

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

Construction Act

Township of Chapple, Rainy River District, Ontario

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

317 Heatwole Road, Barwick, Ontario, P0W 1A0

(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:

Lateral & vertical development and underground construction

(short description of the improvement)

to the above premises was substantially performed on Jan 31, 2023

(date substantially performed)

Date certificate signed: Jan 31, 2023

(payment certifier where there is one - signature required)

Name of owner: New Gold Inc.

Address for service: Brookfield Place, 181 Bay Street, Suite 3320, Toronto, Ontario, M5J 2T3

Name of contractor: Cementation Canada Inc.

Address for service: 590 Graham Drive, North Bay, Ontario, P1B 7S1

Name of payment certifier (where applicable):

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:

New Gold Headquarters - 181 Bay Street, Suite 3320, Toronto, Ontario. M5J 2T3

(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)

Eric Kohlke
Feb 2, 2023

Travis Pastachak
Travis Pastachak (Feb 10, 2023 08:53 EST)

(owner and contractor where there is no payment certifier -
signatures required) Feb 10, 2023