

CERTIFICATE OF SUBSTANTIAL PERFORMANCE

Date: October 26, 2021

Contractor: **Buttcon Limited**
104-308 Palladium Dr,
Kanata, ON K2L 4C2

From: Will Prange
Architecture49 Inc.
150 Isabella Street, 10th Floor,
Suite 1000, Ottawa, ON -
K1S 1V7

Client: **City of Kingston**
216 Ontario Street, Kingston, ON,
K7L 2Z3

Tenant: **Kingston Fleet**

Project/File: 169-00243-00

Project: Kingston Fleet Maintenance Garage

Location: 703 Division St, Kingston, ON

Copies to:

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Please find attached Form 9 certifying Substantial Performance of the work in accordance with the Construction Lien Act. Please be aware that the date of Substantial Performance is a significant date (milestone) in a project. Not only does it serve to notify the Contractor to publish the certification to commence the 45 day lien period, it is the date you (the owner) assume responsibilities for the project. These would be, but not limited to, maintenance, utility costs, insurance, and legal liabilities.

Upon receipt of the Contractor's invoice for release of statutory holdback, we will issue a certificate of payment which will be due and payable on the day following the expiry date of the 45 day lien period and confirmation from your lawyer that no liens have been registered against the land.

Calculation as per latest Certificate for Payment (COP No. 20)

Contract Value to Date (excl. HST):	\$	16,145,000.00
Approved Change Orders to Date (excl. HST):	\$	2,100,841.75
Estimated Value of Work (excl. HST):	\$	18,245,841.75
Total Certified to Date as per COP No. 20 (excl. HST):	\$	18,105,536.23
Amount of Work Not Completed (excl. HST):	\$	140,305.52

Note as per Construction Act, Chapter 2 (1) (a)

The improvement is being used for the purposes intended.

Calculation as per Construction Act, Chapter 2 (1) (b)

(i) 3% of first \$ 1,000,000.00 of the contract price:	\$	30,000.00
(ii) 2% of next \$ 1,000,000.00 of the contract price:	\$	20,000.00
(iii) 1% of balance of the contract price:	\$	162,458.42
Total:	\$	212,305.42

Note:

The value of work remaining under the contract is below the value prescribed by the Act and the improvement is being used for the purposes intended.

Issued by the Consultant

Will Prange, OAA, MRAIC, Architect
Name and title of person signing



Signature

2021-10-26

Date

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

Construction Act

City of Kingston

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

703 Division Street, Kingston, ON. (Fleet Maintenance Garage)

(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:

Kingston Fleet Maintenance Garage Building

(short description of the improvement)

to the above premises was substantially performed on October 14, 2021

(date substantially performed)

Date certificate signed: October 26, 2021

ARCHITECTURE 49

(payment certifier where there is one)



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

Name of owner: The Corporation of the City of Kingston

Address for service: 216 Ontario Street, Kingston, ON. K7L 2Z3

Name of contractor: Buttcon Limited

Address for service: 800 Jane Street, Tower B, Suite 401, Concord, ON. L4K 5B8

Name of payment certifier (where applicable): Architecture49 Inc.

Address: 150 Isabella St., Suite 1000, Ottawa, ON. K1S 1V7

(Use A or B, whichever is appropriate)



A. Identification of premises for preservation of liens:

703 Division Street, Kingston, ON. (Kingston Fleet Maintenance Garage)

(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:

(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)