



January 27, 2023

Our File: 120064-2

Via email: bishoy@greenspacegroup.ca
Greenspace Construction Inc.
50 Carroll Street
Toronto, ON M4M 3G3

Attention: Bishop Anees

Re: Contract No. RFT22-09 PB-72 Replacement, Old
Lexington Road, Substantial Performance

Bishoy,

This letter has been prepared regarding your request for Substantial Performance of the above-noted contract made on January 24, 2023. GMBP reviewed the project site on January 18, 2023 and has determined that the project satisfies the conditions of Substantial Performance as set out in the Construction Act, R.S.O. 1990, c. C.30, as amended (the Act). Please find attached our Certificate of Substantial Performance (Form 9) and our Substantial Performance Pre-Clearance Form. As required by Section 32(1) paragraph 5 of the Act, you are now required to publish a copy of the certificate in a manner set out by the regulations.

A list of deficiencies has been attached to this letter from our site review. Please address all applicable deficiency and remaining work items and notify our office once they have been completed.

The Substantial Performance Statutory Holdback Release Payment Certificate shall be due 61 days after the date of publication of the Certificate of Substantial Performance, but subject to the provisions of the Construction Act and your submission of the following documents:

1. A Statutory Declaration form;
2. A satisfactory Certificate of Clearance from the Workplace Safety and Insurance Board;
3. A release by your firm on corporate letterhead in a form satisfactory to the Owner releasing the Owner from all further claims relating to the Contract, qualified by stating exceptions such as outstanding work or matters arising out of subsection GC 3.13 of OPSS.MUNI 100;
4. Proof of publication of the Certificate of Substantial Performance.

Please note that it is your responsibility to provide proof of publication so that we may determine the date of release for the Statutory Holdback. Please also note that the 24 month warranty period for work completed prior to January 17, 2022 commences as of January 17, 2022. Refer to Supplementary Conditions to OPSS.MUNI 100 General Conditions item 7 for more information.

Please do not hesitate to contact me if you have any questions or concerns.

Regards,
GM BLUEPLAN ENGINEERING LIMITED

Per: 
Matt Scott, P.Eng.

Encl.

cc: Luke Martin, City of Waterloo (luke.martin@waterloo.ca)

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

Construction Act

City of Waterloo

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

Old Lexington Road, Waterloo, Ontario

(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:

RFT22-09, PB-72 Replacement, Old Lexington Road

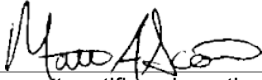
(short description of the improvement)

to the above premises was substantially performed on:

January 17, 2023

(date substantially performed)

Date certificate signed: January 27, 2023



(payment certifier where there is one)

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

Name of owner: The Corporation of the City of Waterloo

Address for service: 100 Regina Street South, Waterloo, ON, N2J 4A8

Name of contractor: Greenspace Construction Inc.

Address for service: 50 Carroll Street, Toronto, ON M4M 3G3

Name of payment certifier (where applicable): GM BluePlan Engineering Limited

Address: 650 Woodlawn Road West, Block C, Unit 2, Guelph, ON N1K 1B8

(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:

Corporation of the City of Waterloo – 100 Regina Street South, Waterloo, ON, N2J 4A8

(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)

SUBSTANTIAL PERFORMANCE PRE-CLEARANCE FORM
CONTRACT NO. 2022-09 (PB-72 Replacement, Old Lexington Road)
GM BLUEPLAN NO. 120064-2

Contract Price (RFQ submission, excluding any contingencies) : \$ 1,835,005.69

Value of construction (revised Contract Price) : \$ **1,756,414.24**
(as of Draft Payment Certificate #7)

"3-2-1" CALCULATION

3% of the first \$1,000,000.00 of the Contract Price : \$ 30,000.00

2% of the next \$1,000,000.00 of the Contract Price : \$ 15,128.28

1% of the remainder of the Contract Price : \$ -

TOTAL of 3-2-1 calculation : **\$ 45,128.28**

(must be greater than the total value of Work and deficiencies set out above)

Is the Work ready for use or being used for its intended purposes? Y

Value of cost to complete Work remaining to be done (see breakdown below) : \$ 41,173.09

Value of cost to correct all known deficiencies (see breakdown below) : \$ 3,500.00

TOTAL value of outstanding work and deficiencies : **\$ 44,673.09**

(must be less than the total of 3-2-1 calculation set out below)

Work Remaining as of January 17, 2023:

Mobilization/demobilization \$ 1,149.71

Traffic control - full trail closed \$ 192.73

Pedestrian Railing Installation \$ 29,483.10

Site Restoration \$ 10,347.55

Subtotal **\$ 41,173.09**

Deficiency Items as of January 17, 2023:

Replace deficient railing bases \$ 3,000.00

Grind off concrete overpour on north and south facias \$ 500.00

Subtotal **\$ 3,500.00**

I certify on behalf of the Owner that the above information correctly shows the status of the Contract as of: January 17, 2023



Matt Scott, P.Eng.



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January 27, 2023
Our File: 120064-2

Via email: Bishoy@greenspacegroup.ca
Greenspace Construction Inc.
50 Carroll Street
Toronto, ON M4M 3G3

Attention: Bishoy Anees

Re: Contract No. RFT22-09 PB-72 Replacement, Old
Lexington Road, Deficiencies and Remaining
Work

Bishoy,

A deficiency list has been prepared for the above noted contract. This list is based on our site review dated January 18, 2023. Please see the deficiencies listed below:

Deficiency / Action Required	Date Completed
Replace the 13 deficient railing bases	
Grind off concrete overpour on north and south facias	
Pedestrian railing installation	
Site restoration	

As deficiency repairs or remaining works are completed, please return a signed and dated copy of this letter to our office to notify us that work has been completed and is available for review.

Please let us know if you have any questions.

Regards,

GM BLUEPLAN ENGINEERING LIMITED

Per:

A handwritten signature in black ink, appearing to read 'Matt Scott', is written over a horizontal line.

Matt Scott, P.Eng.

cc: Luke Martin, City of Waterloo (luke.martin@waterloo.ca)



Photograph 1: Typical railing base with insufficient concrete cover on the steel sleeve



Photograph 2: View of the concrete overpour on the south fascia



Photograph 3: View of the missing pedestrian railings



Photograph 4: Typical area requiring restoration on the west approach



Photograph 5: Typical area requiring restoration on the east approach



Photograph 6: Typical area requiring restoration on the upstream side of the structure



Photograph 7: Typical area requiring restoration on the downstream side of the structure



Photograph 8: Gas marker and signs to be reinstalled as part of site restoration