

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

*Construction Act*

City of Oshawa

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

Unit 500 - 1445 Harmony Rd North, Oshawa ON L1K 0Z6

(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:

Tenant Fit up of a new COBS Bread Bakery


(short description of the improvement)

to the above premises was substantially performed on June 29, 2022

(date substantially performed)

Date certificate signed: July 5, 2022

\_\_\_\_\_  
(payment certifier where there is one - signature required)

Drs H.A Kool   
(owner and contractor, where there is no payment certifier - signatures required)

Name of owner: COBS Bread (BD Canada Ltd.)

Address for service: 210-1100 Melville Street, Vancouver BC V6E 4A6

Name of contractor: SBC Group Inc o/a Group Construction

Address for service: PO Box 81 Stouffville On L4A 724

Name of payment certifier (where applicable): \_\_\_\_\_

Address: \_\_\_\_\_

(Use A or B, whichever is appropriate)

☐ A. Identification of premises for preservation of liens:

See Attached for Details

(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)

**SCHEDULE "B"**  
**LEGAL DESCRIPTION**

*Firstly:*

**PIN No. 16272-0297(LT)**

Part of Lot 4, Concession 4, East Whitby, being designated as Part 34 on Reference Plan 40R-19979, City of Oshawa, Regional Municipality of Durham.

TOGETHER WITH right-of-way over Part 32 on Reference Plan 40R-19979 as set out in Instrument No. LT984984.

SUBJECT TO right-of-way over Part 34 on Reference Plan 40R-19979 in favour of Parts 7 and 24 on Reference Plan 40R-19979 as set out in Instrument No. LT984997.

TOGETHER WITH right-of-way over Parts 7 and 24 on Reference Plan 40R-19979 as set out in Instrument No. LT984997.

TOGETHER WITH an easement over Part of Block 162 on Subdivision Plan 40M-2019, being designated as Part 1 on Reference Plan 40R-21243 as set out in Instrument No. DR116807.

SUBJECT TO right-of-ways over Part 34 on Reference Plan 40R-19979 in favour of Parts 1, 2, 3, 4, 5, 6, 7 and 8 on Reference Plan 40R-21309 as set out in Instrument No. DR104914.

TOGETHER WITH right-of-ways over Part of Lot 3, Concession 4, East Whitby, designated as Parts 1, 2, 3 and 4 on Reference Plan 40R-21309 and Part of Lot 4, Concession 4, East Whitby, being designated as Parts 5, 6, 7 and 8 on Reference Plan 40R-21309 as set out in Instrument No. DR104914.

TOGETHER WITH an easement over Part of Lot 3, Concession 4, East Whitby, being designated as Part 1 on Reference Plan 40R-25313 as set out in Instrument No. DR787862.

TOGETHER WITH an easement over Part of Lot 4, Concession 4, East Whitby, being designated as Parts 27 and 31 on Reference Plan 40R-19979, save and except Parts 1 and 2 on Reference Plan 40-24979 as set out in Instrument NO. DR999043.

Land Titles Division of Durham (No. 40).

*Secondly:*

**PIN No. 16272-0301(LT)**

Part of Lot 3, Concession 4, East Whitby, designated as Part 4 on Reference Plan 40R-21309, City of Oshawa, Regional Municipality of Durham.

TOGETHER WITH a right-of-way over Part 32 on Reference Plan 40R-19979 as set out in Instrument No. LT984984.

SUBJECT TO a right-of-way over Part 17 on Reference Plan 40R-19979 in favour of Parts 7 and 24 on Reference Plan 40R-19979 as set out in Instrument No. LT984997.

TOGETHER WITH right-of-ways over Parts 7 and 24 on Reference Plan 40R-19979 as set out in Instrument No. LT984997.

TOGETHER WITH an easement over Part of Block 162 on Subdivision Plan 40M-2019, designated as Part 1 on Reference Plan 40R-21243 as set out in Instrument No. DR116807.

TOGETHER WITH right-of-ways over Part of Lot 3, Concession 4, East Whitby, designated as Parts 5 and 6 on Reference Plan 40R-19979 and Part of Lot 4, Concession 4, East Whitby, designated as Parts 18, 20, 23, 26, 28 and 34 on Reference Plan 40R-19979 save and except Parts 5, 7 and 8 on Reference Plan 40R-21309 as set out in Instrument No. DR104914.

SUBJECT TO right-of-ways over Part 4 on Reference Plan 40R-21309 in favour of Part of Lot 3, Concession 4, East Whitby, designated as Parts 5 and 6 on Reference Plan 40R-19979 and Part of Lot 4, Concession 4, East Whitby, designated as Parts 18, 20, 23, 26, 28 and 34 on Reference Plan 40R-19979 save and except Parts 5, 7 and 8 on Reference Plan 40R-21309 as set out in Instrument No. DR104914.

TOGETHER WITH an easement over Part of Lot 3, Concession 4, East Whitby, being designated as Part 1 on Reference Plan 40R-25313 as set out in Instrument No. DR787862.

TOGETHER WITH an easement over Part of Lot 4, Concession 4, East Whitby, being designated as Parts 27 and 31 on Reference Plan 19979, save and except Parts 1 and 2 on Reference Plan 40R-24979 as set out in Instrument No. DR999043.

Land Titles Division of Durham (No. 40).

*Thirdly:*

**PIN No. 16272-1727(LT)**

Part of Lots 3 and 4, Concession 4, East Whitby, being designated as Parts 5, 6, 18, 20, 23, 26 and 28 on Reference Plan 40R-19979 save and except Parts 3, 15, 16, 17, 18, 20 and 21 on Reference Plan 40R-24979 save and except Parts 5, 7 and 8 on Reference Plan 40R-21309, City of Oshawa, Regional Municipality of Durham.

SUBJECT TO an easement over Part 20 on Reference Plan 40R-19979 save and except Part 8 on Reference Plan 40R-21309 as set out in Instrument No. LT984986.

SUBJECT TO an easement over Part 26 on Reference Plan 40R-19979 as set out in Instrument No. LT984986.

SUBJECT TO an easement over Part 5 on Reference Plan 40R-19979 save and except Part 21 on Reference Plan 40R-24979 as set out in Instrument No. LT984987.

TOGETHER WITH an easement over Part of Lot 4, Concession 4, East Whitby, being designated as Part 32 on Reference Plan 40R-19979 as set out in Instrument No. LT984984.

SUBJECT TO an easement over Part 6 on Reference Plan 40R-19979 save and except Parts 17, 18 and 20 on Reference Plan 40R-24979 in favour of Part of Lots 3 and 4, Concession 4, East Whitby, being designated as Parts 7 and 24 on Reference Plan 40R-19979 as set out in Instrument No. LT984997.

SUBJECT TO an easement over Parts 23, 26 and 28 on Reference Plan 40R-19979 save and except Part 5 on Reference Plan 40R-21309 save and except Parts 3, 15 and 16 on Reference Plan 40R-24979 in favour of Part of Lots 3 and 4, Concession 4, East Whitby, being designated Parts 7 and 24 on Reference Plan 40R-19979 as set out in Instrument No. LT984997.

TOGETHER WITH an easement over Part of Lot 3, Concession 4, East Whitby, being designated as Part 7 on Reference Plan 40R-19979 and over Part of Lot 4, Concession 4, East Whitby, being designated as Part 24 on Reference Plan 40R-19979 as set out in Instrument No. LT984997.

TOGETHER WITH an easement over Part of Lot 3, Concession 4, East Whitby, being designated as Part 7 on Reference Plan 40R-19979 and over Part of Lot 4, Concession 4, East Whitby, being designated Part 24 on Reference Plan 40R-19979 as set out in Instrument No. DR63095.

SUBJECT TO an easement over Parts 18 and 20 on Reference Plan 40R-19979 save and except Parts 7 and 8 on Reference Plan 40R-21309 in favour of Part of Lots 3 and 4, Concession 4, East Whitby, being designated Parts 7 and 24 on Reference Plan 40R-19979 as set out in Instrument No. DR63104.

TOGETHER WITH an easement over Part of Block 162 on Subdivision Plan 40M-2019 being designated as Part 1 on Reference Plan 40R-21243 as set out in Instrument No. DR116807.

SUBJECT TO an easement over Parts 5 and 6 on Reference Plan 40R-19979 save and except Parts 17, 18, 20 and 21 on Reference Plan 40R-24979 in favour of Part of Lot 3, Concession 4, East Whitby, being designated as Parts 1, 2, 3 and 4 on Reference Plan 40R-21309 and Part of Lot 4, Concession 4, East Whitby, being designated as Parts 5, 6, 7 and 8 on Reference Plan 40R-21309 as set out in Instrument No. DR104914.

SUBJECT TO an easement over Parts 18 and 20 on Reference Plan 40R-19979 save and except Parts 7 and 8 on Reference Plan 40R-21309 in favour of Part of Lot 3, Concession 4, East Whitby, being designated as Parts 1, 2, 3 and 4 on Reference Plan 40R-21309 and Part of Lot 4, Concession 4, East Whitby, being designated as Parts 5, 6, 7 and 8 on Reference Plan 40R-21309 as set out in Instrument No. DR104914.

SUBJECT TO an easement over Parts 23, 26 and 28 on Reference Plan 40R-19979 save and except Part 5 on Reference Plan 40R-21309 and Parts 3, 15 and 16 on Reference Plan 40R-24979 in favour of Part of Lot 3, Concession 4, East Whitby, being designated as Parts 1, 2, 3 and 4 on Reference Plan 40R-21309 and Part of Lot 4, Concession 4, East Whitby, being designated as Parts 5, 6, 7 and 8 on Reference Plan 40R-21309 as set out in Instrument No. DR104914.

TOGETHER WITH an easement over Part of Lot 3, Concession 4, East Whitby, being designated as Parts 1, 2, 3 and 4 on Reference Plan 40R-21309 as set out in Instrument No. DR104914.

TOGETHER WITH an easement over Part of Lot 4, Concession 4, East Whitby, being designated as Parts 5, 6, 7 and 8 on Reference Plan 40R-21309 as set out in Instrument No. DR104914.

SUBJECT TO an easement in gross over Part 19 on Reference Plan 40R-24979 as set out in Instrument No. DR636907.

TOGETHER WITH an easement over Part of Lot 3, Concession 4, East Whitby, designated as Part 1 on Reference Plan 40R-25313 as set out in Instrument No. DR787862.

TOGETHER WITH an easement over Part of Lot 4, Concession 4, East Whitby, being designated as Parts 27 and 31 on Reference Plan 40R-19979, save and except Parts 1 and 2 on Reference Plan 40R-24979 as set out in Instrument No. DR999043.

Land Titles Division of Durham (No. 40).

*Fourthly:*

**PIN No. 16272-2084(LT)**

Part of Lots 3 and 4, Concession 4, East Whitby, being designated as Parts 1, 2, 3, 5, 6, 7 and 8 on Reference Plan 40R-21309, save and except Parts 1 and 2 on Reference Plan 40R-27531, City of Oshawa, Regional Municipality of Durham.

SUBJECT TO an easement over Part 2 on Reference Plan 40R-21309 as set out in Instrument No. LT984987.

SUBJECT TO an easement over Parts 6 and 8 on Reference Plan 40R-21309 as set out in Instrument No. LT984986.

TOGETHER WITH an easement over Part of Lot 4, Concession 4, East Whitby, being designated as Part 32 on Reference Plan 40R-19979 as set out in Instrument No. LT984984.

SUBJECT TO an easement over Parts 1, 2 and 3 on Reference Plan 40R-21309 in favour of Part of Lots 3

and 4, Concession 4, East Whitby, being designated as Parts 7 and 24 on Reference Plan 40R-19979 as set out in Instrument No. LT984997.

TOGETHER WITH an easement over Part of Lot 3, Concession 4, East Whitby, being designated as Part 7 on Reference Plan 40R-19979 and over Part of Lot 4, Concession 4, East Whitby, being designated as Part 24 on Reference Plan 40R-19979 as set out in Instrument No. LT984997.

TOGETHER WITH an easement over Part of Block 162 on Subdivision Plan 40M-2019, being designated as Part 1 on Reference Plan 40R-21243 as set out in Instrument No. DR116807.

TOGETHER WITH an easement over Part of Lot 3, Concession 4, East Whitby, being designated as Parts 5 and 6 on Reference Plan 40R-19979 and Part of Lot 4, Concession 4, East Whitby, designated as Parts 18, 20, 23, 26, 28 and 34 on Reference Plan 40R-19979 save and except Parts 5, 7 and 8 on Reference Plan 40R-21309 as set out in Instrument No. DR104914.

SUBJECT TO an easement over Parts 1, 2 and 3 on Reference Plan 40R-21309 in favour of Part of Lot 3, Concession 4, East Whitby, being designated as Parts 5 and 6 on Reference Plan 40R-19979 and Part of Lot 4, Concession 4, East Whitby, being designated as Parts 18, 20, 23, 26, 28 and 34 on Reference Plan 40R-19979 save and except Parts 5, 7 and 8 on Reference Plan 40R-21309 as set out in Instrument No. DR104914.

TOGETHER WITH an easement over Part of Lot 3, Concession 4, East Whitby, being designated as Part 1 on Reference Plan 40R-25313 as set out in Instrument No. DR787862.

SUBJECT TO an easement over Parts 5 and 6 on Reference Plan 40R-21309 in favour of Part of Lots 3 and 4, Concession 4, East Whitby, being designated as Parts 7 and 24 on Reference Plan 40R-19979 as set out in Instrument No. LT984997.

SUBJECT TO an easement over Parts 5 and 6 on Reference Plan 40R-21309 in favour of Part of Lot 3, Concession 4, East Whitby, being designated as Parts 5 and 6 on Reference Plan 40R-19979 and Part of Lot 4, Concession 4, East Whitby, being designated as Parts 18, 20, 23, 26, 28 and 34 on Reference Plan 40R-19979 save and except Parts 5, 7 and 8 on Reference Plan 40R-21309 as set out in Instrument No. DR104914.

TOGETHER WITH an easement over Part of Lot 3, Concession 4, East Whitby, being designated as Part 7 on Reference Plan 40R-19979 and Part of Lot 4, Concession 4, East Whitby, being designated as Part 24 on Reference Plan 40R-19979 as set out in Instrument No. DR63095.

SUBJECT TO an easement over Parts 7 and 8 on Reference Plan 40R-21309 in favour of Part of Lots 3 and 4, Concession 4, East Whitby, being designated as Parts 7 and 24 on Reference Plan 40R-19979 as set out in Instrument No. DR63104.

SUBJECT TO an easement over Parts 7 and 8 on Reference Plan 40R-21309 in favour of Part of Lot 3, Concession 4, East Whitby, being designated as Parts 5 and 6 on Reference Plan 40R-19979 and Part of Lot 4, Concession 4, East Whitby, being designated as Parts 18, 20, 23, 26, 28 and 34 on Reference Plan 40R-19979 save and except Parts 5, 7 and 8 on Reference Plan 40R-21309 as set out in Instrument No. DR104914.

TOGETHER WITH an easement over Part of Lot 4, Concession 4, East Whitby, being designated as Part 27 and 31 on Reference Plan 40R-19979, save and except Parts 1 and 2 on Reference Plan 40R-24979 as set out in Instrument No. DR999043.

Land Titles Division of Durham (No. 40).