

September 13, 2023

Justin Harper  
President  
H.I.R.A. LIMITED  
63 Gaylord Road, St. Thomas, ON N5P 3R9

Dear Mr. Harper:

**Re: SUBSTANTIAL PERFORMANCE - Contract No. T-19-79  
Supply and Installation of Odour Control Unit, HVAC and Process Equipment,  
Electrical Works, and Roof Replacement at the Mount Albert Resource Recovery  
Facility at 5866 Doane Road, Town of East Gwillimbury  
Our File No. 72590, EDS1901**

In accordance with the *Construction Act*, R.S.O. 1990, c. C.30, s. 2, Contract No. T-19-79 is substantially performed. Enclosed is a Certificate of Substantial Performance for this contract. Please arrange for the publication of the certificate in the Daily Commercial News.

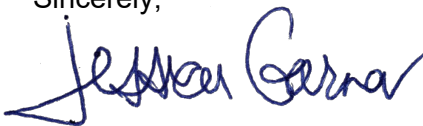
In accordance with the terms of the contract, the following documents should be uploaded to the PI Portal within 15 calendar days of the date of this letter:

1. Proof of publication of the Certificate of Substantial Performance
2. Release
3. WSIB Certificate of Clearance
4. Declaration of No Adjudication
5. Proper Invoice for the unpaid work completed up to the date of Substantial Performance

The forms of Release and Declaration of No Adjudication acceptable to The Regional Municipality of York are attached for your use.

Should you have any questions or concerns, please contact me.

Sincerely,



Jessica Garner  
Senior Project Manager

AB/dp

Attachments

Copy to: Vanessa Vanclief, Legal Assistant, Legal Services, York Region  
Jennifer Leitch, Senior Risk Management Analyst, Controllershship Office, via e-mail  
[insurancecertificates@york.ca](mailto:insurancecertificates@york.ca)  
Wesley Ko, Department Accounts Payable Contact, York Region  
Amelia Yang, Finance Department, York Region  
Jessica Garner, Senior Project Manager, Public Works, York Region  
Alyson Bowden, Design Technologist, Public Works, York Region  
Peter Stampone, Contract Administrator, ARCADIS IBI Group

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

The Regional Municipality of York

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

5866 Doane Road, Town of East Gwillimbury

(street address and city, town, etc. or, if there is no street address, the location of the premises)

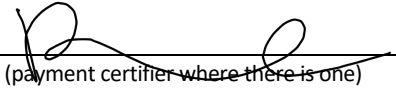
This is to certify that the contract for the following improvement:

Contract No. T-19-79 - Supply and Installation of Odour Control Unit, HVAC and Process Equipment, Electrical Works, and  
Roof Replacement at the Mount Albert Resource Recovery Facility

(short description of the improvement)

to the above premises was substantially performed on July 27, 2023.  
(date substantially performed)

Date Certificate Signed: 9/10/2023

  
(payment certifier where there is one)

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

Name of owner: The Regional Municipality of York

Address for service: Office of the Regional Clerk, 17250 Yonge Street, Newmarket, ON, L3Y 6Z1; [regionalclerk@york.ca](mailto:regionalclerk@york.ca)

Name of contractor: H.I.R.A. LIMITED

Address for service: 63 Gaylord Road, St. Thomas, Ontario N5P 3R9

Name of payment certifier (where applicable): IBI Group

Address: 2620 Bristol Circle, Suite 300, Oakville, ON, L6H 6Z7; [Peter.stampone@ibigroup.com](mailto:Peter.stampone@ibigroup.com)

(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:

The Regional Municipality of York, Office of the Regional Clerk, 17250 Yonge Street, Newmarket, ON L3Y 6Z1;  
[regionalclerk@york.ca](mailto:regionalclerk@york.ca)

\_\_\_\_\_  
(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)

## DECLARATION OF NO ADJUDICATION

I, \_\_\_\_\_  
(name)

of H.I.R.A. LIMITED  
(name of Contractor)

declare that:

1. I am the \_\_\_\_\_ of  
(title or position)

H.I.R.A. LIMITED  
(name of Contractor)

and as such have knowledge of the facts herein declared.

2. That H.I.R.A. LIMITED  
(name of Contractor)

entered into Contract No. T-19-79 with The Regional Municipality of York for  
(contract no)

Supply and Installation of Odour Control Unit, HVAC and Process Equipment, Electrical Works, and Roof Replacement at the Mount Albert Resource Recovery Facility at 5866 Doane Road, Town of East Gwillimbury  
(description of contract)

3. That H.I.R.A. LIMITED  
(name of Contractor)

is not engaged in, nor aware of, any adjudication with respect to Contract No. T-19-79,  
(contract no)

nor is it aware of any adjudication in which any subcontractors or suppliers are engaged, and has made reasonable enquiries to confirm this.

Declared before me in \_\_\_\_\_  
(City/Town)

in the Province of \_\_\_\_\_  
(Province)

\_\_\_\_\_  
Signature of Declarant

on the \_\_\_\_\_ day of \_\_\_\_\_, 20

\_\_\_\_\_  
A Commissioner, etc.

## RELEASE

IN THE MATTER OF a contract for Supply and Installation of Odour Control Unit, HVAC and Process Equipment, Electrical Works, and Roof Replacement at the Mount Albert Resource Recovery Facility at 5866 Doane Road, Town of East Gwillimbury, known as Contract No. T-19-79, entered into between The Regional Municipality of York (the "Region") and H.I.R.A. LIMITED (the "Contractor").

KNOW ALL MEN BY THESE PRESENTS THAT the Contractor, on its own behalf and on behalf of its Subcontractors, and their respective heirs, executors, administrators, successors and assigns, as the case may be (the "Releasor"), for and in consideration of the payment or promise to pay the statutory holdback under the above-mentioned contract, and for other good and valuable consideration, hereby remises, releases and forever discharges the Region, and its directors, officers, council members, partners, employees, agents, assigns and successors (the "Releasee"), of and from all manner of actions, causes of action, suits, debts, dues, sums of money, claims and demands whatsoever at law or in equity which the Releasor ever had, now has, or may have by reason of the above-mentioned contract, save and except any claim which the Releasor has arising out of:

1. Claims pursuant to GC7 – Claims, Disputes and Adjudication made prior to Substantial Performance of the Contract and still unsettled, as listed in the attached "Schedule of Outstanding Claims"
2. The retention by the Region of the maintenance security, if applicable
3. Pending/Unresolved Change Orders as listed in the attached "Schedule of Pending/Unresolved Change Orders"
4. Quantities which have not been finalized

With respect to item 1, the Contractor acknowledges and agrees that none of the claims listed in the attached "Schedule of Outstanding Claims" have been admitted, acknowledged or accepted by the Region as valid claims. The Contractor further acknowledges that nothing in this Release prevents or estops the Region from disputing the validity, timeliness and quantum of the claims listed therein.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

WITNESSED BY:

SIGNED, SEALED AND DELIVERED

**CONTRACTOR**

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Name:

(Seal)

\_\_\_\_\_  
Title:

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Name:

(Seal)

\_\_\_\_\_  
Title:

I/We have authority to bind the corporation

**SCHEDULE OF OUTSTANDING CLAIMS**

Description of Dispute	Value of Dispute

**SCHEDULE OF PENDING/UNRESOLVED CHANGE ORDERS**

C.O. #	Description of Change Order	Value of Change Order
17	Extension of Contract Time	\$140,000.00
18	Dan-Tech Solar Panel Support Padding	\$1,665.32
19	Conduit Work for Remote Reset	TBD
20	Existing Moeller MCC ESA Field Evaluation	TBD