

January 10, 2023

All The Best Paving Limited
202 – 1059 Upper James Street
Hamilton, ON
L9C 3A6

Attention: Mr. Jim Case

Re: Contract No. ES-22-16: Central Park, Florence Meares PS, Taywood Park and
Tuck Park Playground Improvements
PART A only includes Taywood Park and Tuck Park

Please consider this letter and the accompanying PART A Certificate of Substantial Performance (FORM 9 CERTIFICATE OF SUBSTANTIAL PERFORMANCE OF THE CONTRACT UNDER SECTION 32 OF THE ACT) as our acknowledgement that the above contract was substantially performed on December 15, 2022.

Please submit the following:

1. A release by you releasing the City from all further claims relating to the work done to date at Taywood Park and Tuck Park.
2. A Statutory Declaration stating that all liabilities incurred by you in carrying out the contract (for Taywood and Tuck only) have been paid and that there are no liens, garnishees, attachments or claims relating to the work.
3. A current clearance certificate from the Workplace Safety and Insurance Board.
4. A copy of your Construction Lien Act advertisement.

The holdback reduction of 10% will become payable 60 days after the date of the Construction Act advertisement. The 2% Maintenance Holdback will be held for one year from Total Completion. In exchange for the 2% holdback a letter of credit may be supplied to the City of Burlington in the amount of 2% of the contract value in a format acceptable to the City of Burlington. No payment will be made until the required documents are received, and have met with our approval.

Part B of Substantial Completion under this contract will be issued at later date for Central Park and Florence Meares PS. Each of these sites have delays to Spring 2023 due to playground delivery supply delay and deficient work by subcontractor.

We thank you for your co-operation in the fulfilment of this contract.

Yours truly,

Kim Napier
Parks Design & Construction
Engineering Services

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

Construction Act

City of Burlington

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

Taywood Park - 4537 Millcroft Park Drive and Tuck Park - 3405 Spruce 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:

ES-22-16 (PART A) Taywood Park and Tuck Park Playground Improvements

(short description of the improvement)

to the above premises was substantially performed on December 15, 2022

(date substantially performed)

Date certificate signed: January 10, 2023

(payment certifier where there is one)

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

Name of owner: City of Burlington

Address for service: City Hall, 426 Brant St., PO Box 5013, Burlington, ON, L7R 3Z6

Name of contractor: All The Best Paving Limited

Address for service: 202 - 1059 Upper James Street, Hamilton, ON, L9C 3A6

Name of payment certifier (where applicable): City of Burlington

Address: City Hall, 426 Brant St., PO Box 5013, Burlington, ON, L7R 3Z6

(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:

City Hall, 426 Brant St., PO Box 5013, Burlington, ON, L7R 3Z6

(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)