

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

Construction Act

The Corporation of the City of Brantford, Province of Ontario ,

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

Adjacent to Bricker Ct. and McGuiness Dr., between 116 and 122 McGuiness Dr., in the City of Brantford, ON ,

(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:

D'Aubigny – Bricker Court West SWMF Repair and Improvement Works, Contract No. 2024-7

(short description of the improvement)

to the above premises was substantially performed on March 14, 2025 .

(date substantially performed)

Date certificate signed: May 02, 2025

(payment certifier where there is one)

**Public Works Commission, The
Corporation of the City of**

Name of owner: Brantford

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

Address for service: 58 Dalhousie Street, Brantford, Ontario, N3T 2J2

Name of contractor: QM Environmental

Address for service: 200-5035 South Service Road, Burlington, Ontario, L7L 6M9

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:

City Clerk, City of Brantford, 58 Dalhousie Street, Brantford ON N3T 2J2

(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: 2024-7

Tender Call Number: 2024-7

Enter Value of Remaining Work, Including Deficiencies \$ 14,508.75

Contract Price, Exclusive of Taxes \$ 581,237.38

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,	\$17,437.12
(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) \$17,437.12

Improvement Value (b) vs. Deficiencies \$2,928.37

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: Nathan Howard

Telephone : (519) 759 – 4150 Ext. 5477

Date: 03-Apr-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 1	Inspector: KM	Date: May 02, 2025	Contract No. T2024-7
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Contractor: QM Enviromental

Contract Administrator: Aquafor Beech Ltd. Location: D'Aubigny-Bricker Court West SWMF Repair and Improvement

Item	Date	Location	Description	Cost	Accepted	
					By	Date
1	September 18 2024	Fenceline behind the inlet headwall	Ditch to be created behind 114 mcguines to channel water to pond. Ongoing monitoring of area till spring	\$ 500.00		
2	September 18 2024	Trail leading out of pond towards creek	Mulch to be applied on trails	–	KM	2024-11-28
3	September 18 2024	On access road	Swale along access road to be regraded	–	KM	2024-11-20
4	September 18 2024	In pond	Dewatering pipes to be taken out of the pond	–	KM	2024-11-20
5	September 18 2024	General	Remaining disturbed areas to be top soiled and seeded	–	KM	2024-11-28
6	September 18 2024	General	All debris, signs and excess materials to be removed from site	–	KM	2024-11-28
7	December 9 2024	Topsoil Testing	The organic matter (LOI) content for all three samples of Topsoil tested (GS1, GS2 & GS3) does not meet the minimun requirement specified in SP6. To be monitored			
8	December 17 2024	Access road	Swale along acess road was regraded poorly, swale to be regraded again	\$ 750.00		
9	December 17 2024	General	Seeds have not germinated	\$ 4,113.75		
10	December 23 2024	Terraseeding	The applied nurse crop (40% Buckwheat and 60% OATS) are not frost tolerent and will not gereminate	\$ 1,500.00		
Total				\$	6,863.75	



OUTSTANDING LIST

Page 1 of 1	Inspector: KM	Date: May 02, 2025	Contract No. T2024-7
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Contractor: QM Enviromental

Contract Administrator: Aquafor Beech Ltd.	Location: D'Aubigny-Bricker Court West SWMF Repair and Improvement
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Item	Date	Location	Description	Cost	Accepted	
					By	Date
1	September 18 2024	Hickenbottom	Lock to be placed on hickenbottom	–	KM	2024-11-28
2	September 18 2024	Pond Facility	Site clean up on access road and removal of equipments	–	KM	2024-12-16
3	September 18 2024	Around Inlet headwall	Removal of site office and toilets	–	KM	2024-12-16
4	September 18 2024	Pond Facility	As-built survey and drawings- Comments to be addressed by QM	\$ 3,550.00		
5	September 18 2024	Entrance to facility	Security Bollards Installation	–	KM	2025-03-25
6	September 18 2024	Pond Facility	Terraseeding of Pond	–	KM	2024-11-20
7	September 18 2024	Fencing	ESC controls and fencing	–	KM	2024-11-20
8	September 18 2024	Acess road	Acess repairs and paving to be completed	–	KM	2024-11-28
9	October 18 2024	General	Erosion Control Blanket 2.0 along Water level	–	KM	2024-12-16
10	November 28 2024	General	Post Construction CCTV - Submitted on April 03, 2025 to be reviewed by the City	\$ 4,095.00		
11	2025-01-17	Excess soil management	SoilFlo tracking documents comments to be addressed. Forms 180-2 and 180-3 to be provided. Response provided by QM is under review by QP-PL		Englobe	2025-04-14
Total				\$	7,645.00	



Invoice No.: INV/2025/00724
Invoice Date: April 11, 2025
Invoice Due Date: May 11, 2025
Customer No.: 108368
QM Project No.: 218133
HST No: 77885 6922 RT0001

Customer:
 City of Brantford
 58 Dalhousie Street
 Brantford, Ontario N3T 2J2.

Project:
 D'Aubigny-Bricker Court West SWMF Repair and
 Improvement

Attention: Nathan Howard
Phone: 519-759-4150
E-mail: nhoward@brantford.ca

Progress Claim No.: Release of Holdback
Work Period:
PO/Contract# **OS 2709**
Project No.: T2024-7

We are invoicing for work performed for the above-mentioned project as follows:
 (see attached spreadsheet)

Project Invoice Summary:

	Total	10% Holdback	Subtotal
Contract Value (Incl. Change Orders):	\$ 661,925.50	\$ 66,192.55	\$ 595,732.95
Less: Amount Previously Invoiced	\$ 569,478.63	\$ 56,947.86	\$ 626,426.49
Less: Amount This Invoice	\$ -	\$ -	\$ -
Amount Remaining on Contract:	\$ 92,446.87	\$ 9,244.69	\$ 83,202.18

Current Invoice Amount:

		Subtotal	HB retained
PB#1	SI039388	\$ 38,010.00	\$ 3,801.00
PB#2	INV/2024/00005	\$ 103,584.25	\$ 10,358.43
PB#3	INV/2024/00243	\$ 68,685.50	\$ 6,868.55
PB#4	INV/2024/00450	\$ 136,215.00	\$ 13,621.50
PB#5	INV/2024/00664	\$ 80,567.88	\$ 8,056.79
PB#6	INV/2024/01101	\$ 41,193.75	\$ 4,119.38
PB#7	INV/2024/01474	\$ 82,031.25	\$ 8,203.13
PB#8	INV/2024/01797	\$ 19,191.00	\$ 1,919.10
Holdback Total		\$ 56,947.86	
Less Defficiencies noted		\$ (6,863.75)	
Subtotal		\$ 50,084.11	
+ 13 % HST:		\$ 6,510.93	
Total Amount Due This Invoice:		\$ 56,595.05	

Nicholas Doucette

Approved By: Nicholas Doucette, VP of New Markets

Please make cheques payable to QM LP
 Remit Payment to: 200-5035 South Service Road, Burlington, ON L7L 6M9

Note: This invoice may not contain all costs incurred to date in which case a further invoice may follow.

B-14	SUPPLY AND INSTALL STORM SEWERS (ALL DEPTHS) A) 525mm CONCRETE SEWER, CLASS 65-D	10	m	\$917.00	\$9,170.00	10.00	9,170.00	-	\$0.00		-		-		-	10.00	9,170.00		-		-
B-15	SUPPLY AND INSTALL MAINTENANCE HOLES AND CATCHBASINS A) 1500mm DIA. PRECAST MAINTENANCE HOLE	1	each	\$14,200.00	\$14,200.00	1.00	14,200.00	-	\$0.00		-		-		-	1.00	14,200.00		-		-
B-16	SUPPLY AND INSTALL MAINTENANCE HOLES AND CATCHBASINS B) 600mm x 1200mm DICB	1	each	\$11,200.00	\$11,200.00	1.00	11,200.00	-	\$0.00		-		-		-	1.00	11,200.00		-		-
B-17	TURTLE BASKING LOGS	4	each	\$1,588.00	\$6,352.00	4.00	6,352.00	-	\$0.00		-		-		-		-	4.00	6,352.00		-
B-18	TURTLE NESTING AREAS	20	m2	\$175.00	\$3,500.00	20.00	3,500.00	-	\$0.00		-		-		-		-	20.00	3,500.00		-
B-19	AS-CONSTRUCTED SURVEY AND AS-BUILT DRAWINGS	1	lump sum	\$7,100.00	\$7,100.00	0.50	3,550.00	0.50	\$3,550.00		-		-		-		-		-		-
C-1	TOPSOIL FOR RESTORATION A) IMPORT TOPSOIL (300mm DEPTH)	800	m2	\$16.50	\$13,200.00	800.00	13,200.00	-	\$0.00		-		-		-		-		-		-
C-2	TRANSPLANTING OF EXISTING AQUATIC PLANT MATERIAL	650	m2	\$23.00	\$14,950.00	650.00	14,950.00	-	\$0.00		-	195.00	4,485.00	289.00	6,647.00	166.00	3,818.00		-		-
C-3	TERRASEED MIXTURE (A) Lowland Wet Meadow Seed Mix	950	m2	\$11.50	\$10,925.00	807.50	9,286.25	142.50	\$1,638.75		-		-		-		-		-		-
C-4	SOD	50	m2	\$55.50	\$2,775.00	0.00	-	50.00	\$2,775.00		-		-		-		-		-		-
C-5	EROSION CONTROL BLANKET (STRAW MATTING)	950	m2	\$7.50	\$7,125.00	950.00	7,125.00	-	\$0.00		-		-		-		-		-		-
C-6	PLANT MATERIAL FOR POND RESTORATION (A) Aquatics (10cm ht)	1,250.00	each	\$18.50	\$23,125.00	0.00	-	1,250.00	\$23,125.00		-		-		-		-		-		-
D-1	SUPPLY AND INSTALLATION OF MUD MAT	1.00	lump sum	\$1,400.00	\$1,400.00	0.00	-	1.00	\$1,400.00		-		-		-		-	-	-		-
D-2	REMOVAL AND RECONSTRUCTION OF GRANULAR BASE LAYERS OF M	650.00	m2	\$23.50	\$15,275.00	100.00	2,350.00	550.00	\$12,925.00		-		-		-		-		-		-
D-3	REMOVAL AND FULL DEPTH ASPHALT REPAIR OF MAINTENANCE ACC	650.00	m2	\$55.50	\$36,075.00	100.00	5,550.00	550.00	\$30,525.00		-		-		-		-		-		-
D-4	PLANT MATERIAL FOR POND RESTORATION (A) Deciduous Trees (40mm)	5.00	each	\$471.00	\$2,355.00	4.00	1,884.00	1.00	\$471.00		-		-		-		-		-		-
D-5	(B) Coniferous Trees (150cm ht)	5.00	each	\$414.00	\$2,070.00	2.00	828.00	3.00	\$1,242.00		-		-		-		-		-		-
D-6	(C) Shrubs (60cm ht)	10.00	each	\$64.00	\$640.00	36.00	2,304.00	(26.00)	-\$1,664.00		-		-		-		-		-		-
D-7	IMPORTATION OF CLEAN FILL	50.00	m3	\$32.50	\$1,625.00	0.00	-	50.00	\$1,625.00		-		-		-		-		-		-
D-8	(A) Mesic Woodland Seed Mix	500.00	m2	\$11.00	\$5,500.00	425.00	4,675.00	75.00	\$825.00		-		-		-		-		-		-
						0.00							-		-		-		-		-
CCN002	Stable Base for Hickenbottom Structure	5.00	m3	\$250.00	\$1,250.00	4.00	1,000.00	1.00	\$250.00				-		-		-	-	-	4.00	1,000.00
CCN003	Capping at Bypass Line	1.00	LS	\$9,500.00	\$9,500.00	1.00	9,500.00	-	\$0.00				-		-		-	1.00	9,500.00		-
CCN004	Removable Bollard Supply and Installation	1.00	LS	\$3,500.00	\$3,500.00	1.00	3,500.00	-	\$0.00												
CCN005	Additional Terraseed	1000.00	LS	\$11.00	\$11,000.00	850.00	9,350.00	150.00	\$1,650.00												
CCN006	Supply and Place 40mm Top coat asphalt	650.00	LS	\$32.00	\$20,800.00	650.00	20,800.00	-	\$0.00												
CCN007	Drainage Culvert	1.00	LS	\$7,500.00	\$7,500.00	1.00	7,500.00	-	\$0.00												
	TOTALS				\$661,925.50		\$ 569,478.63		\$132,339.87		\$ 38,010.00		\$ 103,584.25		\$ 68,685.50		\$ 136,215.00		\$ 80,567.88		\$ 41,193.75

Subject: FW: 2024-7 - D'Aubigny-Bricker Court West SWMF - Progress Billing 08
Attachments: D'aubigny Bricker Court SWMF_PC-8 Substantial completion INV-2024-01797 - Signed.pdf

From: Hayley Oman <Hayley.Oman@QMenv.com>
Sent: Friday, March 14, 2025 11:47 AM
To: Nathan Howard <NHoward@brantford.ca>; Nicholas Doucette <Nicholas.Doucette@QMenv.com>
Subject: RE: 2024-7 - D'Aubigny-Bricker Court West SWMF - Progress Billing 08

Hi Nathan,
Please see attached PC#8 as substantial completion.
Let me know if I'm missing anything.
Appreciate your patience.
Thanks!

Hayley Oman | Project Controls Administrator
C: 403.615.1560 | F: 587.880.8101 | Hayley.Oman@QMenv.com

QM Environmental
PO Box 32018, #130, 19369 Sheriff King Street SW, Calgary, AB T2X 0T9
www.QMenv.com | [LinkedIn](#)
24/7 Emergency Response 1.877.378.7745

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From: Nathan Howard <NHoward@brantford.ca>
Sent: Thursday, March 13, 2025 8:32 AM
To: Hayley Oman <Hayley.Oman@QMenv.com>; Nicholas Doucette <Nicholas.Doucette@QMenv.com>
Subject: RE: 2024-7 - D'Aubigny-Bricker Court West SWMF - Progress Billing 08

Caution: This email originated from outside our organization. Please do not click links or open attachments, unless you recognize the source of this email. When in doubt, please contact Helpdesk.

Good morning Hayley,

Can you and Nick please coordinate to discuss the substantial performance matters? It appears there is different information in different email chains (attached). I would appreciate some clarification for PC#8. I am awaiting Aquafor Beech's Signature for the previously submitted PC8 (without substantial completion included as indicated on the attached email). If you wish to change this, please let me know.

Thanks,

Nathan Howard
Contract Administrator