



June 22, 2022

Via: Email

Mr. Mario D'Orazio
Drainstar Contracting Ltd
989 Creditstone Road, Unit 3
Concord ON L4K 4N7

Dear Mr. D'Orazio:

**Re: Mapleview Drive East Sanitary Trunk Sewer Phase 2
Certificate of Substantial Performance
City of Barrie File No.: EN1270
Burnside Project No.: 300042426.2021**

Enclosed please find the Certificate of Substantial Performance (Form 9) for the Mapleview Drive East Sanitary Trunk Sewer Phase 2 project. We have reviewed the completed work and find that it meets the requirements of the Contract and OPS General Conditions for Substantial Performance.

The date of Substantial Performance has been determined to be June 3, 2022.

As per the Contract Documents,

- The Owner has retained 10% of the value of completed work for the Statutory Holdback.
- The Substantial Performance Statutory Holdback release shall only relate to 80% of the Statutory Holdback (i.e., 8% of the value of work completed).
- The remaining 20% of the Statutory Holdback (i.e., 2% of the value of work completed) will be retained as a Warranty Holdback and will be due at the expiration of the warranty period.
- The 24-month warranty period commenced on June 3, 2022 and will expire on June 2, 2024.

After the expiration of sixty-one (61) days from the date of advertisement of the Certificate of Substantial Performance, the Hewitt's Creek Landowners Group Inc. will release the statutory holdback for works completed subject to Drainstar Contracting Ltd. providing the following:

- Proof of publication of the certificate in the Daily Commercial News;
- A Statutory Declaration that all liabilities incurred by the Contractor and the Contractor's Subcontractors in carrying out the Contract have been discharged.
- A Certificate of Clearance from the Workplace Safety and Insurance Board.

We trust that you will find the above to be in order. If you have any questions or require clarification, please contact the undersigned.

Yours truly,

R.J. Burnside & Associates Limited

A handwritten signature in black ink, appearing to read 'KE', with a long, sweeping horizontal stroke extending to the right.

Kevin Empringham
Contract Administrator
KE:sc

Enclosure Form 9

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

City of Barrie

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

Mapleview Drive East

(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:

Mapleview Drive East Sanitary Trunk Sewer Phase 2 City of Barrie File No.: EN1270

(Short description of the improvement)

to the above premises was substantially performed on June 3, 2022

(date substantially performed)

Date Certificate Signed: June 22, 2022



(Payment certifier where there is one)

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

Name of Owner: Hewitt's Creek Landowners Group Inc. c/o Helen A. Mihailidi Bratty's Barristers and Solicitors

Address for Service: 7501 Keele Street, Suite 200, Vaughan ON L4K 1Y2

Name of Contractor: Drainstar Contracting Ltd.

Address for Service: 989 Creditstone Road, Unit 3, Concord ON L4K 4N7

Name of Payment Certifier (where applicable): Kevin Empringham, R.J. Burnside & Associates Limited

Address: 128 Wellington Street West, Suite 301, Barrie ON L4N 8J6

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:

Hewitt's Creek Landowners Group Inc. c/o Helen A. Mihailidi Bratty's Barristers and Solicitors
7501 Keele Street, Suite 200, Vaughan ON L4K 1Y2

(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)