



Certificate of Substantial Performance

of the Contract Under Section 32 of the
Construction Act, R.S.O. 1990, C.C.30

Community and Location: HDR2A Scenic Reservoir, Hamilton (1)

This is to certify that the Contract for the following improvement: (2)
Scenic Reservoir Expansion Joint Repairs

known as Contract No. C13-35-21, to the above premises was (3)

substantially performed on 9-Feb-23 (4)

Date Certificate signed: April 6, 2023 (5)

Name of Owner: City of Hamilton (6)

Address for Service: City Clerk, 71 Main Street West, 1st Floor, Hamilton, ON L8P 4Y5 (7)

Name of Contractor: Brook Restoration Ltd. (8)

Address for Service: 11 Kelfield Street, Toronto, ON, M9W 5A1 (9)

Name of Payment Certifier: R.V. Anderson Associates Limited (10)

Address: 43 Church St., Suite 104, St. Catharines, ON, L2R 7E1 (11)

Identification of premises for preservation of liens:* (12)

Office to which claim for lien and affidavit must be given to preserve lien:* (13)

City Clerk, 71 Main Street West, 1st Floor, Hamilton, ON L8P 4Y5

Payment Certifier:

Digitally signed by
Andrew Flagg
Date: 2023.04.06
09:49:52 -04'00'

Agent of the Owner (Consultant)

April 6, 2023

Owner

(14)

*Strike out whichever is inapplicable

INSTRUCTIONS

1. The Certificate of Substantial Performance is to be issued when the *Contract* has been substantially performed to meet the requirements of the *Contract Documents* and Section 2(1) and (2) of the *Construction Act*, and the *Contractor* has submitted satisfactory documentation as required by the *Contract Documents*.
2. The *Consultant* is to complete and send to the Owner's Project Manager for approval one (1) original copy of this Certificate, together with all required documentation, within seven (7) days of establishing the date of substantial performance.
3. If the *Contractor* has added any qualification to the Contract Release, this should be referred to, and entered in Item 3.3.
4. If the Final Contract Price is known at the time that this Certificate is prepared, delete the word "Approximate" from Item 5.0.
5. The instructions for completing page 4 of the Certificate are as follows:
 - (1) Insert community, if applicable, and street address or location.
 - (2) Insert short description of the improvement.
 - (3) Insert *Contract* number.
 - (4) Insert date of *Substantial Performance of the Work*.
 - (5) Consultant to leave blank. The *Owner* will complete.
 - (6) The *Owner* is the City of Hamilton.
 - (7) Address for the *Owner* is City Clerk, 71 Main Street West, 1st Floor, Hamilton, ON
 - (8) Insert name of *Contractor*.
 - (9) Insert address of *Contractor*.
 - (10) Insert name of *Consultant*.
 - (11) Insert address of *Consultant*.
 - (12) If premises is NOT owned by the City of Hamilton, is NOT a public street or highway, or is NOT a railway right-of-way, insert the lot and plan or the instrument registration number.
 - (13) For Provincially owned works, if premises is owned by the City, is a public street or highway, or is a railway right-of-way, insert "Clerks Department, City of Hamilton" and office address (City Clerk, 71 Main Street West, 1st Floor, Hamilton, ON L8P 4Y5)
 - (14) Consultant to sign on left; the *Owner* (usually the *Owner's* Project Manager) on the right. At the same time, the *Owner* will insert the date of signing on line (5).
6. The *Owner* will provide a copy of the approved page 4 to the *Consultant* for distribution to the *Contractor*. The *Contractor* will arrange for publication in the Daily Commercial News (or other construction trade newspaper). The *Contractor* shall provide a copy of the publication to the *Consultant* who will in turn provide a copy to the *Owner's* Project Manager. The 60-day lien period commences on the date of publication.
7. Subject to the provisions of the *Construction Act* and of the *Contract* and after the expiry of the 60-day lien period, the *Owner* will release to the *Contractor* the statutory hold-back.