

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

Construction Act

Markham

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

4175 14th Avenue, Markham, ON, CAN

(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:

The purpose of the project is an interior up fit of existing shell space of the YYZ2 data center located in Markham, ON. YYZ2 is an existing data center that was designed, built, and certified to be Uptime Tier III compliant. This project will occupy an existing space that is currently a warm lighted shell and will provide 1.0 MW of critical load capacity. The 1.0 MW capacity will be deployed in the center portion of the existing space, previously labeled Data Center 135. The entire space is currently fit out with raised floor, ceilings, fire protection, main chilled water loop, etc. The total floor area of the project will be approximately 11,385 square feet. Additional works includes providing five (5) ecoCUBE® Emissions Control System (with Selective Catalytic Reduction (SCR) + DPF), for the existing five (5) Cummins Diesel generators.

(short description of the improvement)

to the above premises was substantially performed on 2022-11-01

(date substantially performed)

Date certificate signed: 2022-11-01

(payment certifier where there is one)

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

Name of owner: Cyxtera Communications
Canada, Inc

Address for service: 421 7th Avenue SW, Suite 1600, Calgary, AB, T2P 4K9

Name of contractor: EllisDon

Address for service: 1004 Middlegate Rd, Suite 1000, Mississauga, ON, L4Y 1M4

Name of payment certifier (where applicable): EllisDon

Address: 1004 Middlegate Rd, Suite 1000, Mississauga, ON, L4Y 1M4

(Use A or B, whichever is appropriate)

☒ A. Identification of premises for preservation of liens:

Cyxtera Communications Canada, Inc, 4175 14th Avenue, Units 8&9, Markham, ON, CAN

(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:

Attention of: Andrew Dumart

Cyxtera Communications Canada, Inc, 421 7th Avenue SW, Suite 1600 Calgary, AB, T2P 4K9

(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)

Certificate of Substantial Completion

PROJECT:

Cyxtera Communications Canada, Inc,
4175 14th Avenue, Units 8&9, Markham, ON, CAN

PROJECT NUMBER: 70562 (PO# 6041307)

CONTRACT FOR: PHASE 4 - 1MW Expansion (SCR Work)

PROJECT NAME: CYXTERA YYZ2 PHASE 4 – 1MW EXPANSION

TO OWNER:

Cyxtera Communications Canada, Inc
421 7th Avenue SW, Suite 1600
Calgary, AB, T2P 4K9

TO CONTRACTOR:

EllisDon
1004 Middlegate Rd, Suite 100
Mississauga, ON, L4Y 1M4

OWNER	<input checked="" type="checkbox"/>
ARCHITECT	<input checked="" type="checkbox"/>
CONTRACTOR	<input checked="" type="checkbox"/>
MEP ENGINEER	<input checked="" type="checkbox"/>

PROJECT OR PORTION OF THE PROJECT DESIGNATED FOR PARTIAL OCCUPANCY OR USE SHALL INCLUDE

The Work performed under this Contract (the provision of SCR system for 5 Cummins generators and Phase 5 early works) has been reviewed and found, to the Client's best knowledge, information and belief, to be substantially complete. Substantial Completion is the stage in the progress of the Work when the Work of designated portion is sufficiently complete in accordance with the Contract Documents so that the Owner can occupy or utilize the Work for its intended use. The date of Substantial Completion of the Project or portion designated above is the date of issuance established by this Certificate, which is also the date of commencement of applicable warranties required by the Contract Documents, except as stated below:

Warranty: ALL

Date of Commencement: November 1, 2022

Design Team Certifications:

Power Cool Engineers, PCE

November 1, 2022

MEP ENGINEER

BY

DATE OF ISSUANCE

N/A

ARCHITECT/SRUCTURAL/CIVIL

BY

DATE OF ISSUANCE

List of items completed or corrected has been uploaded to Project's Document Control Database - Procore. The failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract Documents. Unless otherwise agreed to in writing, the date of commencement of warranties for items of the attached list will be the date of issuance of the final Certificate of Payment or the date of final payment.

Cost estimate of Work that is incomplete or defective: N/A.

The Contractor will complete or correct punch list items within Thirty calendar (30) days from the above date of Substantial Completion.

EllisDon

Samuel Ajobo

November 1, 2022

CONTRACTOR

BY

DATE OF ISSUANCE

The Owner accepts the Work or designated portion as substantially complete and will assume full possession at 5:00 PM on November 1, 2022

Cyxtera Communications Canada, Inc

Andrew Dumart

November 1, 2022

OWNER

BY

DATE OF ISSUANCE

The responsibilities of the Owner and Contractor for security, maintenance, heat, utilities, damage to the Work and insurance shall be as follows: **The Owner is responsible for all security, maintenance, utilities, damage to the Work and insurance as of 5:00PM on November 1, 2022**

(Note: Owner's and Contractor's legal and insurance counsel should determine and review insurance requirements and coverage.)

Certificate of Substantial Completion

PROJECT:

Cytera Communications Canada, Inc.
4175 14th Avenue, Units 8&9, Markham, ON, CAN

PROJECT NUMBER: 70562 (PO# 6031670)**CONTRACT FOR:** PHASE 4 - 1MW Expansion**PROJECT NAME:** CYTERA YY22 PHASE 4 – 1MW EXPANSION

City of Markham Building Permit # 19 114878 000 01 AL issued on 2021-09-22

TO OWNER:

Cytera Communications Canada, Inc.
421 7th Avenue SW, Suite 1600
Calgary, AB, T2P 4K9

TO CONTRACTOR:

EllisDon
1004 Middlegate Rd, Suite 100
Mississauga, ON, L4Y 1M4

OWNER	<input checked="" type="checkbox"/>
ARCHITECT	<input checked="" type="checkbox"/>
CONTRACTOR	<input checked="" type="checkbox"/>
MEP ENGINEER	<input checked="" type="checkbox"/>

PROJECT OR PORTION OF THE PROJECT DESIGNATED FOR PARTIAL OCCUPANCY OR USE SHALL INCLUDE

The Work performed under this Contract (excluding the provision of SCR system for 5 Cummins generators and Phase 5 early works) has been reviewed and found, to the Designer's best knowledge, information and belief, to be substantially complete. Substantial Completion is the stage in the progress of the Work when the Work of designated portion is sufficiently complete in accordance with the Contract Documents so that the Owner can occupy or utilize the Work for its intended use. The date of Substantial Completion of the Project or portion designated above is the date of issuance established by this Certificate, which is also the date of commencement of applicable warranties required by the Contract Documents, except as stated below:

Warranty: ALL**Date of Commencement:** March 31, 2022

Design Team Certifications:

Power Cool Engineers, PCE**MEP ENGINEER**N/A**ARCHITECT/STRUCTURAL/CIVIL**

BY

BY

March 31, 2022**DATE OF ISSUANCE****DATE OF ISSUANCE**

List of items completed or corrected has been uploaded to Project's Document Control Database - Procore. The failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract Documents. Unless otherwise agreed to in writing, the date of commencement of warranties for items of the attached list will be the date of issuance of the final Certificate of Payment or the date of final payment.

Cost estimate of Work that is incomplete or defective: N/A.

The Contractor will complete or correct punch list items within Thirty calendar (30) days from the above date of Substantial Completion.

EllisDon**CONTRACTOR**Samuel Ajobo**BY**March 31, 2022**DATE OF ISSUANCE**

The Owner accepts the Work or designated portion as substantially complete and will assume full possession at 5:00 PM on March 31, 2022

Cytera Communications Canada, Inc**OWNER**Andrew DumartAndrew Dumart**BY**March 31, 2022**DATE OF ISSUANCE**

The responsibilities of the Owner and Contractor for security, maintenance, heat, utilities, damage to the Work and insurance shall be as follows: **The Owner is responsible for all security, maintenance, utilities, damage to the Work and insurance as of 5:00PM on March 31, 2022**

(Note: Owner's and Contractor's legal and insurance counsel should determine and review insurance requirements and coverage.)