



LEA Consulting Ltd.

Consulting Engineers & Planners

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CANADA

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MTO Contract 2023-2007

Jan 17, 2024

Mr. John Glodziak
CSA
Ministry of Transportation
159 Sir William Hearst, 2nd Floor.
Toronto, ON
M3M 0B7

RE: Substantial Performance

John,

Please find the attached PH-CC-799 signed by the CA. The contractor has applied for Substantial Performance on the 16th of January 2024.

The contractor has identified the following outstanding issues:

- 1- Part B- Cancellation of Lyons Creek Culvert- Compensation Request
- 2- CR003
- 3- CR004

As well the contractor has attached Statutory Declaration and WSIB certificate – both currently valid.

Attached is the signed form (PH-CC-799).

Trusting this is acceptable,

Rabia (Ray) Jebali, rcca
LEA Consulting Ltd.



CERTIFICATE OF SUBSTANTIAL PERFORMANCE
(equivalent to Form 9 under Section 32 of the Construction Act)

**Ministry of
Transportation**


This is to certify that Contract # 2023-2007 for the following:

Resurfacing Hwy 58 Thorold, Hwy 20 Thorold, Hwy 58 Port Colborne

was substantially performed on: 10 NOV 2023

Recommended by: 
Contract Administrator

17 Jan 20 24
Date Recommended

Approved by: 
(payment certifier) **Area Manager Construction**

January 22, 2024
Date Certified

Address

Thorold City and Port Colborne City
County/District/Regional Municipality/Town/City in which the Work is located

Hwy 58 Thorold, Hwy 20 Thorold, Hwy 58 Port Colborne
street address and city, town, etc. If no street address, the work location as described in the executed contract

Name of Owner: His Majesty The King in Right of Ontario as represented by the Minister of Transportation

Address for Service: Ministry of Transportation
Winona Operations Office
1200 South Service Road, Winona

Name of Contractor: Brennan Paving and Construction Ltd

Address for Service: 198 Welland street Port Colborne

Office to which claim for lien must be given to preserve lien:

**Ministry of Transportation of Ontario
Director, Legal Services Branch
125 Sir William Hearst Avenue, 1st Floor
Downsview, Ontario
M3M 0B5**

**This notice published in the
on:**

Distribution: 1) Contractor, 2) Contract Administrator (file), 3) Team Lead, Contract Tendering – Contract Management Office, St. Catharines, 4) Construction Management Office

**APPLICATION FOR SUBSTANTIAL
PERFORMANCE/CONTRACT COMPLETION**

To: RINALDO ROSSI
Manager, Construction Management Office
Central
Area

Date: January 10 2024

Contract No.: 2023-2007

In accordance with the contract requirements, I/We Brennan Paving and Construction (Name of Contractor) hereby apply for:

- Certificate of Substantial Performance
 Certificate of Completion

All work invoiced to date	<u>\$6,515,748.40</u>
Payments made to date	<u>-\$5,859,611.86</u>
Less holdback	<u>-\$ 656,136.54</u>
Less Owner's set-offs	<u>-\$0.00</u>
Amount due	<u>=\$0</u>

I/We Brennan Paving & Construction Ltd. (Name of Contractor) hereby declare that the Certificate of Substantial Performance shall be published in: _____ (Name of the construction trade newspaper). The link for the construction trade newspaper is: _____.

I/We Brennan Paving and Construction (Name of Contractor) hereby release the owner of all further claims related to the contract with the following exceptions:

- List outstanding issues in accordance with MTO General Conditions of Contract

Part B- Cancellation of Lyons Creek Culvert- Compensation Request
CRO2- EXTENSION OF TIME CN RAIL DELAYS
CRO3 EXTENSION OF TIME MH ADJUSTMENTS

I/We Brennan Paving and Construction (Name of Contractor) hereby declare and submit with this Application a Statutory Declaration in the form provided that all liabilities incurred by the Contractor, and the Contractor's Sub-Contractors, in carrying out the contract have been discharged, except for the statutory holdbacks properly retained in accordance with the Construction Act.

- List outstanding liabilities:

Name: Warren Maki

Position: Project Manager

Signature: 

Date: JANUARY 10 2024

STATUTORY DECLARATION

Canada
Province of Ontario

IN THE MATTER OF a contract entered with
**Her Majesty the Queen in right of Ontario, represented by the
Minister of Transportation, (Owner)**

by Brennan Paving & Construction Ltd., (Contractor), at

MTO Contract Number: 2023-2007

I, Nicolle Yu,

DO SOLEMNLY DECLARE:

1. that I am Controller, of Brennan Paving & Construction Ltd., the Contractor named in the above mentioned Contract, and as such have personal knowledge of the fact herein declared.

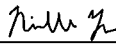
2. that all accounts for labour, sub-contracts, products, materials, services and construction machinery and equipment, which have been incurred directly by the Contractor in the performance of the work as required by the Contract, and for which the Owner might in any way be held responsible, have been discharged, except for:
 - (1) holdback monies properly retained,
 - (2) payments deferred by agreement between the Contractor and the Owner,
 - (3) amounts withheld by reason of legitimate dispute which have been identified to the party or parties, from whom payment has been withheld and are listed below and, (identify payees and amounts payable to each)

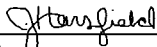
- (4) payments that are yet to be made because they are subject to the Contractor's verification processes.

3. that all accounts for labour, material suppliers and sub-contracts have been informed of the name of the construction trade newspaper, as declared.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the CANADA EVIDENCE ACT.

Declared before me at the Province _____
Of Ontario _____
in the City _____
of Markham this 10th
day of January A.D. 2024 _____

Nicolle Yu 
(Deponent) _____


A Commissioner etc. _____

INSTRUCTION

This declaration must be sworn before a commissioner for oaths, notary public or justice of the peace.

Statutory declaration to be submitted along with application to the appropriate MTO Construction Management Office

Jodie Elizabeth Horsfield,
a Commissioner, etc., Province of Ontario,
for Brennan Paving & Construction Ltd., and
its subsidiaries and associated companies.

Expires August 3, 2024



Your clearance(s) / Vos certificats de décharge

We confirm that the business(es) listed below are active and in good standing with us.

Nous confirmons que la ou les entreprises énumérées ci-dessous sont actives et que leurs comptes sont en règle.

Contractor legal or trade name / Raison sociale ou appellation commerciale de l'entrepreneur	Contractor address / Adresse de l'entrepreneur	Contractor NAICS Code and Code Description / Code du SCIAN de l'entrepreneur et description	Clearance certificate number / Numéro du certificat de décharge	Validity period (dd-mmm-yyyy) / Période de validité (jj- mmm-aaaa)
BRENNAN PAVING & CONSTRUCTION LTD. / BRENNAN PAVING & CONSTRUCTION	281 HILLMOUNT RD, ATTN BILL SCOTT, MARKHAM, ON, L6C2S3, CA	237310: Highway, street and bridge construction	A0000IUDG3	20-Nov-2023 to 19-Feb-2024

Under Section 141 of the *Workplace Safety and Insurance Act*, the WSIB waives our right to hold the principal (the business that has entered into a contractual agreement with the contractor/subcontractor) liable for any unpaid premiums and other amounts the contractor may owe us for the validity period specified. Aux termes de l'article 141 de la *Loi sur la sécurité professionnelle et l'assurance contre les accidents du travail*, la WSIB renonce à son droit de tenir l'entrepreneur principal (l'entreprise qui a conclu une entente contractuelle avec l'entrepreneur ou le sous-traitant) responsable de toute prime impayée et autre montant que l'entrepreneur pourrait lui devoir pour la période de validité indiquée.

WSIB Head Office: 200 Front Street West
Toronto, Ontario, Canada M5V 3J1

Siège social : 200, rue Front Ouest
Toronto (Ontario) Canada M5V 3J1

1-800-387-0750 | TTY/ATS 1-800-387-0050
employeraccounts@wsib.on.ca | wsib.ca