

**APPENDIX A****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)

1st Floor, Rundle Tower, City Hall, 50 Centre St. S. Oshawa, Ontario L1H 3Z7

.....  
(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:

HOPA (Hamilton Oshawa Port Authority) - Warehouse Building Upgrade,  
1050 Farewell St. Oshawa, Ontario L1H 6N6.....  
(short description of the improvement)to the above premises was substantially performed on August 25, 2022.....  
(date substantially performed)Date certificate signed: Aug 29, 2022

.....

 Wood Environment and Infrastructure Limited.....  
(payment certifier where there is one).....  
(owner and contractor, where there is no payment  
certifier)Name of owner: Great Lakes Port Management Inc.Address for service: 605 James St. N, 6th Floor Hamilton, Ontario L8L 1K1Name of contractor: Van Horne Construction Ltd.Address for service: 1M-51A Caldari Road, Vaughan, Ontario L4K 4G3Name of payment certifier (where applicable): Wood Environment & Infrastructure Solutions Canada LimitedAddress: 3450 Harvester Rd, Burlington, Ontario L7N 3W5

(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:

Great Lakes Port Management Inc., 605 James St. N, 6th Floor Hamilton, Ontario L8L 1K1.....  
(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)



1M-51 Caldari Road, Vaughan, Ontario L4K 4G3 Tel: (905) 677-5150 Fax: (905) 660-5986

Aug 25, 2022

Wood PLC  
3450 Harvester Rd,  
Burlington, ON L7N 3W5

Attention: Shery Cherian

**Re: HOPA Warehouse Addition: 1050 Farewell St, Oshawa**

In accordance with the contract requirements, please be advised that the above project is considered to have attained the status of being substantially performed. The phase of the performance of the balance of the contract is in process and substantial completion is scheduled for the 25th of August 2022. This letter is issued as a declaration of the pending items that will be performed before the final completion:

1. The testing and commissioning of ATUs – September 1, 2022
2. Testing and commissioning of the one pending dock#2 – September 15, 2022
3. All related controls – September 1, 2022

All the deficiencies previously noted by the consultants on this project, have been cleared as the report emailed to them.

Sincerely,

*Akshay Takkar* August 25, 2022

Van Horne Construction Ltd.

## Joy Chabungbam

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**From:** Normand Deschaines <NDeschaines@oshawa.ca>  
**Sent:** Friday, August 19, 2022 3:53 PM  
**To:** Akshay Takkar  
**Cc:** Robert Wood; Wissam Ajina  
**Subject:** Re: 202101793 - 1050 Farewell Street, Oshawa

Hi Akshay,

Occupancy is granted for the offices.

Norm Deschaines Senior Building Inspector.

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**From:** Akshay Takkar <akshay@vanhorne.ca>  
**Sent:** Friday, August 19, 2022 3:46:02 PM  
**To:** Normand Deschaines <NDeschaines@oshawa.ca>  
**Cc:** Robert Wood <bwood@vanhorne.ca>; Wissam Ajina <wissam@vanhorne.ca>  
**Subject:** RE: 202101793 - 1050 Farewell Street, Oshawa

Hi Norm,

We have submitted all the conformance letters for the office areas. The only pending item we have now is commissioning of the 2 ATUs outside the office area in the warehouse. Which is holding up the HVAC final. We are awaiting the manufacturer to provide a firm date for that.

Please advise if the occupancy for the offices can be granted in the meantime.

The consultants are holding up our substantial completion because of this item as well.

Please advise.

Regards,



**Akshay Takkar**

**Project Manager**

Van Horne Construction

11M-51A Caldari Road, Vaughan, ON L4K 4G3

t. (905) 677.5150 ext. 222 | c. (647) 573-5566

e. [akshay@vanhorne.ca](mailto:akshay@vanhorne.ca) [www.vanhorne.ca](http://www.vanhorne.ca)



@vanhorne.ca



@vanhorne.ca



@vanhorne\_ca



Van Horne Construction Limited\_CA

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**From:** Normand Deschaines <NDeschaines@oshawa.ca>  
**Sent:** August 17, 2022 8:13 AM  
**To:** Akshay Takkar <akshay@vanhorne.ca>  
**Cc:** Cherian, Shery <shery.cherian@woodplc.com>; Joy Chabungbam <joy.chabungbam@woodplc.com>; Bill Fitzgerald <bfitzgerald@hopaports.ca>; Robert Wood <bwood@vanhorne.ca>  
**Subject:** RE: 202101793 - 1050 Farewell Street, Oshawa

**From:** [Jim](#)  
**To:** [Akshay Takkar](#)  
**Cc:** [Robert Wood](#)  
**Subject:** 1050 Farewell , Oshawa , HOPA Warehouse ATU start-up  
**Date:** August 24, 2022 1:38:49 PM

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Hi Akshay ,

CTAS is arranging for commissioning of ATU-1 and ATU-2 for next week , we are awaiting confirmation from supplier but we are anticipating this to take place on Wednesday Aug 31 or Thursday Sept 1 , we will require electricians to be available and ourselves and control contractor will also be available for commissioning .

We anticipate it should take approx 1-2 hrs per unit

As soon as we receive confirmation on the date will will notify you back with the date and approx time of day that commissioning will take place

Thanks Jim McLaughlin CTAS

Sent from my iPhone

# Statutory Declaration of Progress Payment Distribution by Contractor

Standard Construction Document

**CCDC 9A – 2018**

To be made by the Contractor as a condition for either

- ☒ second and subsequent progress payments; or  
☐ release of holdback.

Application for payment number       #10        
dated       July 5th, 2022       is the last  
application for payment for which the Contractor has  
received payment.

## Information Appearing in the Contract Documents

Name of Project

HOPA Warehouse Building Upgrade

Date of Contract:       August 16, 2021      

Name of Owner

Great Lakes Port Management

Name of Contractor

Van Horne Construction Limited

## Declaration

I solemnly declare that, as of the date of this declaration, I am an authorized signing officer, partner or sole proprietor of the Contractor, and as such have authority to bind the Contractor, and have personal knowledge of the fact that all accounts for labour, subcontracts, products, services, and construction machinery and equipment which have been incurred directly by the Contractor in the performance of the work as required by the Contract, and for which the Owner might in any way be held responsible, have been paid in full as required by the Contract up to and including the latest progress payment received, as identified above, except for:

- 1) holdback monies properly retained,
- 2) payments deferred by agreement, or
- 3) payment withheld by reason of legitimate dispute which has been identified to the party or parties from whom payment has been withheld.

I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

Declared before me in       Vaughan       this        day of        in the year       2022        
City/Town and Province

      Fang Guo      

Name

      VP Finance      

Title



Signature

      Hemalatha Paner Salwan        
a Commissioner, etc., Province of Ontario,  
for Van Horne Construction Limited.  
Expires August 20, 2023.

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

**The making of a false or fraudulent declaration is a contravention of the Criminal Code of Canada, and could carry, upon conviction, penalties including fines or imprisonment.**

This agreement is protected by copyright and is intended by the parties to be an unaltered version of CCDC 9 – 2018 except to the extent that any alterations, additions or modifications are set forth in supplementary conditions.

**CCDC**

**9**

**2018**

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**CCDC**

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Canadian Construction Documents Committee

## Your clearance(s) / Vos certificats de décharge

We confirm that the business(es) listed below are active and in good standing with us.

Nous confirmons que la ou les entreprises énumérées ci-dessous sont actives et que leurs comptes sont en règle.

Contractor legal or trade name / Raison sociale ou appellation commerciale de l'entrepreneur	Contractor address / Adresse de l'entrepreneur	Contractor NAICS Code and Code Description / Code du SCIAN de l'entrepreneur et description	Clearance certificate number / Numéro du certificat de décharge	Validity period (dd-mmm-yyyy) / Période de validité (jj- mmm-aaaa)
VAN HORNE CONSTRUCTION LIMITED	51A CALDARI RD UNIT 1M, CONCORD, ON, L4K4G3, CA	236220: Commercial and institutional building construction 007060: Non-Exempt Partners and Executive Officers in Construction - G6	A0000I7DU7	20-Aug-2022 to 19-Nov-2022

Under Section 141 of the *Workplace Safety and Insurance Act*, the WSIB waives our right to hold the principal (the business that has entered into a contractual agreement with the contractor/subcontractor) liable for any unpaid premiums and other amounts the contractor may owe us for the validity period specified.  
Aux termes de l'article 141 de la *Loi sur la sécurité professionnelle et l'assurance contre les accidents du travail*, la WSIB renonce à son droit de tenir l'entrepreneur principal (l'entreprise qui a conclu une entente contractuelle avec l'entrepreneur ou le sous-traitant) responsable de toute prime impayée et autre montant que l'entrepreneur pourrait lui devoir pour la période de validité indiquée.