

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

The Regional Municipality of York

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

Various Locations in York Region

(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:

Contract No. T-19-242 - Tree Planting and Associated Establishment Activities Including Watering (2022)

(short description of the improvement)

to the above premises was substantially performed on December 2, 2022.
(date substantially performed)

Date Certificate Signed: December 19, 2022

(payment certifier where there is one)

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

Name of owner: The Regional Municipality of York

Address for service: Office of the Regional Clerk, 17250 Yonge Street, Newmarket, ON, L3Y 6Z1; regionalclerk@york.ca

Name of contractor: Titanium Contracting Inc.

Address for service: 550 Bowes Road, Concord, ON L4K 1K2

Name of payment certifier (where applicable):

Address:

(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:

The Regional Municipality of York, Office of the Regional Clerk, 17250 Yonge Street, Newmarket, ON L3Y 6Z1;
regionalclerk@york.ca

(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)

CERTIFICATE OF TOTAL PERFORMANCE OF THE CONTRACT

This is to certify that the contract for the following improvement:

CONTRACT NO. T-19-242

for

Tree Planting and Associated Establishment Activities Including Watering at Various Locations in
York Region

was totally performed on:

December 2, 2022

The Regional Municipality of York

Titanium Contracting Inc.



Name: James Lane

Title: Manager, Natural Heritage and Forestry



Name: Ashley Herman

Title: President

FULL AND FINAL RELEASE

IN THE MATTER OF a contract for tree planting and associated establishment activities including watering at various locations in York Region, known as Contract No. T-19-242, entered into between The Regional Municipality of York (the "Region") and Titanium Contracting Inc. (the "Contractor"). Completed for the Contract Price of \$4,358,279.82 (exclusive of tax).

KNOW ALL MEN BY THESE PRESENTS THAT the Contractor, on its own behalf and on behalf of its Subcontractors, and their respective heirs, executors, administrators, successors and assigns, as the case may be (the "Releasor"), for and in consideration of the payment or promise to pay the statutory holdback under the above-mentioned contract and for other good and valuable consideration, hereby remises, releases and forever discharges the Region, and its directors, officers, council members, partners, employees, agents, assigns and successors (the "Releasee"), of and from all manner of action and actions, cause and causes of action, suits, debts, dues, sums of money, claims and demands whatsoever at law or in equity which the Releasor ever had, now has, or may have by reason of the above-mentioned contract, save and except any claim which the Releasor has arising out of:

1. Claims pursuant to GC 7 – Claims and Disputes made prior to Total Performance of the Contract and still unsettled, as listed in the attached "Schedule of Outstanding Claims"
2. The retention by the Region of the maintenance security, if applicable

With respect to item 1, the Contractor acknowledges and agrees that none of the claims listed in the attached "Schedule of Outstanding Claims" have been admitted, acknowledged or accepted by the Region as valid claims. The Contractor further acknowledges that nothing in this Release prevents or estops the Region from disputing the validity, timeliness and quantum of the claims listed therein.


Dated this 22 day of December, 2022.

WITNESSED BY:

SIGNED, SEALED AND DELIVERED

TITANIUM CONTRACTING INC.


Name: Ashley Reo


Name: Ashley Heerman (Seal)
Title: President

Name: _____

Name: _____ (Seal)
Title: _____
I/We have authority to bind the corporation

SCHEDULE OF OUTSTANDING CLAIMS

Description of Dispute	Value of Dispute

STATUTORY DECLARATION OF COMPLETION OF CONTRACT AND PAYMENT OF ACCOUNTS

) IN THE MATTER OF
) THE REGIONAL MUNICIPALITY OF YORK
) CONTRACT NO. T-19-242

TO WIT:

I, Ashley Herman of Titanium Contracting Inc.
(name)

DO SOLEMNLY DECLARE:

1. That I am the President of Titanium Contracting Inc.,
(title or position)
the Contractor referred to herein, and as such have knowledge of the facts herein declared.
2. That Titanium Contracting Inc. entered into Contract No. T-19-242 with The Regional Municipality of York (the "Region") for the supply of the following services and/or materials:
Tree Planting and Associated Establishment Activities Including Watering at Various Locations in York Region
3. That the supply of all services and materials required to be furnished under the contract has been completed in an acceptable manner.
4. That the date of last supply of services and/or materials under the contract was December 2, 2022.
(date of last supply)
5. No further services or materials will be supplied under the contract.
6. That all assessments and levies under the Employment Standards Act, the Workplace Safety and Insurance Act or other social or labour legislation in respect of said contract have been duly paid, and the work is free of all liens and encumbrances.
7. That all claims for damage to property or injury to persons in respect of said contract, and of which the above named contractor has received notice, have been fully paid or settled.
8. That all accounts for labour, subcontracts, Products, construction machinery and equipment and other indebtedness which may have been incurred by the Contractor in the performance of the work under the contract, and for which the Region might in any way be held responsible, have been duly paid except for statutory and contractual holdback monies properly retained.

And I make this 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 in Vaughan this 22 day of December,
(City/Town and Province)
in the year 2022.

A. Herman
Signature of Declarant

M. Ross
(A Commissioner for Oaths, Notary Public, etc.)
M. Ross
508724

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-mm-yyyy) / Période de validité (jj- mmm-aaaa)
TITANIUM CONTRACTING INC.	550 BOWES RD, CONCORD, ON, L4K1K2, CA	561730: Landscaping services 238910: Site preparation contractors 007050: Non-Exempt Partners and Executive Officers in Construction - G5	A0000IB9N5	20-Nov-2022 to 19-Feb-2023

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