

## CERTIFICATE OF SUBSTANTIAL PERFORMANCE OF THE WORK

The undersigned, RES Canada Construction (Ontario) LP, a limited partnership formed under the laws of the Province of Ontario ("Design-Builder"), does hereby deliver this Certificate of Substantial Performance of the Work (complete except for countersignature) to Toronto Hydro-Electric System Limited ("Owner"). Terms used and not defined herein shall have the meanings set forth in that certain Design Build Stipulated Price Contract ("Agreement"), dated August 27, 2019, by and between Owner and Design-Builder.

Design-Builder hereby certifies and represents that the following statements are true as of the date set forth below:

- (i) the *Design-Builder* has satisfied the requirements of section 2 of the *CLA* in respect of "*substantial performance of the work*" as defined therein; **Completed - E.S.**
- (ii) the *Project* meets the criteria for commercial operation as set forth in the *Owner's Statement of Requirements* and otherwise complies with all applicable laws and permits; **Completed -E.S.**
- (iii) the *Site Acceptance Test* has been completed and has demonstrated the compliance with the *Guaranteed Capacity* and (other than any items listed in the *Punch List*) all repairs and adjustments identified as being necessary pursuant to the *Site Acceptance Test* have been completed; **Completed -E.S.**
- (iv) the *Punch List* is attached to this Certificate in accordance with the Agreement; **All Punchlist Items Completed -E.S.**
- (v) the undisputed *Delay Liquidated Damages*, if any, have been paid in full; **None - E.S.**
- (vi) an assignment of all applicable warranties in accordance with paragraph 12.3.9 of the Agreement is attached. **Not Applicable/Shift to A.M.A. due to delays -E.S.**

**DESIGN-BUILDER:**

**RES Canada Construction (Ontario) LP,  
by its general partner RES Canada Construction (Ontario) Inc.**

By: Erik Senseney 7/27/21

Name: Erik G. Senseney

Title: Sr. Project Manager

I am authorized to sign this Certificate on behalf of Design-Builder.

Owner's Representative to cross through one (1) of the following statements:

- A. Owner agrees that Substantial Performance of the Work has been achieved. This certificate was received by Owner on the date first written above and is effective as of that date.
- B. Owner does not agree that Substantial Performance of the Work has been achieved due to the omissions, liens or defects listed below and/or the incomplete nature of the specified portions of the Work listed below:

Note: WSP have limited scope of work for this project, to be witness in some part of Electrical SAT stage and only that part can be confirmed.

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\_\_\_\_\_

**OWNER:**

**Toronto Hydro-Electric System Limited**

By: WSP CANADA

Name: Mohsen Sabouri

Title: Electrical Auditor

I am authorized to sign this Certificate on behalf of Owner.