Subject: Milton Mill Pond - Request for Substantial Completion

Good morning Firas,

As we spoke, Greenspace Construction would like to request substantial completion for the Mill Pond Channel Works project.


Once received, we will post it and submit the certificate.

Please let me know if you have any questions.

Thanks,

Bishoy Anees, MEng, PMP, P.Eng

Project Director | **Greenspace Construction Inc.**

 +1 (416) 262-1078



 www.greenspacegroup.ca

 50 Carroll Street, Toronto, ON M4M 3G3



Paul Guercio

President

Greenspace Construction Inc.

50 Carroll Street

Toronto, On, M4M-3G3

1/20/2025

Firas Al Jandali

Construction Administrator

Aquafor Beech Limited

We are writing to confirm our understanding that Greenspace Construction Inc. will be completing the asphalt and curb restoration for the Mill Pond Channel Works -Contract 24-01-000511 to preconstruction conditions or better in the spring of 2025.

In light of this, we would like to request that the asphalt and curb restoration works, included as part of the demobilization line item in the contract, be deferred to spring 2025.

Additionally, we kindly request that confirmation of this timing be included in the formal documentation submitted with our request for Substantial Performance of the project.

Should you require further details or have any questions, please feel free to contact us.

Sincerely,

A handwritten signature in black ink, appearing to be "P. Guercio", written in a cursive style.

Paul Guercio, President