

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

OTTAWA- SOUTHERN ONTARIO

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

505 MARCH RD-KANATA, ON K2K3A4

(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:

Payment Cert # 0002, Agreement # 2022-4072

(short description of the improvement)

to the above premises was substantially performed on June 28.2022  
(date substantially performed)

Date certificate signed: June 28.2022

Phil Mercier

(payment certifier where there is one)

MINISTRY OF TRANSPORTATION-  
FERROVIAL SERVICES CANADA LTD

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

HER MAJESTY THE QUEEN IN THE RIGHT OF ONTARIO AS REPRESENTED BY THE  
Name of owner: MINISTRY OF TRANSPORTATION

Address for service: 347 PRESTON STREET, OTTAWA, ON, K1S3J4

Name of contractor: FERROVIAL SERVICES CANADA LTD

Address for service: 505 MARCH RD-KANATA, ON K2K3A4

Name of payment certifier (where applicable): Phil Mercier

Address: 347 Preston Street, Ottawa, ON K1S 3J4

(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:

Director, Legal Services Brach, 125 SirWilliam Hearst Avenue, 1st Floor Downsview ON, M3M0B5

(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

Canada  
Province of Ontario

IN THE MATTER OF a contract entered with  
**Her Majesty the Queen in right of Ontario, represented by the  
Minister of Transportation, (Owner)**  
by Ferrovial Services Canada LTD at

MTO Contract Number: CDMS 2018-01 \_\_\_\_\_

I, Charbel Khouri \_\_\_\_\_,

### DO SOLEMNLY DECLARE:

1. that I am Capital Works Manager, of Ferrovial Services Canada LTD, the Contractor named in the above mentioned Contract, and as such have personal knowledge of the fact herein declared.
2. that all accounts for labour, sub-contracts, products, materials, 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 discharged, except for:
  - (1) holdback monies properly retained,
  - (2) payments deferred by agreement between the Contractor and the Owner,
  - (3) amounts withheld by reason of legitimate dispute which have been identified to the party or parties, from whom payment has been withheld and are listed below and, (identify payees and amounts payable to each)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_
- (4) payments that are yet to be made because they are subject to the Contractor's verification processes.
3. that all accounts for labour, material suppliers and sub-contracts have been informed of the name of the construction trade newspaper, as declared.

**AND 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 and by virtue of the CANADA EVIDENCE ACT.**

Declared before me at the CITY \_\_\_\_\_  
Of OTTAWA \_\_\_\_\_  
in the PROVINCE \_\_\_\_\_  
of ONTARIO this 5<sup>th</sup> \_\_\_\_\_  
day of JULY A.D. 2022

  
\_\_\_\_\_

A Commissioner etc. Michel H. Goulet  
notaryonwheels.ca (613) 447-4399  
11-300 Earl Grey Dr. #401  
Kanata, ON K2T 1G1

### INSTRUCTION

**This declaration must be sworn before a commissioner for oaths, notary public or justice of the peace.**

**Statutory declaration to be submitted along with application to the appropriate MTO Construction Management Office**



  
(Deponent) kh