

September 29, 2022

PCL Constructors Canada Inc. 2201 Bristol Circle, Unit 500 Oakville, ON L6H 0J8 2 St. Clair Avenue West Floor 12 Toronto, Ontario M4V 1L5

+1 416 925 1424 www.turnerandtownsend.com

For the attention of Darran Kierans

Dear Mr. Kierans,

Re. Substantial Performance Application – UHN Toronto General Hospital Fire Alarm Replacement SAP 110020111

Turner & Townsend, acting as the Payment Certifier under the MSLA Contract dated April 3, 2020 between University Health Network ("UHN") and PCL Constructors Canada Inc. ("PCL") for the UHN Toronto General Hospital Fire Alarm Replacement project (SAP number 110020111), has received PCL Constructors Canada Inc.'s application for Substantial Performance dated September 13, 2022 and supporting letter dated September 28, 2022 stating that they consider the Work to be Substantially Performed as of September 13, 2022.

Further to the application, and as per discussions with UHN to exclude the deferred works of \$13,236.36 from the 3-2-1 calculation, we confirm that PCL Constructors Canada Inc. have met the financial requirements for the Substantial Performance under the Construction Act of Ontario for the above project. We are of the opinion that Substantial Performance has been achieved on September 13, 2022 as per the documentation provided to us from PCL Constructors Canada Inc. and University Health Network.

Please find enclosed the following documentation:-

- Certificate of Substantial Performance signed September 29, 2022, declaring Substantial Performance has been achieved on September 13, 2022
- 3-2-1 calculation identifying the deferred works of \$13,236.36 being excluded from the calculation
- PCL Constructors Canada Inc. Request for Substantial Performance letter dated September 13, 2022
 and supporting letter dated September 28, 2022
- Email from PCL dated September 26, 2022 and September 27, 2022 detailing:
 - Status of amounts owing to first tier Subcontractors
 - Revised CRX credit amount has been submitted to UHN

We note that as per the Contract the following clauses must be achieved prior to Substantial Performance:

GC 5.9 a) a comprehensive list of all items of Work to be completed or corrected, including
an estimated cost to complete or correct each item, and a schedule for completion
and correction of all such items through to Total Completion, prepared in
consultation with Owner's Representative; Not applicable

- GC 5.9 b) all manufacturer's inspections, certifications, guarantees and warranties specified in the Contract Documents or otherwise applicable to the Work; **Not applicable**
- GC 5.9 c) evidence that all required Permits, except for Project Related Permits, and approvals from testing or inspection agencies, if any, have been obtained; **Not applicable**
- GC 5.9 d) evidence from the Workplace Safety and Insurance Board of Ontario that the Contractor is in good standing; **Received**
- GC 5.9 e) a statement as to the status of amounts owing to first tier Subcontractors and as to any unresolved claims made by Subcontractors against the Contractor or another Subcontractor. **Received**

We trust that this is satisfactory for your current requirements. Please contact either of the undersigned should you wish to discuss, or have any questions or comments.

Yours sincerely,

Emma Magee Director

Turner & Townsend

e: emma.magee@turntown.com

Eva Nohos

Assistant Cost Consultant Turner & Townsend

e: eva.nohos@turntown.com

HTTPS://TURNTOWNCAN.SHAREPOINT.COM/SITES/PR-RM-BQLTKN/SHARED DOCUMENTS/GENERAL/CAN22191 - UHN TGH FIRE ALARM REPLACEMENT - EM/LS/13 - SUBSTANTIAL PERFORMANCE/T&T CERTIFICATE OF SUBSTANTIAL PERFORMANCE/SAP 110020111 CAN22191 SPC SEPTEMBER 13, 2022.DOCX

Copy:

Ziya Cetin, University Health Network Michelle Bania, PCL Constructors Canada Inc. Eric Humby, PCL Constructors Canada Inc. Shervin de los Santos, Turner & Townsend Eric Adjem, Turner & Townsend

Appendix A

Form 9

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

Construction Act

City of Toronto
(County/District/Regional Municipality/Town/City in which premises are situated)
200 Elizabeth St., Toronto, 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:
JHN Toronto General Hospital Fire Alarm Replacement
(short description of the improvement)
o the above premises was substantially performed on September 13, 2022 (date substantially performed)
Date certificate signed: September 29, 2022
E. Alegan
(payment certifier where there is one) (owner and contractor, where there is no payment certifier)
Name of owner: University Health Network Address for service: 700 Bay St. 7th Floor, Toronto, ON, M5G 1Z6
Name of contractor: PCL Constructors Canada Inc.
Address for service: 2201 Bristol Circle, Suite # 500, Oakville, ON, L6H 0J8
Name of payment certifier (where applicable): Turner & Townsend
Address: 2 St. Clair Avenue West, Floor 12, Toronto, ON, M4V 1L5
Use A or B, whichever is appropriate)
A. Identification of premises for preservation of liens: Lots 13 to 18, 31, 32, 33, 46, 47 & 48, Part of Lots 12, 19, 34 & 49, Part of Centre Street, Christopher Street and Chestnut Street (closed by By-law No. 11312), Plan D-14; Lots 16, 17, 20 to 23, 27 to 34, 40 to 45, 51 to 56 and Part of Lots 19, 26, 39 & 50, Chestnut Street (formerly Sayre St.), closed and Centre Street, Plan 24; Part of Lots C, D, E, F, G, H and Lots I, J, K, L and the Lanes & Reserve, closed, Plan D-173; Lots 3 & 4 and Part of Lots 2, 5, 6 & 7, Plan 145; Lots 1 to 15 and Part of Lots 16 to 23, 44 to 59 and Part of Hayter Street, closed, Plan 154; City of Toronto (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, 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)

Appendix B

3-2-1 Calculation

Construction Lien Act - Substantial Performance Calculation

Contracts, substantial performance and completion

When contract substantially performed

- 2. (1) For the purposes of this Act, a contract is substantially performed,
 - (a) when the improvement to be made under that contract or a substantial part thereof is ready for use or is being used for the purposes intended; and
 - (b) when the improvement to be made under that contract is capable of completion or, where there is a known defect, correction, at a cost of not more than,
 - (i) 3 per cent of the first \$1,000,000 of the contract price,
 - (ii) 2 per cent of the next \$1,000,000 of the contract price, and
 - (iii) 1 per cent of the balance of the contract price. R.S.O. 1990, c. C.30, s. 2 (1).

CONSTRUCTION CONTRACT VALUE			
Base Contract Amount Total Change Order Value as at Total Revised Contract Value	\$720,158 \$0.00	\$720,158.00	
Less Deferred Work Total Contract Deductions	-\$13,236	-\$13,236	
Adjusted Contract Amount For Substantial Performance		\$706,921.64	(A)
ALLOWABLE OUTSTANDING AMOUNT			
3% of first \$1,000,000 2% of next \$1,000,000 1% of balance of contract	\$21,605 \$0 \$0.00		
Unbilled balance required for Substantial Performance	φο.σο	\$21,604.74	
Unbilled balance required for Substantial Performance		\$21,604.74	(B)
CERTIFIED FIGURE REQUIRED TO ACHIEVE SUBSTANTIAL PERFORMANCE			
Adjusted Contract Amount For Substantial Performance Less Unbilled balance required for Substantial Performance Certified Figure Required to Achieve Substantial Performance	\$706,921.64 -\$21,604.74	\$685,316.90	=(A) =(B)
Certified Figure Required to Achieve Substantial Performance		\$685,316.90	(C)
CONTRACT WORKS CERTIFIED TO DATE			
Total Base Contract Certified to September 13, 2022 Total Change Orders Grand Total Certified as of September 13, 2022	\$706,921.64 \$0.00	\$706,921.64	
Grand Total Certified as of September 13, 2022	_	\$706,921.64	(D)
COST TO BE INVOICED TO ACHIEVE SUBSTANTIAL PERFORMANCE			
Certified Figure Required to Achieve Substantial Performance Less Grand Total Certified as of September 13, 2022 Cost Required to be Billed to Achieve Substantial Performance	\$685,316.90 -\$706,921.64	-\$21,604.74	=(C) =(D)
Cost Required to be Billed to Achieve Substantial Performance	_	-\$21,604.74	(E)

Appendix C

Contractor's Substantial Performance Application

SHARING YOUR VISION, BUILDING SUCCESS.



September 13, 2022

Turner & Townsend 2 St. Clair Avenue West Toronto, Ontario M4V 1L5

Attention: Eva Nohos, Assistant Cost Consultant

Re: Request for Certificate of Substantial Performance

TGH - Fire Alarm Replacement, 0930421

Dear Eva Nohos,

Pursuant to the Prime Contract and in accordance with the Construction Lien Act for the Province of Ontario, please consider this as our application for Substantial Performance as defined under the Act.

Based on the attached calculations and information, we submit that the project has achieved substantial performance as of **September 13th**, and we request that you issue a Certificate of Substantial Performance to my attention as soon as possible, for publication in the Daily Commercial News. The date of publication is understood to be the date of commencement of the 45 day statutory lien period.

PCL warranty will commence from the date indicated on the Certificate of Substantial Performance.

Yours Truly,

Darran Kierans Project Manager

cc:

Enclosures:
Substantial Completion Calculation and Schedules
Outstanding Deficiency List
Draft Progress Billing

PCL CONSTRUCTORS CANADA INC. (TORONTO)

2201 Bristol Circle, Suite 500, Oakville, Ontario L6H 0J8

Telephone: 905-276-7600 ♦ Fax: 905.803.4508 ♦ www.pcl.com/toronto

D09.OP.PS.05.009

Rev. March 13, 2020

Α	Contract Value			
	Original Contract Value	\$	720,158	
	Approved Change Orders	\$	-	as of 09, 01, 2022
	Change Directives	\$	-	as of MM, DD, YYYY
	Revised Contract Value	\$	720,158	
В	Deferred Works			
	Deferred Works Under Contract	\$	12,306	See Attached Schedule B-1
	Total of Deferred Works	\$	12,306	
С	Total Projected Contract Value Under Substantial	¢	707,852	
C	Completion Scope (A-B)	Ψ	707,032	
D	Substantial Calculation:			
_	3% of First \$500,000	\$	15,000	
	2% of Second \$500,000	\$	10,000	
	1% of Remaining Value Under Substantial	\$	(2,921)	
	Completion Scope			
	Total Allowable Outstanding Works Under the Construction Lien Act	\$	22,079	
E	Confirmation Against Progress Billing			
	Contract Value (Original + CO)	\$	720,158	
	Less: 08 2021 Billing	\$ \$	706,922	
	Less: Deferred work	\$ \$	12,306	CO issued to reduce contract value
	Balance to complete	\$	930	•
	Add: Outstanding Deficiencies	\$	-	per attached list
	Total Balance to complete	\$	930	
	Variancen (D-E)	\$	(21,148)	-ve value means critera has been met

Schedule B-1: Items Deferred From Base Contract Amount

Division	Value	Description	Reason
	\$ 12,306.00	Credit to UHN for Tender Review	Tender Review no longer required

TOTAL \$ 12,306.00

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

Construction Act

	I Oronto ,
	(County/District/Regional Municipality/Town/City in which premises are situated)
	Toronto General Hospital, 200 Elizabeth St, Toronto
	(street address and city, town, etc., or, if there is no street address, the location of the premises)
This is to ce	ertify that the contract for the following improvement:
TGH	Fire Alarm Replacement
	(short description of the improvement)
to the above	e premises was substantially performed on September 13th, 2022 (date substantially performed)
Date certific	cate signed:
	(payment certifier where there is one) (owner and contractor, where there is no payment certifier)
	(cuitor and somasson, more and one payment container)
Name of ov	vner: University Health Network
Address for	service: 700 Bay St, 7th floor, Toronto, M5G 1Z6
Name of co	entractor: PCL Constructors Canada Inc.
Address for	service: 2201 Bristol Circle, Suit 500 Oakville, Ontario L6H 0J8
Name of pa	ayment certifier (where applicable):
	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:
	(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)

SHARING YOUR VISION, BUILDING SUCCESS.



September 28, 2022

Turner & Townsend 2 St. Clair Avenue West Toronto, Ontario M4V 1L5

Attention: Eva Nohos, Assistant Cost Consultant

Re: Request for Certificate of Substantial Performance

TGH - Fire Alarm Replacement, 0930421

Dear Eva Nohos,

Pursuant to the Prime Contract and in accordance with the Construction Lien Act for the Province of Ontario, please consider this as our application for Substantial Performance as defined under the Act.

Based on the attached calculations and information, we submit that the project has achieved substantial performance as of **September 13th**, and we request that you issue a Certificate of Substantial Performance to my attention as soon as possible, for publication in the Daily Commercial News. The date of publication is understood to be the date of commencement of the 60 day statutory lien period.

PCL warranty will commence from the date indicated on the Certificate of Substantial Performance.

Yours Truly,

Darran Kierans Project Manager

cc:

Enclosures:
Substantial Completion Calculation and Schedules
Outstanding Deficiency List
Draft Progress Billing

PCL CONSTRUCTORS CANADA INC. (TORONTO)

2201 Bristol Circle, Suite 500, Oakville, Ontario L6H 0J8

Telephone: 905-276-7600 ♦ Fax: 905.803.4508 ♦ www.pcl.com/toronto

D09.OP.PS.05.009

Rev. March 13, 2020

Α	Contract Value			
	Original Contract Value	\$	720,158	
	Approved Change Orders	\$	-	as of 09, 01, 2022
	Change Directives	\$	-	as of MM, DD, YYYY
	Revised Contract Value	\$	720,158	
В	Deferred Works			
_	Deferred Works Under Contract	\$	13,236	See Attached Schedule B-1
	Total of Deferred Works	\$	13,236	
			-,	
С	Total Projected Contract Value Under Substantial Completion Scope (A-B)	\$	706,922	
D	Substantial Calculation:			
D	3% of First \$500,000	\$	15,000	
	2% of Second \$500,000	\$	10,000	
	1% of Remaining Value Under Substantial	\$	(2,931)	
	Completion Scope		, ,	
	Total Allowable Outstanding Works Under the Construction Lien Act	\$	22,069	
E	Confirmation Against Progress Billing			
	Contract Value (Original + CO)	\$	720,158	
	Less: 08 2021 Billing	\$	706,922	
	Less: Deferred work	\$	13,236	CO issued to reduce contract value
	Balance to complete	\$	-	-
	Zalames to complete	Ψ		
	Add: Outstanding Deficiencies	\$	-	per attached list
	Total Balance to complete	\$	-	. :
	Variancen (D-E)	\$	(22,069)	-ve value means critera has been met

Schedule B-1: Items Deferred From Base Contract Amount

Division	Value	Description	Reason
	\$ 13,236.36	Credit to UHN for Tender Review	Tender Review no longer required

TOTAL \$ 13,236.36

From: <u>Darran Kierans</u>

To: Eva Nohos; Ziya.Cetin@uhn.ca

Cc: <u>Michelle Bania</u>; <u>Eric Humby</u>; <u>Emma Magee</u>; <u>Shervin de los Santos</u>; <u>Eric Adjem</u>

Subject: RE: TGH - Fire Alarm Substantial Completion

Date: September 26, 2022 2:18:58 PM **Attachments:** 2022-08-20 WSIB PCL-unlocked.pdf

TGH - Fire Alarm Substantial Performance Calculation.pdf

"Don't get caught out" - This email has come from an external source. Do not click on any links or open any attachments unless you are expecting them.

Hi Eva.

Please see the attached updated document, WSIB and my responses in green below.

Regards,

Darran Kierans, B.Eng, PMP.

Project Manager

dkierans@pcl.com M: 437-929-2895

From: Eva Nohos < Eva. Nohos@turntown.com>

Sent: September 23, 2022 3:04 PM

To: Darran Kierans < dkierans@pcl.com>; Ziya.Cetin@uhn.ca

Cc: Michelle Bania <MBania@pcl.com>; Eric Humby <EHumby@pcl.com>; Emma Magee

<Emma.Magee@turntown.com>; Shervin de los Santos <Shervin.delosSantos@turntown.com>; Eric

Adjem < Eric. Adjem@turntown.com >

Subject: RE: TGH - Fire Alarm Substantial Completion

[External Email]

Client Confidential

Hi Darran,

Please see revision below in red.

Thank you,

Eva Nohos

Assistant Cost Consultant

Turner & Townsend

2 St. Clair Avenue West, Floor 12, Toronto, Ontario, M4V 1L5, Canada t: +1 416 925 1424 | c: +1 647 212 7051 | http://www.turnerandtownsend.com

[turnerandtownsend.com]

Turner & Townsend

Register to access: 2022 Spring Canada Market Intelligence Report

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From: Eva Nohos

Sent: September 23, 2022 2:24 PM

To: Darran Kierans < dkierans@pcl.com>; Ziya.Cetin@uhn.ca

Cc: Michelle Bania < MBania@pcl.com >; Eric Humby < EHumby@pcl.com >; Emma Magee

<<u>Emma.Magee@turntown.com</u>>; Shervin de los Santos <<u>Shervin.delosSantos@turntown.com</u>>; Eric

Adjem < Eric.Adjem@turntown.com>

Subject: RE: TGH - Fire Alarm Substantial Completion

Client Confidential

Hi Darran,

Confirming receipt of the Substantial Performance application.

Please see our comments below:

- 1. In regards to the UHN/PCL contract, clause GC 5.9 b) Have all manufacturer's inspections, certifications, guarantees and warranties been issued to the owner (all design documents/comments addressed)?
- 2. In regards to the UHN/PCL contract, clause GC 5.9 e) In the past, we have asked PCL to provide a statement in their substantial performance application cover letter regarding the status of amounts owing to first-tier Subcontractors and any unresolved claims "We are also confirming that there are no amounts owing to first tier subcontractors." Could you kindly amend your cover letter to state the same? We note there are no Subcontractors, however this statement applies for the design team only. To confirm there are no outstanding payments beyond the 30 days from last month's billing from Quasar the design consultant. There are also no claims submitted at this time in association with this project.
- 3. Please revise the cover letter to state 60 day lien period, not 45 days. Revised and attached.
- 4. Please provide current WSIB. Attached
- 5. Can you clarify if the CRX credit of \$12,306 will be issued as a change order? Will this include the \$930.36 general expenses, bringing the total to \$13,236.36? PCL submitted the CRX to UHN, and they are to issue a CO for the contract. Ziya will have to confirm where in the process they are for the CO. This will be CO-01 for the project. The \$930.36 is the remaining amount PCL must bill following the contract value reduction. This will be billed once the CO is received from UHN and processed.

I hope this addresses your questions. If you have any more please let me know.

Thank you,

Eva Nohos Assistant Cost Consultant **Turner & Townsend**

2 St. Clair Avenue West, Floor 12, Toronto, Ontario, M4V 1L5, Canada t: +1 416 925 1424 | c: +1 647 212 7051 | http://www.turnerandtownsend.com

Appendix D

Latest WSIB



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)
PCL CONSTRUCTORS CANADA INC. / PCL		236220: Commercial and institutional building construction		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.

WSIB Head Office: 200 Front Street West Toronto, Ontario, Canada M5V 3J1 Siège social : 200, rue Front Ouest Toronto (Ontario) Canada M5V 3J1 1-800-387-0750 | TTY/ATS 1-800-387-0050 employeraccounts@wsib.on.ca | wsib.ca