



November 22, 2023

LETTER OF SUBSTANTIAL PERFORMANCE

RE: RFT 2023-2 – Division Street Road, Sewer and Watermain Construction

This Certificate of Substantial Performance is to confirm that the date on which the work has been substantially performed was Tuesday, November 21, 2023. The warranty period shall be 12 months after Substantial Performance of the Work.

Payment of holdback becomes due 61 days after the date of publication of the Certificate of Substantial Performance but subject to the provisions of the Construction Act and the submission of the following documents:

- (1) A signed copy of the Certificate of Substantial Performance (attached).
- (2) A copy of the ad published in the Daily Commercial News to confirm the date of the advertisement. Publication must be completed within seven (7) days of receiving a copy of the Certificate of Substantial Performance.
- (3) A Letter of Credit in the amount of one and one half percent (1.5%) of the total value of the work completed to date (including HST), for the guarantee period of the work.
- (4) A Statutory Declaration with regard to payment of accounts.
- (5) A Certificate of Clearance from the Workplace Safety and Insurance Board.
- (6) Legal survey for verification from Ontario Land Surveyor.

The City and Contractor have agreed to not complete the improvement of the Access Road within the Fifth Avenue right-of-way from Whitehead Street to Division Street expeditiously.

A separate holdback shall be retained for the outstanding work. Payment of the separate holdback becomes due 61 days after the earliest of the following, but subject to the provisions of the Construction Act:

- (1) The date on which the person last supplied services or materials to the improvement.
- (2) The date the contract is completed, abandoned or terminated.

Release of the separate holdback shall require the submission of the following documents:

- (1) A Statutory Declaration with regard to payment of accounts.
- (2) A Certificate of Clearance from the Workplace Safety and Insurance Board.

Yours truly,

Adam Galezowski, P.Eng.
Acting Manager of Design and Construction

AG/cb