

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

*Construction Act*

Toronto, Ontario

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

503-1867 YONGE ST TORONTO ON M4S 1Y5

(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:

Demising wall from Demising to Tenant Partition including 2 Doorways in 205&b 503

(short description of the improvement)

to the above premises was substantially performed on May 1, 2023

(date substantially performed)

Date certificate signed: May 9<sup>th</sup>, 2023

(payment certifier where there is one)

**1867 Yonge Street Investments  
Inc., Adgar Investments and  
Development Inc. Montez Office  
Fund 1 Holdco Inc. and Colliers**

Name of owner: Macauley Nicolls Inc.

Como Construction Inc.

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

Address for service: 503-1867 YONGE ST TORONTO ON M4S 1Y5a

Name of contractor: Como Construction Inc.

Address for service: 503-1867 YONGE ST TORONTO ON M4S 1Y5

Name of payment certifier (where applicable): \_\_\_\_\_

Address: \_\_\_\_\_

(Use A or B, whichever is appropriate)

- ☒ A. Identification of premises for preservation of liens:  
**1867 Yonge Street Investments Inc., Adgar Investments and Development Inc. Montez Office Fund 1  
Holdco Inc. and Colliers Macauley Nicolls Inc.**

(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:

(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)

# Statutory Declaration of Progress Payment Distribution by Contractor

Standard Construction Document

**CCDC 9A – 2018**

To be made by the Contractor as a condition for either

- ☒ second and subsequent progress payments; or  
☐ release of holdback.

## Information Appearing in the Contract Documents

Name of Project

1867 Yonge St. Suite 503

Date of Contract: January 14th, 2023

Name of Owner

1867 Yonge Street Investments Inc., Adgar Investments and Development Inc. Montez Office Fund 1 Holdco Inc. and Colliers Macaulay Nicolls Inc.

Name of Contractor

Como Construction Inc.

Application for payment number 23-12  
dated MAY 1<sup>ST</sup>, 2023 is the last  
application for payment for which the Contractor has  
received payment.

## Declaration

I solemnly declare that, as of the date of this declaration, I am an authorized signing officer, partner or sole proprietor of the Contractor, and as such have authority to bind the Contractor, and have personal knowledge of the fact that all accounts for labour, subcontracts, products, services, and construction machinery and equipment which have been incurred directly by the Contractor in the performance of the work as required by the Contract, and for which the Owner might in any way be held responsible, have been paid in full as required by the Contract up to and including the latest progress payment received, as identified above, except for:

- 1) holdback monies properly retained,
- 2) payments deferred by agreement, or
- 3) payment withheld by reason of legitimate dispute which has been identified to the party or parties from whom payment has been withheld.

I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

Declared before me in Barrie, Ontario this 9<sup>TH</sup> day of May in the year 2023  
City/Town and Province

Name ANDREW JONATHAN CUCCHIPELLA  
PRESIDENT (COMO CONSTRUCTION INC.)  
Title

[Signature]  
Signature

Amanda Margaret Swarbreck  
Barrister & Solicitor  
Notary Public and Commissioner of Oaths  
in and for the province of Ontario.  
My commission is of unlimited duration.  
No legal advice given.

[Signature]  
(A Commissioner for Oaths, Notary Public, Justice of the Peace, etc.)

Walk-In Notary  
92 Caplan Avenue, Suite 403  
Barrie, ON., L4N 9J2  
1 888-383-0382  
www.walkinnotary.com

**The making of a false or fraudulent declaration is a contravention of the Criminal Code of Canada, and could carry, upon conviction, penalties including fines or imprisonment.**

This agreement is protected by copyright and is intended by the parties to be an unaltered version of CCDC 9 – 2018 except to the extent that any alterations, additions or modifications are set forth in supplementary conditions.

CCDC

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2018

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