

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

Construction Act

City of Hamilton
Municipality of Stoney Creek

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

777 Hamilton Regional Road 8, Hamilton, Ontario

(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:

C13-50-22 - Cooling Tower Replacement

(short description of the improvement)

to the above premises was substantially performed on May 3, 2023

(date substantially performed)

Date certificate signed: May 3, 2023



(payment certifier where there is one)

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

Name of owner: City of Hamilton

Address for service: 71 Main Street West, Hamilton, Ontario L8P 4Y5

Name of contractor: Black & McDonald Limited

Address for service: 95 Bessemer Road, Unit 1, London, Ontario N6E 1P9

Name of payment certifier (where applicable): Building Innovation Inc.

Address: 595 Cityview Boulevard, Unit 15, Vaughan, Ontario L4H 3M7

(Use A or B, whichever is appropriate)

☒ A. Identification of premises for preservation of liens:

777 Hamilton Regional Road 8, Hamilton, Ontario L8E 5J4, Property Number: 251800323000300

(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)

LOCATION:Stoney Creek City Hall - RCMP
777 Hamilton Regional Road 8
Hamilton, Ontario L8E 5J4**PROJECT:**City of Hamilton
Stoney Creek City Hall - RCMP**Stoney Creek City Hall - RCMP****Substantial Performance**

This form is to certify that the above contract was substantially performed on the date indicated on the certificate referenced in R1. This declaration of substantial performance is based on reviews and general observations of Work completed by Contractor to date or as otherwise noted. The declaration of substantial performance is not a payment certification, and does not authorize progress billing to any particular amount.

References

ITEM	TYPE	DESCRIPTION
R1	Certificate of Substantial Performance	Title: Form 9 Certificate of Substantial Performance of the Contract under Section 32 of the Construction Act Submitted By: Building Innovation Inc. Dated: May 3, 2023
R2	Deficiency List	Title: BI 4370 DL0002 Deficiency List 2 Submitted By: Building Innovation Inc. Dated: May 3, 2023

Notes

- For reasons either beyond the control of Contractor or due to agreement between Owner and Contractor, certain portions of remaining Work are not being completed expeditiously even though the Work or a substantial portion thereof is either ready for use or is already being used for its intended purpose(s). The value of such Work has been deducted from the value of incomplete or deficient Work for the purposes of determining whether the contract has reached substantial performance in accordance with section 2 of the Ontario Construction Act.
- Refer to reference R2 for details on remaining items of Work to be completed/corrected.

Consultant	Building Innovation Inc.
Name	Amir Kheir
Date	May 3, 2023
Signature	<i>Amir Kheir</i>