



## Substantial Performance Letter

November 13, 2023

Jasleen Matharu, M.Eng.  
Junior Project Manager/Estimator  
Pacific Paving Ltd.  
5845 Luke Road, Suite 204  
Mississauga ON L4W 2K5

### Substantial Performance Letter

**RE: RFT 2023-34 Innis Lake Road & Bramalea Road Rehabilitation**

Dear Ms. Matharu,

This letter is in response to your request for Substantial Performance by email dated October 24, 2023, for the above-referenced contract. R.J. Burnside & Associates Limited reviewed the project site on October 20, 2023, to confirm the value of any outstanding or deficient work. A summary of remaining and deficient work as of the requested Substantial Performance date October 20, 2023, is provided in the attached Action Items List. Based on the evaluation of the outstanding value of the items to be addressed, it was determined that the project satisfies the conditions of Section 2 of the Construction Act, R.S.O. 1990, c.C30

Please find attached the Certificate of Substantial Performance. As required by Section 32(1) paragraph 5 of the Construction Act, R.S.O. 1990, c.C30, Pacific Paving Limited is now required to publish a copy of the certificate in the Daily Commercial News.

The Substantial Performance Statutory Holdback Release Payment Certificate shall be due **60** days after the date of publication of the Certificate of Substantial Performance, but subject to the provision of the Construction Lien Act and the Town's submission of the following documents:

1. A Statutory Declaration form using the Town of Caledon's standard form;
2. A satisfactory Certificate from the Workplace Safety and Insurance Board;
3. A signed copy of the enclosed Contract Release Form by Pacific Paving Limited releasing the Town from all further claims relating to the work completed under the Contract up to October 20, 2023; and,
4. Proof of publication of the Certificate of Substantial Performance in the Daily Commercial News.

It is noted that the Town of Caledon and R.J. Burnside & Associates Limited retain the right to add additional items to the attached Action Items List as Pacific Paving Limited progresses work towards Total Completion. Pacific Paving Limited shall review the attached Action Items List and return a signed list, noting the date of completion of each item to the Town of Caledon and R.J. Burnside & Associates Limited as the items noted are addressed.



## Substantial Performance Letter

Please do not hesitate to contact us if you have any questions or concerns.

Regards,

R.J. Burnside & Associates Limited  
Steve Russell, P. Eng  
Municipal Engineer  
SR:jh

Encl.:

- Action Items List
- Certificate of Substantial Performance
- Contract Release

cc: Mr. Braydon Sharer, Town of Caledon (enc.) (Via: Email)  
Mr. Chris Knechtel, R.J. Burnside & Associates Limited (enc.) (Via: Email)



## RFT 2023-24 – Innis Lake and Bramalea Road Action Items List – Updated November 13, 2023

Area	Description	Date of Issue	Date Completed	Value of Item	Signatures
<b>DEFICIENCIES</b>					
<b>To be completed before end of 2023</b>					
#12087 Bramalea Road	Pave Shoulder as per contract drawings.	Oct 5/23	Oct 11/23		
South of Banty's Roost (Bramalea Road)	Reinstall guiderail end warning signage.	Oct 5/23		\$250	
Innis Lake Road	Remove remaining signs/barrels	Oct 20/23		\$500	
#13894 Innis Lake Road (Field Entrance)	Place additional Gravel backfill and Rip-Rap collar on culvert south end, cut back culvert north end and restore with topsoil/seed.	Oct 20/23	Oct 25/23		
#13047 Innis Lake Road	Cut back south end, smoothen ditch line to culvert inlet.	Oct 5/23	Oct 20/23		
#13327 Innis Lake Road	More Gravel to build out driveway radius. North radius will require placed stone to be moved.	Oct 20/23	Oct 25/23		
#13227 Innis Lake Road	Add fill around culvert outlet/inlet and slope	Oct 20/23	Oct 27/23		
#13211-#13249 Innis Lake Road (Multiple addresses)	Properties along East side of roadway: require fill around culvert outlet/inlet and slope	Oct 20/23	Oct 27/23		
#13232, #13385 Innis Lake Road	Clean up debris, top up shoulder with soil.	Oct 20/23	Oct 25/23		
#13545, #13693, #13591 Innis Lake Road	require fill around culvert outlet/inlet and slope – smoothen out ditch at #13591	Oct 20/23	Oct 25,27/23		
#13612 Innis Lake Road	<del>Ditch vegetation complaint (Town to review and provide direction)</del>	Oct 6/23	No action to be taken		



## RFT 2023-24 – Innis Lake and Bramalea Road Action Items List – Updated November 13, 2023

Area	Description	Date of Issue	Date Completed	Value of Item	Signatures
<b>To be reviewed/completed in Spring 2024</b>					
Bramalea Road & Innis Lake Road	Review shoulders in spring and Repair Washouts / top up on Gravel Shoulder as needed (Cost to be shared 50/50 with Town)	Oct 5/23		\$5,000	
Innis Lake & Bramalea Road	Cut open ESC silt-sock and spread material in place	Oct 20/23		\$1,000	
Bramalea Road & Innis Lake Road	Removal of all Station/Survey Stakes	Nov 2/23		\$1,000	
#13417 Innis Lake Road	Top up with granular around paved driveway entrance	Nov 6/23		\$500	
			<b>Deficient Work</b>	<b>\$8,250</b>	
<b>WORK NOTED AS REQUIRED WITH THE COST PAID BY CALEDON</b>					
<b>To be completed before end of 2023</b>					
#12162 Bramalea Road	Pave apron of driveway	Oct 5/23	Oct 11/23		
Innis Lake 450mm Cross Culvert @ Healey Intersection	Clean up asphalt debris, Place riprap around shoulder to prevent washouts (Downstream side)	Oct 20/23	Oct 25/23		
#12324–#12358 Bramalea Road	Repair asphalt damages due to car fire.	Nov 2/23		\$10,750	
#13469 Innis Lake Road	Clean out driveway culvert & associated ditch work	Nov 10/23		TBD	
			<b>Additional Work</b>	<b>\$0</b>	



## RFT 2023-24 – Innis Lake and Bramalea Road Action Items List – Updated November 13, 2023

Area	Description	Date of Issue	Date Completed	Value of Item	Signatures
<b>INCOMPLETE WORK</b>					
<b>To be completed before end of 2023</b>					
General (as per contract drawings)	Topsoil + Sod/Seed Restorations.	Oct 5/23	Nov 7/23		
#12087 Bramalea Road	Ditch Slopes between driveways (build out slopes on culvert ends)	Oct 5/23	Oct 27/23		
Banty's Roost	Apron rehabilitation – topsoil + sod	Oct 5/23	Oct 27/23		
#12162 Bramalea Road	Pave secondary entrance as per contract	Oct 5/23	Oct 11/23		
<del>Bramalea Road &amp; Innis Lake Road</del>	<del>Adjust Height of Existing Steel Beam Guide Rail</del>	<del>Nov 2/23</del>	<del>No action to be taken</del>	<del>\$96,000</del>	
			<b>Incomplete Work</b>	<b>\$0</b>	

**Total Value of Deficient and Incomplete Items= \$8,250**

Contract Administrator  
R.J. Burnside & Associates Limited

\_\_\_\_\_  
Date

\_\_\_\_\_  
Contractor  
Pacific Paving Ltd.

\_\_\_\_\_  
Date

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

*Construction Act*

**Town of Caledon**

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

**Innis Lake Road (3km between Healey Rd and King St)**

**Bramalea Road (3km between Old School Rd & Mayfield Rd)**

(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:

**RFT #2023-34 Innis Lake Road & Bramalea Road Rehabilitation**

(short description of the improvement)

to the above premises was substantially performed  
on

**October 20, 2023**

(date substantially performed)

Date certificate signed: **November 13, 2023**



Stephen Russell

(payment certifier where there is one)

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

Name of owner: **Town of Caledon**

Address for service: **6311 Old Church Road, Caledon, Ontario L7C 1J6**

Name of contractor: **Pacific Paving Ltd.**

Address for service: **5845 Luke Rd., Mississauga, ON L4W 2K5**

**R.J. Burnside & Associates**

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

Address: **15 Townline, Orangeville, Ontario L9W 3R4**

(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 Town of Caledon, Town Hall, 6311 Old Church Road, Caledon, Ontario L7C 1J6**

(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)

## CONTRACT RELEASE

IN THE MATTER of the contract known as Contract No. 300054821  
entered into between Town of Caledon (the Owner)  
AND Pacific Paving Ltd. (the Contractor),  
dated April, 2023  
for the construction of Innis Lake & Bramalea Road Rehabilitation  
in Caledon, Ontario.

KNOW ALL MEN BY THESE PRESENTS that I/We

Pacific Paving Ltd.

(name of Contractor, in full)

For and in consideration of other good and valuable consideration paid by the Owner, have remised, released and forever discharged, and by these presents do for myself/ourselves, my/our heirs, executors, administrators and assigns or successors and assigns, as the case may be, remise release and forever discharge the Owner, its successors and assigns, of and from all manner of action and actions, cause and causes of action, suits, debts, dues, sums of money, claims and demands whatsoever at law or in equity which I/We ever had or now have, or which I/We or my/our heirs, executors, administrators or assigns or successors and assigns, as the case may be, hereafter can, shall or may have by reason of the above-mentioned Contract, save and except any claim which I/We have arising out of:

- 1) the retention by the Owner of the Warranty Holdback of the Contract price;
- 2) any sum retained by the Owner against the cost of uncompleted work;
- 3) \_\_\_\_\_

(if none, state "none")

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals

SIGNED, SEALED and DELIVERED

Witness or Company Seal

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

Contractor Signature

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