

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

Construction Act

City of Toronto, Province of Ontario

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

Contract No. 18ECS-LU-03FP, City of Toronto Basement Flooding Protection Program Phase 4, Assignments No. 6-04B PORTAGE AVE, ROBERT ST, JOHN ST, WRIGHT AVE, PATIKA AVE, QUEENS DR.

(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:

Sewer and Watermain Infrastructure Improvements; Contract No. 18ECS-LU-03FP, Toronto Basement Flooding Protection Program, Assignments No. 6-04B

(short description of the improvement)

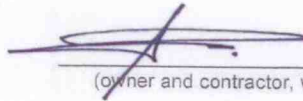
to the above premises was substantially performed on September 1, 2021

(date substantially performed)

Date certificate signed: February 2, 2022

Will Cowlin

(payment certifier where there is one)



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

Name of owner: City of Toronto

City Clerk's Office, 100 Queen Street West, 13th Floor West Tower, Toronto, Ontario, M5H 2N2

Address for service: (Attention Mika Ralsanen, Director, Design & Construction, Linear Underground Infrastructure, Engineering & Construction Services)

Name of contractor: Drainstar Contracting Ltd

Address for service: 989 Creditstone Rd, Concord, ON L4K 4N7

Name of payment certifier (where applicable): William Cowlin, P.Eng, Contract Administrator

Address: 55 Regal Road, Unit 3, Guelph, ON, N1K 1B6

(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:

Claims for Lien are to be submitted to the Clerk of the City of Toronto electronically as directed at www.toronto.ca/liens.

(if the lien does not attach to the premises, a concise description of the premises, including addresses,
and the name and address of the person or body to whom the claim for lien must be given)

Release and Waiver of Contractor

Re: Statutory Holdback Release Payment
Contract No. 18ECS-LU-03FP

IN CONSIDERATION of the release by City of Toronto to the Contractor of the statutory holdback retained pursuant to the *Construction Lien Act, R.S.O. 1990*, as amended, in respect of the Contract between

City of Toronto and Drainstar Contracting Ltd
(Contractor)

in relation to the project known as Basement Flooding Protection Program Phase 4, Assignments No. 6-04B Portage Ave, Robert St, John St, Wright Ave, Patika Ave, Queens Dr.,

the said Contractor hereby acknowledges it has achieved substantial performance of the above Contract on September 1, 2021, as defined by the *Construction Lien Act, R.S.O. 1990*, as amended, and further hereby waives, releases and forever discharges the City of Toronto, its successors and assigns, from any and all claims, actions, liabilities and demands whatsoever, for damages, losses, compensation or otherwise, howsoever arising, relating to or in consequence of the said Contract which may have been or may hereafter be sustained by the Contractor, save and except claims related to work not yet performed and/or claims of the Contractor properly submitted in accordance with GC 3.14.03 of the Contract in writing.

DATED at Toronto, this 30th day of APRIL, 2022

DRAINSTAR CONTRACTING LTD.

Legal Name of Company

By:



Name: MARIO D'ORAZIO

Title: PRESIDENT

I have authority to bind the corporation.

Substantial Performance of Contract No. 18ECS-LU-03FP

IN THE MATTER OF Contract No. 18ECS-LU-03FP (the "Contract")

BETWEEN Drainstar Contracting Ltd, Contractor

AND CITY OF TORONTO

For Basement Flooding Protection Program, Phase 4, Area 6

Assignments 6-04B

(insert title of the Work and the Project)

I, MARIO D'ORAZIO of the CITY of VAUGHAN
in the Province of ONTARIO DO SOLEMNLY DECLARE that:

1. I am PRESIDENT of DRAINSTAR CONTRACTING LTD
(position) (Contractor's Legal Name)
the above-mentioned Contractor and as such have knowledge of the facts herein
deposed to and have authority to bind the corporation.

2. The Contractor has achieved Substantial Performance of the above Contract, as defined by the *Construction Lien Act, R.S.O. 1990*, as amended, on _____ September 1, 2021.

3. The Contractor and all of its subcontractors have paid all their respective subcontractors, suppliers, accounts, assessments and discharged all their respective liabilities incurred in relation to the Contract and the work, services and materials supplied under the Contract, except for statutory holdbacks properly retained.

AND I make this solemn Declaration conscientiously believing it to be true and knowing it is of the same force and effect as if under oath.

DECLARED before me at the Vaughan
of _____, in the Province of
Ontario this 30 day of APRIL, 2022

A Commissioner for Oaths, Notary Public,
Justice of the Peace, **Matthew John Montanaro**
a Commissioner, etc., Province of Ontario
for Drainstar Contracting Ltd.
Expires March 31, 2025

Signature _____

I have the authority to bind the corporation.