



June 22, 2022

**Via: Email**

Mr. Warren Maki  
Project Manager  
Fowler Construction Company Limited  
1206 Rosewarne Drive  
Bracebridge ON P1L 1T9

Dear Warren:

**Re: Lake Rosseau Irrigation Watermain Project  
Port Carling Golf & Country Club  
Certificate of Substantial Completion  
Project No.: 300041237.0005**

Enclosed is the Substantial Performance Certificate for construction of the Lake Rosseau Irrigation Watermain and related infrastructure at the Port Carling Golf & Country Club located in Port Carling, Ontario.

Please arrange to publish this certificate in a local trade paper. The sixty (60) day lien period will commence from the date of the publication.

In Accordance with the Contract and sixty (60) days after the date of publication or as soon as practical thereafter, and upon receipt of the Certificate of Publication, satisfactory Clearance Certificate from the Workplace Safety & Insurance Board, the Engineer will reduce the 10% holdback to 2% (maintenance holdback) in accordance with the current terms of the Province of Ontario Construction Act (R.S.O. 1990, C. 30) and the Contract between Port Carling Golf & Country Club and Fowler Construction Company Limited.

The Certificate of Substantial Performance of the Contract (Form 9) of the Ontario Construction Act (Section 32) has been attached to this letter. The Statutory Declaration, confirming that all liabilities incurred by the Contractor and his Sub-Contractors have been paid and that there are no liens, garnishees, attachments, or claims relating to the work, has also been attached to this letter.

We trust this is satisfactory for your present purposes, however if you have any questions, please call us.

Yours truly,

**R.J. Burnside & Associates Limited**



Stephen Kajan, P.Eng.  
Manager, Golf Services and Contract Administrator  
SK:cl

Enclosure(s)

cc: TeeJay Alderdice, Port Carling Golf & Country Club (enc.) (Via: Email)  
Steve Saunders, Port Carling Golf & Country Club (enc.) (Via: Email)

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

Township of Muskoka Lakes

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

12 Donald Drive, Port Carling 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:

Lake Rosseau Irrigation Watermain Project

(short description of the improvement)

to the above premises was substantially performed on June 17, 2022

(date substantially performed)

Date certificate signed: June 20, 2022

insert digital signature

(payment certifier where there is one)

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

Name of owner: Port Carling Golf & Country Club

Address for service: 12 Donald Drive, Port Carling, ON P0B 1J0

Name of contractor: Fowler Construction Company Limited

Address for service: 1206 Rosewarne Drive, Bracebridge ON, P1L 1T9

Name of payment certifier (where applicable): Stephen Kajan, P.Eng  
R.J. Burnside & Associates Limited

Address: 1465 Pickering Parkway, Suite 200, Pickering ON L1V 7G7

(Use A or B, whichever is appropriate)

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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)

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B. Office to which claim for lien must be given to preserve lien:

12 Donald Drive, Port Carling, ON P0B 1J0

(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)

# Statutory Declaration

TO BE MADE BY THE CONTRACTOR OR SUBCONTRACTOR TO ACCOMPANY  
THE SECOND AND SUBSEQUENT PROGRESS CLAIMS

IN THE MATTER OF THE CONTRACT / SUBCONTRACT  
between Port Carling Golf & Country Club  
Owner/Contractor  
and Fowler Construction Company Limited  
Contractor/Subcontractor  
for Job 21084 – Port Carling Golf & CC – Irrigation Watermain  
(insert title of the Work and the Project)


I, Kelly Miles of the Town of Bracebridge in the Province of Ontario DO  
SOLEMNLY DECLARE: THAT I am Director of Finance (See Note 1) of Fowler Construction Company Limited, the Contractor / Subcontractor named in the Contract / Subcontract above-mentioned, and as such have personal knowledge of the facts hereunder declared, and that all accounts for labour, subcontracts, products, construction machinery, and equipment and other indebtedness which may have been incurred by the Contractor / Subcontractor in the Performance of the Work (See Note 2) and for which the Owner might in any way be held responsible have been paid in full under the said Contract / Subcontract except for (i) holdback monies properly retained, (ii) payments deferred by agreement, (iii) accounts withheld by reason of legitimate dispute.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath.

DECLARED before me at the Town  
of Bracebridge  
in the District Municipality  
of Muskoka this 17th  
day of June, 2022

Signed

  
Kelly Miles

  
A Commissioner for Oaths, Notary Public, Justice of the Peace.

NOTE 1: The Declaration must be made by the President, a Vice President, the Secretary, the Treasurer, or a Director of an incorporated company except that another individual may make the Declaration provided that two copies of the by-law issued under the Corporation seal authorizing such individual to execute documents accompanies the first Declaration on each Contract/Subcontract. For a partnership the Declaration must be made by one of the partners and for a sole proprietorship the sole proprietor himself must make the Declaration. The position of the declarant and the name of the Contractor/Subcontractor must be clearly noted.

NOTE 2: Other indebtedness shall mean only such debts incurred by the Contractor/Subcontractor to persons in privity of contract with him, debts arising out of statutory requirements, and in the case of the Contractor's/Subcontractor's workers any debt arising out of collective bargaining agreements, legislation applying to worker's compensation, unemployment insurance, and minimum wage standards where applicable.

Gail Diane Michel, a Commissioner, etc.,  
Province of Ontario, for  
Fowler Construction Company Limited and  
Fowler Construction Holdings Ltd.  
Expires July 14, 2023.