

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)

Yonge Street at Bloomington Road and Worthington Avenue in the Town of Aurora

(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-20-227 - Aurora Magmeter Bypass Rehabilitation

(short description of the improvement)

to the above premises was substantially performed on November 28, 2022.
(date substantially performed)

Date Certificate Signed: November 28, 2022

Eismat Abdalla



(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: Capital Sewer Services Inc.

Address for service: 31 Keyes Court, Vaughan, ON L4H 4V6

Name of payment certifier (where applicable): CH2M HILL Canada Limited o/a Jacobs Engineering Group Inc.

Address: 245 Consumers Road, Suite 400, Toronto, ON M2J 1R3; Behzad.Haghighi@jacobs.com

(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)

RELEASE

IN THE MATTER OF a contract for Aurora magmeter bypass rehabilitation on Yonge Street at Bloomington Road and Worthington Avenue in the Town of Aurora, known as Contract No. T-20-227, entered into between The Regional Municipality of York (the "Region") and Capital Sewer Services Inc. (the "Contractor").

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 actions, 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 GC7 – Claims, Disputes and Adjudication made prior to Substantial 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
3. Pending/Unresolved Change Orders as listed in the attached "Schedule of Pending/Unresolved Change Orders"
4. Quantities which have not been finalized

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 _____ day of _____ 20__.

WITNESSED BY:

SIGNED, SEALED AND DELIVERED

CONTRACTOR

Name:

Name:

(Seal)

Title:

Name:

Name:

(Seal)

Title:

I/We have authority to bind the corporation

SCHEDULE OF OUTSTANDING CLAIMS

Description of Dispute	Value of Dispute

SCHEDULE OF PENDING/UNRESOLVED CHANGE ORDERS

C.O. #	Description of Change Order	Value of Change Order
022	Contractors' compensation for material, labour, and equipment requested through Claim #005 for Epoxy washout caused by unexpected and sudden release of flow during a full flow shutdown.	\$9,183.07

DECLARATION OF NO ADJUDICATION

I, _____
(name)

of Capital Sewer Services Inc. _____
(name of Contractor)

declare that:

1. I am the _____ of
(title or position)

Capital Sewer Services Inc. _____,
(name of Contractor)

and as such have knowledge of the facts herein declared.

2. That Capital Sewer Services Inc. _____
(name of Contractor)

entered into Contract No. T-20-227 _____ with The Regional Municipality of York for
(contract no)

Aurora Magmeter Bypass Rehabilitation on Yonge Street at Bloomington Road and Worthington Avenue
in the Town of Aurora _____
(description of contract)

3. That Capital Sewer Services Inc. _____
(name of Contractor)

is not engaged in, nor aware of, any adjudication with respect to Contract No. T-20-227 _____,
(contract no)

nor is it aware of any adjudication in which any subcontractors or suppliers are engaged, and has made
reasonable enquiries to confirm this.

Declared before me in _____
(City/Town)

in the Province of _____
(Province)

on the _____ day of _____, 20

Signature of Declarant

A Commissioner, etc.