

December 16, 2022

Our Project No. 205-54 CA

Powell Fence
180 Ram Forest Road
Stouffville, Ontario
L4A 2G8

Attention: Jarrod Serre
Project Manager

**Re: Noise Wall Replacement Program on Upper Middle Road and Dorval Drive
Certificate of Substantial Performance and
Substantial Performance Statutory Holdback Release Payment Certificate
Halton Contract No. R-3252A-21**

We are writing in response to your application for Certification of Substantial Performance for the above-noted contract. Please find attached our Certificate of Substantial Performance. As required by the Section 32(1) Paragraph 5 of the Construction Act, R.S.O. 1990, c.C.30, as amended, you are now required to publish a copy of the certificate in a construction trade newspaper including placement in the Daily Commercial News.

December 13th, 2022 has been set as the date of substantial performance for this contract. Please submit the following documents as noted below as per "Section GC 8.02 – Payment" of the General Conditions, "Item 3 – Maintenance Security" of the Special Provisions General of the Contract:

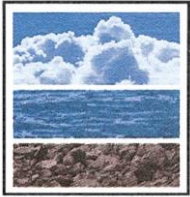
- (i) a release of claims;
- (ii) a Statutory Declaration;
- (iii) a satisfactory Certificate of Clearance from the Workplace Safety and Insurance Board; and
- (iv) Proof of publication of the Certificate of Substantial Performance.
- (v) Unconditional Irrevocable draw-down Letter of Credit or Certified Cheque in the amount of 5% of the value of the completed works or holdback of funds for the warranty period.

As per General Conditions of Contract, 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 the submission by the Contractor of the above documents:

Should you have any questions regarding this matter, please contact me directly at 416-779-5667.

Yours truly,

Robert Friscioni
Construction Manager
Chisholm Fleming & Associates



Page 2

Date: December 16, 2022

Attachments: Certificate of Substantial Performance (Form 9), Deficiency List,
Substantial Performance Calculation

Copy to: Regional Municipality of Halton, Kevin Barrett,
Chisholm Fleming Associates, Am Shamsuzzaman

Request for Substantial Performance

Contract: R-3252A-21 - (Noise Wall Replacement on Upper Middle Road and Dorval Drive)

GC 1.05 Substantial Performance

.01 Work is substantially performed when the

- a) when the Work to be performed under the Contract or a substantial part thereof is ready for use or is being used for the purpose intended; and
- b) when the Work to be performed under the Contract is capable of completion or, where there is a known defect, the cost of correction, is not more than
 - i. 3% of the first \$ 1,000,000 of the Contract price,
 - ii. 2% of the next \$1,000,000 of the Contract price, and
 - iii. 1% of the balance of the Contract price.

Value of Contract (Base Scope + Approved Extras)	<u>\$ 1,391,218.05</u>
3% of the first \$1,000,000 of the Contract Price	<u>\$30,000.00</u>
2% of the next \$1,000,000 of the Contract Price	<u>\$7,824.36</u>
1% of the remaining balance of the Contact Price	<u>\$0.00</u>
Total Substantial Completion Threshold	<u>\$ 37,824.36</u>
Work Outstanding (Base Scope + Approved Extras)	<u>\$11,985.00</u>
Deficiency Outstanding (per Deficiency Summary enclosed)	<u>\$700.00</u>
Total Outstanding	<u>\$ 12,685.00</u>

Any outstanding unidentified deficiencies are subject to be added to the list, within the warranty period.

Please note that deficiencies noted do not include outstanding work that cannot be completed at this time.

FORM 9

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

Construction Act

The Regional Municipality of Halton

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

1151 Bronte Road, Oakville, Ontario, L6M 3L1

(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:

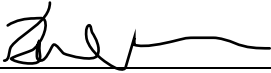
Contract No. R-3252A-21- Noise Wall Replacement Program on Upper Middle Road and Dorval Drive

(short description of the improvement)

to the above premises was substantially performed on **December 13, 2022**

(date substantially performed)

Date certificate signed: **December 16, 2022**



(payment certifier where there is one)

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

Name of owner: **Regional Municipality of Halton**

Address for service: **1151 Bronte Road, Oakville, Ontario, L6M 3L1**

Name of contractor: **Powell Fence Limited**

Address for service: **180 Ram Forest Road, Stouffville, Ontario L4A 2G8**

Robert Friscioni, Chisholm

Name of payment certifier (where applicable): **Fleming And Associates**

Address: **317 Renfrew Drive, Suite 301, Markham, Ontario, L3R 9S8**

(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:

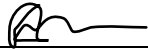

1151 Bronte Road, Oakville, Ontario, L6M 3L1

(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)



Title: 06B- CAPITAL PROJECT DEFICIENCY SUMMARY	
Document #: Q-Infra-TF-BDINS-889	Folder: Inspections
Revision #: 6	Issue Date: September 2022

Capital Project - Deficiency Summary

Project Number:	Date:	Sheet 1 of
Description:		
Municipality:		
Inspector:	Signature: 	Date:
Operator on site:	Signature:	Date:
Contract Administrator:	Signature: 	Date:

- ☐ Substantial Performance inspection ☐ Completion inspection
- ☐ Red line drawings have been submitted to Operations

Item	Description	Cost

Project Number:
Date:
Sheet 2 of

[illegible]