

July 17, 2023

Roberto De Souza  
Sr. Project Manager  
Belor Construction Ltd.  
160 Admiral Boulevard  
Mississauga, Ontario  
L5T 2N6

**Re: Contract No 22ECS-BE-01BSE - Pottery Road Bridge Structural Rehabilitation (ID083)**  
**Certificate of Substantial Performance**  
**Substantial Performance Statutory Holdback Release**  
**Payment Certificate**

Dear Mr. De Souza:

We are writing in response to your July 12, 2023 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, you are now required to publish a copy of the certificate in the manner set out in the regulations.

As per clause GC 5.6.1 of the City of Toronto's General Conditions, you are required to submit a Proper Invoice for the Lien Holdback at the conclusion of the 60 days following publication of the Certificate of Substantial Performance. In accordance with GC 5.6.3, payment of the Lien Holdback shall be made no later than fifteen (15) working days after our receipt of the Proper Invoice for the Lien Holdback, subject to the provisions of the Construction Act and the Agreement, including GC 5.6.4.

Should you have any questions regarding this matter, please contact me directly at 647-336-6862.

Regards,



Rayed A. Hantash, P.Eng.,  
Project Manager

Attachments: Certificate of Substantial Performance  
of the Contract Under Section 32 of the Act Form 9

Cc: E. Yau, Project Manager, City of Toronto

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

*Construction Act*

**City of Toronto**

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

**Pottery Road Bridges (ID 083)**

(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:

**Pottery Road Bridges Structural Rehabilitation (ID 083)**

(short description of the improvement)

to the above premises was substantially performed on **July 7, 2023**

(date substantially performed)

Date certificate signed: **July 17, 2023**

(payment certifier where there is one)

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

Name of owner: **City of Toronto**

Address for service: **Metro Hall, 16th Floor 55 John Street Toronto, ON, M5V 3C6**

Name of contractor: **Belor Construction Ltd.**

Address for service: **160 Admiral Boulevard Mississauga, ON L5T 2N6**

Name of payment certifier (where applicable): **McIntosh Perry**

Address: **6240 Highway 7 #200, Woodbridge, ON L4H 4G3**

(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:

**Claims for Lien are to be submitted to the Clerk of the City of Toronto electronically as directed at  
[www.toronto.ca/liens](http://www.toronto.ca/liens).**

(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)

Contract Number: 22ECS-BE-01BSE

Tender Call Number:

Enter Value of Remaining Work, Including Deficiencies \$ 1,500.00

Contract Price, Exclusive of Taxes \$ 3,255,376.00

## Construction Act

### Contracts, substantial performance and completion

#### When contract substantially performed

2. (1) For the purposes of this Act, a contract is substantially performed

(a) YES

when the improvement to be made under that contract or a substantial part thereof is ready for use or is being used for the purposes intended; and

(b) when the improvement to be made under that contract is capable of completion or, where there is a known defect, correction, at a cost of not more than,

(i) 3 per cent of the first \$1,000,000 of the contract price,	\$30,000.00
(ii) 2 per cent of the next \$1,000,000 of the contract price, and	\$20,000.00
(iii) 1 per cent of the balance of the contract price.	\$12,553.76

**Total Subsection (b)** \$62,553.76

**Improvement Value (b) vs. Deficiencies** \$61,053.76

**Substantial Completion Achieved?** Yes

#### Idem

2. (2) For the purposes of this Act, where the improvement or a substantial part thereof is ready for use or is being used for the purposes intended and the owner and the contractor agree not to complete the improvement expeditiously, the price of the services or materials remaining to be supplied and required to complete the improvement shall be deducted from the contract price in determining substantial performance.

**Project Lead:** Rayed A. Hantash

**Telephone :** 647-336-6862

**Date:** 17-Jul-23

**NOTE:** A copy of the latest deficiency list with values for outstanding work is to be attached to this sheet. This sheet is to accompany the Certificate of Substantial Performance.



Pottery Road Bridge Rehabilitation (ID 083) - Deficiency List

Data Log Last Updated: July 20, 2023

Revision No.1

Project No:

Contractor: Belor Construction Ltd

Client Name: City of Toronto

Client's Contract No: 22ECS-BE-01BSE

Summary of Items	Priority:
Incomplete Work	1 - Critical
Deficiency	2 - Non Critical
Extra Work	
TBD	
No Action	
Completed	

ID	Description	Date Added	Status	Estimated Value	Date Completed
1	Growth of new Seed (south-west corner) next to the Bike Rack/Rental Area	20-Jul-23	Deficiency	\$ 1,500.00	
	Deficiency Costs			\$ 1,500.00	