

File 421374

January 5, 2023

Scott Howard
Estimator/Project Manager
Maacon Construction Corporation
45 Robillard Drive
Penetanguishene, Ontario L9M 1G9
scott@maacon.com

Re: Yonge & Little Residential Development: Site Alteration Works, City of Barrie
Certificate of Substantial Performance – Contract 421374-1 (Part A1 Works)

Dear Scott:

On behalf of Mason Homes Limited, we are pleased to enclose a Certificate of Substantial Performance (Form 9) in support of 421374-1: Yonge Street & Little Avenue Site Alteration Works (Part A1 Works).

We have created Part A1 and Part A2 Works to separate *Item 2.03 Import, Place & Compact Clean Fill* from this Certificate. This work was not completed as part of Part A due to the onset of cold weather conditions. The work is expected to commence in the Spring (if required) when temperatures are favourable for the placement of engineered fill. In the event where no imported fill is required to achieve pre-grade elevations, Item 2.03 will be deleted from the Contract.

In conjunction with the above, we note the following:

- December 20, 2022 was established as the date of Substantial Performance, based on the work completed and itemized on Maacon Construction Corporation invoice 2022-11 (02);
- the 12 months warranty period will extend to December 20, 2023, provided all obligations of the Contract have been met; and
- a site inspection was undertaken on January 4, 2023, and no deficiencies were observed.

The following documentation are required of Maacon Construction Corporation:

- a proper invoice submission in support of the release of the Statutory Holdback issued prior to the end of the 60-day lien period;
- a release by the Contractor in a form satisfactory to the Contract Administrator releasing the Owner from all further claims relating to the Contract, qualified by stated exceptions;

- a statutory declaration in a form satisfactory to the Contract Administrator that all liabilities incurred by the Contractor and the Contractor's Subcontractors in carrying out the Contract have been discharged except for statutory holdbacks properly retained;
- a satisfactory Certificate of Clearance from the Workplace Safety and Insurance Board; and
- proof of publication of the Certificate of Substantial Performance in the Daily Commercial News.

We trust the above satisfactory. Should you have any questions or require clarification, please do not hesitate to contact us.

Yours truly,

Tatham Engineering Limited



Lisa Cowan, C.Tech.
Senior Technologist, Project Manager
LC:klc

Encl.

copy: Gordon Mason, Mason Homes Limited, gmason@masonhomes.ca
Dave Wright, Maacon Construction Corporation, dwright@maacon.com

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

Construction Act

CITY OF BARRIE

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

410 YONGE STREET & 343 LITTLE AVENUE

(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:

421374-1 (PART A1) SITE ALTERATION WORKS

(short description of the improvement)

to the above premises was substantially performed on DECEMBER 20, 2022

(date substantially performed)

Date certificate signed: JANUARY 5, 2022



(payment certifier where there is one)

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

Name of owner: MASON HOMES LIMITED

Address for service: 70 INNOVATOR AVENUE (UNIT 1), STOUFFVILLE ON L4A 0Y2

Name of contractor: MAACON CONSTRUCTION CORPORATION

Address for service: 45 ROBILLARD DRIVE, PENETANGUISHENE ON L9M 1G9

Name of payment certifier (where applicable): TATHAM ENGINEERING LIMITED

Address: 41 KING STREET (UNIT 4), BARRIE ON L4N 6B5

(Use A or B, whichever is appropriate)

☒ A. Identification of premises for preservation of liens:

410 YONGE STREET & 343 LITTLE AVENUE, CITY OF BARRIE

(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)