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October 31, 2023

Reference: 2020186A

JTS Mechanical Services Inc.

5061 Wellington County Rd 32

Guelph, Ontario

N1H 6J4

Attention: Mike Zongor P. Eng.
Director of Engineering

mzonger@jtsmechanical.ca
519-635-0022

Subject:

SUBSTANTIAL PERFORMANCE
TCHC Group 3 – RFP 194553 CHP & Generator Design Build – 855 Roselawn Ave.,
Toronto

Pursuant to the request of JTS Mechanical Services Inc. (the Contractor) for Certification of Substantial Performance of the Contract, we have reviewed the progress of the work as of October 20, 2023 and have determined, in accordance with the terms of the contract and the Construction Act, the work is substantially performed.

By copy of this letter and Form 9 Certificate of Substantial Performance (attached), we hereby request that the Contractor have the attached Form 9 Certificate of Substantial Performance published in a Construction Trade newspaper in order for the lien period to commence. The holdback monies will be due and payable upon expiry of the 60-day lien period following the date of publication, provided any liens have been satisfied, discharged or vacated.

The Contractor is to advise consultants and client of the publication date and provide the Certificate of Publication. The Contractor is also required to forward all of the necessary documentation with the application for release of holdback so that a Certificate of Payment can be issued.

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

Yours very truly,

McGregor Allsop Limited

A handwritten signature in black ink, appearing to read 'Peter J. LaForme'.

Peter J. LaForme

Executive Vice President

CC: JTS Mechanical Systems Inc. – Mark Jorgensen, Stephanie Gorasso, Josh Freiburger, Tim Crihton, Brock Philips
TCHC – Darcy Barreiro, Xhavit Zaganjori, Tiago Machado

Enc.

McGregor Allsop Limited

1 Concorde Gate, Suite 808, Box 65, Toronto, Ontario M3C 3N6
T 416.443.9499 F 416.443.1938 mcgregor-allsop.com

ENG-F024 Rev. 00
Issued: 23DEC2015

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)

855 Roselawn Avenue, Toronto, 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:

RFP 19453 CHP & Generator Design Build

(short description of the improvement)

to the above premises was substantially performed on **October 20, 2023**

(date substantially performed)

Date certificate signed: **October 31, 2023**

(payment certifier where there is one)

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

Name of owner: **Toronto Community Housing Corporation**

Address for service: **35 Carl Hall Road, Unit 1, Toronto, Ontario M3K 2B6**

Name of contractor: **JTS Mechanical Services Inc.**

Address for service: **5061 Wellington County Rd. 32, Guelph, Ontario N1H 6J4**

Peter LaForme, McGregor Allsop

Name of payment certifier (where applicable): **Limited**

Address: **1 Concorde Gate, Suite 808, Box 65, Toronto, Ontario M3C 3N6**

(Use A or B, whichever is appropriate)

- ☒ A. Identification of premises for preservation of liens:
PCL 750-1 SEC B1775; PT LT 2 CON 2 WYS TWP OF YORK BEING PT OF THE CNR BELT LINE; LT 750 PL 1775 YORK; LT 751 PL 1775 YORK; LT 752 PL 1775

(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)

Contractor's Request for Substantial Performance

Date: October 20, 2023

Payment Certifier: McGregor Allsop Limited
Peter LaForme

Client / Owner: Toronto Community Housing Corporation
35 Carl Hall Road, Unit #1
Toronto, ON, M3K 2E2
Boyd Dyer, Director, Smart Buildings & Energy Management

Project: RFP 19453 - CHP System Design, Build, Operations and Maintenance at 16
TCHC Locations (Group 3 – 8 locations)
TCHC Purchase Order No: PP64123

Project Address: 855 Roselawn Avenue, Toronto, ON

Peter,

Please accept this letter as formal application for Substantial Performance on the Contract: RFP 19453 - CHP System Design, Build, Operations and Maintenance at 16 TCHC Locations (Group 3 – 8 locations) at the 855 Roselawn Ave location. We have completed a review of the Work on site and believe, to the best of our knowledge, that we have successfully surpassed the threshold for Substantial Performance as defined by the Ontario Construction Act, R.S.O. 1990, c. C.30. and the Contract between JTS Mechanical Systems Inc. and the Owner.

As of this date the remaining outstanding items include those identified in *Schedule A – Outstanding Work* c/w assessed values, which indicate completion to 99.8% on a financial basis. Furthermore, the Work is being used or is capable of being used in the manner intended by the Contract Documents, save for the incomplete or deficient work identified.

In accordance with the Contract Requirements, JTS Mechanical Systems Inc. hereby requests that the Payment Certifier, McGregor Allsop Limited issue the Certificate of Substantial Performance.

Sincerely,



Mike Zongor, P.Eng.
Director of Engineering

Schedule A – Outstanding Work

855 Roselawn Ave	Outstanding Work	Dollar Value
1	Re-install existing air well grate	\$ 500.00
2	Fabricate and install new section for air well grate	\$ 1,000.00
23	Close Building Permit	\$ 500.00
	Total	\$ 2,000.00

Schedule B – TCHC 3-2-1% Calculation

855 Roselawn Ave (Updated: August 29, 2023)						
Based on certificate contract budget amount of					\$	998,201.84
the following is our calculation in support of the application						
Original Contract Value					\$	1,032,969.02
Approved Changes to date					\$	15,232.82
Total revised Contract Value					\$	1,048,201.84
Less Credit Allowances					\$	50,000.00
Total revised Contract Value					\$	998,201.84
A. Outstanding work allowed						
3% of the first \$1,000,000.00					\$	30,000.00
2% of the next \$1,000,000.00					-\$	35.96
1% of the contract balance						<u>\$0.00</u>
				A. Total Allowable		29,964.04
B. Deferred Work (Pending changes)						<u>\$2,000.00</u>
				B. Total		<u>\$2,000.00</u>
C. Total billed to date						
1. Total Billed to Date Aug 25, 2023					\$	991,639.94
					\$	-
				C. Total		991,639.94
D. Total work to be completed						
Unbilled Contract Balance					\$	6,561.90
Less unused value in B					\$	<u>2,000.00</u>
				D. Total		4,561.90
As amount "D" is less than amount "A", the project shall be deemed substantially performed						