

February 6, 2023

REA Construction
70 Deerhide Crescent
North York, ON
M9M 2Y6

Attention: Marcelo Lemos, Project Manager

Dear Marcelo:

**Re: The Hospital for Sick Children
SickKids MRI
NORR Project No. ONBL20-0202
Form 9 – Certificate of Substantial Performance**

Attached please find the Form 9 – Certificate of Substantial Performance for your reference.

Please publish in the Daily Commercial News and forward a copy of the publication to SickKids and NORR.

Yours truly,
NORR Architects & Engineers Limited

Name: Gordon Martyshuk
Title: Contract Administrator

Signature

Gordon Martyshuk, M.Arch, OAA, MRAIC
Senior Architect

T 437 703 2369 M 416 843 3874
gordon.martyshuk@norr.com

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

Construction Act

City of Toronto

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

25 Orde St., Toronto, ON M5T 3H7

(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:

SickKids MRI Replacement Project

(short description of the improvement)

to the above premises was substantially performed on **06-Feb-2023**

(date substantially performed)

Date certificate signed: **06-Feb-2023**

NORR Architects & Engineers Limited

(payment certifier where there is one)

Name: Gordon Masyshuk
Title: Contract Administrator
Signature: 
Date:

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

Name of owner: **The Hospital for Sick Children**

Address for service: **555 University Ave, Toronto, ON, M5G 1X8, Suite S210**

Name of contractor: **REA Construction**

Address for service: **70 Deerhide Crescent, North York, ON M9M 2Y6**

NORR Architects & Engineers

Name of payment certifier (where applicable): **Limited**

175 Bloor Street East, North Tower, 15th Floor, Toronto ON M4W 3R8

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:

555 University Ave, Toronto, ON, M5G 1X8, Suite S210

(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 for Substantial Performance

06 February 2023

REA Construction
70 Deerhide Crescent.
North York, ON
M9M 2Y6

Attention: Marcelo Lemos, Project Manager

**Re: The Hospital for Sick Children
The Centre for Phenogenomics MRI Replacement Project
Project No. ONBL20-0202 – Certificate of Substantial Performance**

NORR has received REA's request for Substantial Performance on December 28, 2022. As per the calculations provided by REA, you have applied for Substantial Performance of the contract based on COP 08 dated January 09, 2023. As such, NORR will review the validity of the application as per COP 08.

NORR Limited, Architects and Engineers, as payment certifier of the MRI Replacement Project, have determined the renovated areas are ready for their intended use.

For the purpose of determining substantial performance of the Project the status of the Contract between REA and SickKids as of February 06, 2023 is as follows:

Item MRI Replacement Project

1	<u>Original Contract Amount</u>	\$1,045,000.00
		Total: \$1,045,000.00
2	<u>Authorized Changes</u>	(\$172,274.81)
3	<u>Current Contract Amount</u>	\$872,725.19
		Total: \$872,725.19
4	<u>Balance Unpaid</u>	
	January 09, 2023 – Balance to Complete	\$0.00
		Total: \$0.00
5	<u>Incomplete for Substantial Purposes</u>	
	Value of B	Total: \$0.00
6	<i>Total Contract Value for purposes of the Construction Lien Act</i>	



as of January 03, 2023 has been calculated at

\$872,725.19

Calculation as per Construction Lien Act:

3% first \$1,000,000.00	=	\$ 26,181.75
2% next \$ 230,204.86	=	\$ 0.00
1% of \$ 0.00	=	\$ 0.00
Total amount of value A		\$ 26,181.75
Total amount of value B	=	\$ 0.00

Therefore value of B is less A.

Based on the above summary and monies test, the General Contractor has satisfied the requirements within the provisions of the Construction Lien Act 1990, article 2.

We enclose a copy of the 'Certificate of Substantial Performance' issued in accordance with the requirements of the Construction Lien Act of Ontario.

The Contractor is required to advertise this in the Daily Commercial News and the sixty day lien period commences the first day after the date of the advertisement. On expiry of the lien period the statutory holdback will become payable.

Additionally, this Certificate establishes the date of substantial performance of the Contract. This date is the commencement of Contract guarantees except where other dates may be agreed for specific times.

Best regards,

Name: Gordon Martyshuk
Title: Contract Administrator
Signature
Date

Gordon Martyshuk, M.Arch, OAA, MRAIC
Senior Architect Contract Administrator
NORR Limited

cc. via e-mail

Gary Wong

Hospital for Sick Children

gary.wong@sickkids.ca

Application for Substantial Performance



Rea Investments Limited

70 Deerhide Crescent, North York ON

M9M 2Y6

December 28, 2022

NORR Architects
175 Bloor Street East, North Tower
Toronto, ON
M4W 3R8

Attention: Gordon Martyshuk

RE: Sickkids MRI

Dear Mr. Martyshuk,

Please accept this as our application for Substantial Performance as required by our contract with The Hospital for Sick Children.

The work in our opinion has been Substantially Performed in accordance with the Ontario Construction Lien Act.

The total contract value including fully endorsed change orders as per Application for Payment #09R3 is a value of **\$872,725.19**.

The total contract balance, inclusive of fully endorsed change orders, as per Application for Payment #09R3, is a value of **\$0**

Application for Substantial Performance

The project can be used for its intended purpose, and can be completed for less than the following cost as required by the Lien Act:

3% of the 1 st \$1,000,000.00	= \$26,181.76
(3% of \$ 872,725.19= \$26,181.76)	
2% of the 2 nd \$1,000,000.00	= \$523.64
(2% of \$ 26,181.76= \$523.64)	
Total	= \$26,705.40

We request that you please forward your Certificate of Substantial Performance at your earliest convenience so that we may commence publishing in the Daily Commercial News.

We trust that the above is acceptable. If you have any questions, please feel free to contact us.

Regards,



Vito Rea - President
REA Construction