

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

Construction Act

ST. CATHARINES

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

420 Vansickle Road

(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:

Buildings C1 & C2 - Teppermans RTU Upgrade and Replacement

(short description of the improvement)

to the above premises was substantially performed on **October 26, 2023**
(date substantially performed)

Date certificate signed: **November 30, 2023**

(payment certifier where there is one)

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

Name of owner: **Calloway Real Estate Investment
Trust Inc.**

Address for service: **3200 Hwy. 7, Vaughan, Ontario L4K 5Z5**

Name of contractor: **Branon Mechanical Inc**

Address for service: **2380 Wyecroft Road, Unit 14**

Name of payment certifier (where applicable): **Braymore Design Inc.**

Address: **99 Elgin Crescent, Waterloo, Ontario, N2J 2S3**

(Use A or B, whichever is appropriate)

☒ A. Identification of premises for preservation of liens:

SEE ATTACHED SCHEDULE "B" LEGAL DESCRIPTION

(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, the name and address of the person or body to whom the claim for lien must be given)

SCHEDULE "B"
LEGAL DESCRIPTION

Firstly:

PIN No. 46156-0141(LT)

Part of Lot 3 on Township Plan 9, being Part of Lot 22, (formerly Township of Grantham), Concession 6 (amended by Judge's Order LT169730), being designated as Parts 32 and 33 on Reference Plan 30R-10395, City of St. Catharines, Regional Municipality of Niagara.

Subject to an easement affecting lands designated as Part 33 on Reference Plan 30R-10395 as set out in Instrument No. LT184707,

Subject to an easement (affects all) for the benefit of Parts 3, 4, 5, 7, 9 and 14 on Reference Plan 30R-9737 and Parts 8 and 13 on Plan 30R-9737 as set out in Instrument No. LT191076.

Together with a right of way over lands designated as Parts 15 and 22 on Reference Plan 30R-9737 as set out in Instrument No. LT184706.

Subject an easement affecting lands designated as Parts 14 and 30 on Reference Plan 30R-10217 as set out in Instrument No. LT207110.

Together with an easement over lands designated as Parts 3, 4, 7, 9 and 14 on Reference Plan 30R-9737 as set out in Instrument No. LT207109.

Land Titles Division of Niagara North (No. 30).

Secondly:

PIN No. 46156-0272(LT)

Part of Lot 22, Concession 6, (formerly Township of Grantham), and Lots 1 and 2 on Subdivision Plan 30M-207 (Plan 30M-207 amended by Court Order as set out in Instrument No. LT169730), being designated as Parts 29, 30, 31, 37 and 38 on Reference Plan 30R-10395, City of St. Catharines, Regional Municipality of Niagara.

Subject to an easement over Part 31 on Reference Plan 30R-10395 in favour of Parts 3, 4, 5, 7, 9 and 14 on Reference Plan 30R-9737 as set out in Instrument No. LT207110.

Subject to an easement over Parts 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 35, 36, 37 and 38 on Reference Plan 30R-10395 in favour of Parts 13, 14, 15, 16, 17, 18, 19, 20 (inclusive) and 34 on Reference Plan 30R-10395 as set out in Instrument No. LT207117.

Subject to an easement over Part 31 on Reference Plan 30R-10395 in favour of Parts 3, 4, 5, 7, 9 and 14 on Reference Plan 30R-9737 as set out in Instrument No. LT191076.

Together with an easement over Parts 3, 4, 7, 9 and 14 on Reference Plan 30R-9737 as set out in Instrument No. LT207109.

Together with an easement over Parts 13, 14, 15, 16, 17, 18, 19, 20 (inclusive) and 34 on Reference Plan 30R-10395 as set out in Instrument No. LT207117.

Land Titles Division of Niagara North (No. 30).