

December 08, 2023

Attention: Ellis Don – Peter Backway  
1004 Middlegate Road, Suite 1000  
Mississauga, ON L4Y 1M4

**Re: Certification of Substantial Performance  
University of Toronto – Indigenous Landscape at Taddle Creek**

Project No: P888-18-149  
BMI Project No: 19-045

Dear Peter Backway,

We have reviewed your request for certification of Substantial Performance of the Contract on this project and find it in order. A copy of the Certificate of Substantial Performance (Form 9) is attached along with your (Ellis Don) calculation breakdown, inclusive of the deferred work to be completed in Spring 2024.

Please forward evidence of your publication of this certificate directly to the Owner, with a copy to the consultant, so we may include it in our certification for the release of holdback.

Yours Truly,



Luke Mollet, OALA & CSLA Associate  
Associate / Senior Landscape Designer  
BROOK MCILROY INC.

Attachment: Certificate of Substantial Performance of the Contract (Form 9)

Cc: Maureen Beckett, University 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)

**12 Hart House Circle, Toronto, ON M5S 3J9**

(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:

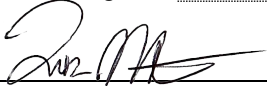
**University of Toronto - Indigenous Landscape at Taddle Creek**

(short description of the improvement)

to the above premises was substantially performed on **December 8, 2023**

(date substantially performed)

Date certificate signed: **December 8, 2023**



(payment certifier where there is one)

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

Name of owner: **University of Toronto**

Address for service: **255 McCaul Street, 4th Floor, Toronto, ON M5T 1W7**

Name of contractor: **Ellis Don**

Address for service: **1004 Middlegate Road, Suite 1000 Mississauga, ON L4Y 1M4**

Name of payment certifier (where applicable): **Brook McIlroy**

Address: **161 Spadina Ave, 2<sup>nd</sup> Floor, Toronto, ON M5V 2L6**

(Use A or B, whichever is appropriate)

- ☒ A. Identification of premises for preservation of liens:
- 12 Hart House Circle, Toronto, ON M5S 3J9**  
**PIN: 21198-0050**  
**Legal Description: LT 1-15 PL D18 TORONTO; ST PL D18 TORONTO EXCEPT EP23980 (SECONDLY); LT 73 PL D243 TORONTO; PT COLLEGE ST PL D10 TORONTO CLOSED BY EP54478 & EP58501 AS IN EP54829 & EP58371; PT PARKLT 12-14 CON 1 FTB TWP OF YORK AS IN CO7062 S/S HOSKIN AV EXCEPT PL D18, PL D243, AS IN CO6556 S/S HOSKIN AV EXCEPT PL D18, AS IN OP25296, OP36362, OP76258, OP86757, EP9428, EP9820, EP10167, EP28890, OP19890, EP17197, EP31536, EP52655, EP88978, OP90867, EP6923, EP13962, EP54829, EP58371; CITY OF TORONTO. T/W AN EASEMENT OVER PT LTS 13, 16 PL D18 TORONTO DESIGNATED AS PRS 10, 11, 13, 15, 16, 17, 18, 19, 20 AND 21 ON PL 66R-20926 AS IN AT661479. T/W AN EASEMENT OVER PT LTS 13, 16 PL D18 TORONTO DESIGNATED AS PT 19 ON PL 66R-20926 AS IN AT661479.; TOGETHER WITH AN EASEMENT OVER PT LT 4 PL 101E TORONTO, PT PARK LT 13 CON 1 FTB, PT LTS 9 & 10 PL 101E TORONTO, LT A PL 260E TORONTO & PT PARK LT 14 CON 1 FTB PTS 1, 2, 4 & 14-19, 66R25120 AS IN AT3447262**

(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:

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(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)

### Substantial Completion Calculation and Comprehensive List of Items to be Completed or Corrected

|                       |                 |
|-----------------------|-----------------|
| Contract Value Input: | \$ 5,344,781.01 |
| 3% of first \$1M      | \$ 30,000.00    |
| 2% of second \$1M     | \$ 20,000.00    |
| Balance               | \$ 3,344,781.01 |
| 1% of Balance         | \$ 33,447.81    |

**Threshold Remaining  
for Substantial** **\$ 83,447.81**

| <u>Values Excluded From Calculation</u> |               | <u>Items to be Completed or Corrected</u> |   | <u>Approx. Value</u> |
|---|---------------|---|---|----------------------|
| Deferred Work                           | \$ 122,212.22 | <b>Landscape</b>                          | Deferred Work   | \$ 117,212.22        |
| Allowances to be Returned               | \$ 71,482.89  |   |   |                      |
|   |               | <b>Electrical</b>                         |   |                      |
|   |               |   | Lighting  | \$ 11,645.36         |
|   |               |   | Power   | \$ 5,741.38          |
|   |               |   | Distribution  | \$ 2,055.46          |
|   |               |   | Heat Trace  | \$ 5,100.67          |
|   |               | <b>Metals</b>                             |   |                      |
|   |               |   | General Condition   | \$ 17,000.00         |
|   |               |   | Gathering Structure   | \$ 28,309.85         |
|   |               |   | Changes   | \$ 449.71            |
|   |               | <b>Deficiencies</b>                       |   |                      |
|   |               |   | Marker tree specimen requires replacement, as the tree whip has co-dominant stems. Specimen to be provided needs to be single stem. | \$ 1,000.00          |
|   |               |   | Repair Damage to Tree Grate (Typical) BMI Report #12  | \$ 500.00            |
|   |               |   | BMI Report 13 -Tree in poor health  | \$ 500.00            |
|   |               |   | Missing Middle Bench Support  | \$ 500.00            |
|   |               |   | Planting (General)  | \$ 1,500.00          |
|   |               |   | Damage to Bronze Inlays   | \$ 2,500.00          |
|   |               |   | Missing bench back support  | \$ 500.00            |
|   |               |   | Modify Plant Locations (SI #14)   | \$ 500.00            |
|   |               |   | Repair chips to concrete surfaces (typical for all retaining wall areas) Refer to BMI report #10                                    | \$ 1,000.00          |
|   |               |   | Remove Weeds (Typical) BMI Report 13  | \$ 500.00            |
|   |               |   | BMI Item 6.4 Misaligned access panel & pitting  | \$ 800.00            |
| <b>Value Remaining to be Completed</b>  |               |   |   | <b>\$ 80,102.43</b>  |

Value Remaining is less than threshold value, therefore Substantial Performance has been achieved