

December 22, 2022

Xcel Construction Limited 255 Carrier Dr, 2nd Floor Etobicoke, ON M9W 5Y8

Attention: Nick Bressi, Vice President

Dear Nick:

**Subject:** 168 Simcoe Street, Toronto

2022 Garage Repairs - Certificate of Substantial Performance

Please find enclosed a copy of the Certificate of Substantial Performance for this project. Provided no liens have been registered against the property, statutory holdback for the project will become due 60 days after completion of the project. Receipt of the following information will also be required:

- Invoice for Release of Holdback with:
  - WSIB Clearance Certificate; and
  - Statutory Declaration.
- Statement of Warranty Form
  - Elastomeric Vehicular Traffic
  - Electric Snow Melting System
- A better understanding of the parties involved is required to assist in potential future disputes
  or warranty claims. Please provide the name, address, telephone number, and contact person
  of:
  - general contractor
  - sub-contractors
  - material manufacturers
  - material suppliers

Upon receipt of the required information, we shall issue a Certificate for Payment for Release of Holdback.

In accordance with the Contract dated July 11, 2022 between the Contractor and the Owner, the Consultant on behalf of the Owner, hereby certifies that:

- 1 The work or a substantial part thereof is ready for use and may be used for the purpose intended: and
- 2 The work is Substantially Performed. The work to be done under the Contract is capable of completion or correction at a cost of not more than \$6,042.50, which is less than the \$18,049.65 maximum limit required by the Construction Lien Act.

The issuance of this Certificate does not release the Contractor or any Subcontractor from the duty of completing the Work pursuant to the terms of the Contract. The date of substantial performance defines the start of the warranty period. The warranty period for this work is 2 years, except for Elastomeric Vehicular Traffic coating system and the Radiant electric heating cables which are 5 Years.



Should you have any questions, please do not hesitate to contact us.

Sincerely,

Noel Kristen Cochon, M.BSc., EIT **Building Science Consultant** 

Jillian Wilson, P.Eng. Project Manager

On Behalf of Sam Champagne, BSc. Eng, EIT

Sam Schiafone, P. Eng. Project Director

On Behalf of Edgar Vargas, P.Eng

Encl. Certificate of Substantial Performance

Dist:

Nick Bressi  $\frac{nick@xcelconstruction.ca}{Giancarlo Lagrasta} \underbrace{Giancarlo@xcelconstruction.ca}$ 

Helen Da Ponte, mtcc1289@rogers.com

WSP Ref.: 221-02324-01



## FORM 9

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

Construction Act
Toronto, Ontario

| Torono, Ontano   |  |  |                                |
|--|--|--|--------------------------------|
| (County/District/Regional Municipality/Town/City in which premises are situated)   |  |  |                                |
| 168 Simcoe Street  |  |  |                                |
| (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:  |  |  |                                |
| 2022 Garage Repairs  |  |  |                                |
| (short description of the improvement)   |  |  |                                |
| to the above premises was s  |  | substantially performed on                                     | December 21, 2022              |
|  |  | _  | (date substantially performed) |
| Date certificate signed:   |  | December 22, 2022  |                                |
| WSP Canada Inc.  |  |  |                                |
| (Payment Certifier where there is one) (owner and contractor, where there is no payment certifier)   |  |  |                                |
| Metropolitan Toronto Condominium Corporation No 1289 c/o Crossbridge Name of owner: Condominium Services   |  |  |                                |
| Address for service:   |  | 168 Simcoe Street, Toronto, ON, M5H 4C9                        |                                |
| Name of contractor:  |  | Xcel Construction Limited                                      |                                |
| Address for service:   |  | 255 Carrier Dr., 2 <sup>nd</sup> Floor, Etobicoke, ON, M9W 5Y8 |                                |
| Name of payment certifier:   |  | WSP Canada Inc.  |                                |
| Address:   |  | 25 York Street, Toronto, Ontario, M5J 2V5                      |                                |
| (Use A or B, whichever is appropriate)   |  |  |                                |
| A. Identification of premises for preservation of liens: Parcel 12-1, SectionY-1, being that part of Town Lot 12, north side of Richmond Street, Town of York Plan, and lots 46, 47, 48, and 49 and parts of lots 44 and 45, Plan 155 designated as Part 1 on Reference Plan 66R-18181 |  |  |                                |
| (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, 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)