

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

*Construction Act*

**City of Sarnia**

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

**Hwy 40, 0.35 km west of Churchill Road to McGregor North**

(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:

**SAelective Resurfacing**

(short description of the improvement)

to the above premises was substantially performed on **Sept 21, 2022**

(date substantially performed)

Date certificate signed: **Dec 12, 2022**

(payment certifier where there is one)

**Her Majesty The Queen in Right  
of Ontario as represented by the  
Minister of Transportation**

Name of owner:

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

Address for service: **659 Exeter Road, London, Ontario, N6E 1L3**

Name of contractor: **Lavis Contracting Company Ltd.**

Address for service: **505 Miller Avenue, Markham, Ontario. L6G 1B2 Markham Ontario L6G 1B2**

Name of payment certifier (where applicable): **Isaac Deras, MTO CA**

Address: **659 Exeter Road, London, Ontario, N6E 1L3**

(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 Branch  
125 Sir William Hearst Avenue, 1st Floor  
Downsview, Ontario  
M3M 0B5**

(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)



APPLICATION FOR SUBSTANTIAL PERFORMANCE/CONTRACT COMPLETION

To: Kevin Boudreau, P. Eng. Date: September 21, 2022
Manager, Construction West

West Region

Contract No.: 2022-3029

In accordance with the contract requirements, I/We Lavis Contracting Co. Limited (Name of Contractor) hereby apply for:

- Certificate of Substantial Performance
Certificate of Completion

Table with 2 columns: Description, Amount. Rows include: All work invoiced to date (\$ 3,198,651.67), Payments made to date (-\$ 2,671,746.81), Less holdback (-\$ 326,904.86), Less Owner's set-offs (-\$ 200,000.00), Amount due (=\$ 0.00)

I/We Lavis Contracting Co. Limited (Name of Contractor) hereby release the owner of all further claims related to the contract with the following exceptions:

- List outstanding issues in accordance with MTO General Conditions of Contract

No Outstanding Issues
All Contract Items and Quotation Extra Work Complete

I/We Lavis Contracting Co. Limited (Name of Contractor) hereby declare and submit with this Application a Statutory Declaration in the form provided that all liabilities incurred by the Contractor, and the Contractor's Sub-Contractors, in carrying out the contract have been discharged, except for the statutory holdbacks properly retained in accordance with the Construction Lien Act.

- List outstanding liabilities:

HB and Set Off Release

Name: Jamie Eagleson Signature: X
Position: Project Manager Date: November 12, 2022

## 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 Lavis Contracting Co. Limited, (Contractor), at

MTO Contract Number: 2022-3029

I, Jamie Eagleson


### DO SOLEMNLY DECLARE:

1. that I am The Project Manager of Lavis Contracting Co. Limited, 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.

**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 Office  
Of Lavis Contracting Co. Limited  
in the Town  
of Clinton this \_\_\_\_\_  
day of November 12 2022 A.D. 2022

  
Jamie Eagleson  
(Deponent)

A Commissioner etc.

Kenzie Mitchell Currie, a Commissioner, etc.,  
Province of Ontario, for Lavis Contracting Co.  
Limited. Expires July 13, 2025

### 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 Regional Contracts Office