

January 24, 2024

Ather Ali
Rafat General Contractor Inc.
8850 George Bolton Parkway, Caledon, On L7E 2Y4

Dear Mr. Ali:

**Re: SUBSTANTIAL & TOTAL PERFORMANCE - Contract No. RFTC-977-22
Ditch Repair at Various Locations in the Region of York**

In accordance with the *Construction Act*, R.S.O. 1990, c. C.30, s. 2, Contract No. RFTC-977-22 is substantially performed and deemed to be complete. Enclosed are Certificates of Substantial and Total Performance for this contract. Please sign both certificates and arrange for the publication of the Certificate of Substantial Performance in the Daily Commercial News.

In accordance with the terms of the contract, the following documents should be uploaded to the PI Portal within 15 calendar days of the date of this letter:

1. Proof of publication of the Certificate of Substantial Performance
2. Signed Certificate of Total Performance
3. Release
4. WSIB Certificate of Clearance
5. Declaration of Known Adjudication
6. Proper Invoice for the unpaid work completed up to the date of Total Performance

The forms of Release and Declaration of Known Adjudication acceptable to The Regional Municipality of York are attached for your use.

Should you have any questions or concerns, please contact me.

Sincerely,



Barbara Antic
Manager, Roads Operations

BA/nd

Attachments

Copy to: Susan Su, Legal Assistant, Legal Services, York Region
Jennifer Leitch, Senior Risk Management Analyst, Controllership Office, via e-mail insurancecertificates@york.ca
John Cheng, Accounting Supervisor, Business Planning and Operations Support, York Region
Darryl Knox, Program Manager, Roads, Traffic and Fleet, York Region

YORK # 15900960

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

The Regional Municipality of York

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

Various Locations in the Region of York

(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:

Contract No. RFTC-977-22 - Ditch Repair

(short description of the improvement)

to the above premises was substantially performed on September 29, 2023 .
(date substantially performed)

Date Certificate Signed: January 25, 2024



(payment certifier where there is one)

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

Name of owner: The Regional Municipality of York

Address for service: Office of the Regional Clerk, 17250 Yonge Street, Newmarket, ON, L3Y 6Z1; regionalclerk@york.ca

Name of contractor: Rafat General Contractor Inc.

Address for service: 8850 George Bolton Parkway, Caledon, On L7E 2Y4

Name of payment certifier (where applicable):

Address:

(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 Regional Municipality of York, Office of the Regional Clerk, 17250 Yonge Street, Newmarket, ON L3Y 6Z1;
regionalclerk@york.ca

(if the lien does not attach to the premises, a concise description of the premises, including addresses, and the name and address of the
person or body to whom the claim for lien must be given)

CERTIFICATE OF TOTAL PERFORMANCE OF THE CONTRACT

This is to certify that the contract for the following improvement:

CONTRACT NO. RFTC-977-22

for

Ditch Repair at Various Locations in the Region of York

was totally performed on:

September 29, 2023

The Regional Municipality of York

Rafat General Contractor Inc.



Name: Barbara Antic

Title: Manager, Roads Operations

Name:

Title:

RELEASE

IN THE MATTER OF a contract for Ditch Repair at Various Locations in the Region of York, known as Contract No. RFTC-977-22, entered into between The Regional Municipality of York (the "Region") and Rafat General Contractor Inc. (the "Contractor").

KNOW ALL MEN BY THESE PRESENTS THAT the Contractor, on its own behalf and on behalf of its Subcontractors, and their respective heirs, executors, administrators, successors and assigns, as the case may be (the "Releasor"), for and in consideration of the payment or promise to pay the statutory holdback under the above-mentioned contract, and for other good and valuable consideration, hereby remises, releases and forever discharges the Region, and its directors, officers, council members, partners, employees, agents, assigns and successors (the "Releasee"), of and from all manner of actions, causes of action, suits, debts, dues, sums of money, claims and demands whatsoever at law or in equity which the Releasor ever had, now has, or may have by reason of the above-mentioned contract, save and except any claim which the Releasor has arising out of:

1. Claims pursuant to GC7 – Claims, Disputes and Adjudication made prior to Total Performance of the Contract and still unsettled, as listed in the attached "Schedule of Outstanding Claims"
2. The retention by the Region of the maintenance security, if applicable
3. Pending/Unresolved Change Orders as listed in the attached "Schedule of Pending/Unresolved Change Orders"
4. Quantities which have not been finalized

With respect to item 1, the Contractor acknowledges and agrees that none of the claims listed in the attached "Schedule of Outstanding Claims" have been admitted, acknowledged or accepted by the Region as valid claims. The Contractor further acknowledges that nothing in this Release prevents or estops the Region from disputing the validity, timeliness and quantum of the claims listed therein.

Dated this _____ day of _____ 20__.

WITNESSED BY:

SIGNED, SEALED AND DELIVERED

Rafat General Contractor Inc.

Name:

Name: (Seal)

Title:

Name:

Name: (Seal)

Title:

I/We have authority to bind the corporation

SCHEDULE OF OUTSTANDING CLAIMS

Description of Dispute	Value of Dispute

SCHEDULE OF PENDING/UNRESOLVED CHANGE ORDERS

C.O. #	Description of Change Order	Value of Change Order

DECLARATION OF KNOWN ADJUDICATIONS

I, _____ of Rafat General Contractor Inc. declare that:
(name of declarant) *(name of contractor)*

1. I am the _____ of Rafat General Contractor Inc.
(title or position of declarant) *(name of contractor)*
and as such have knowledge of the facts herein declared.

2. That Rafat General Contractor Inc. entered into Contract No. RFTC-977-22
(name of contractor) *(contract number)*
with The Regional Municipality of York for:
Ditch Repair at Various Locations in the Region of York
(description of contract)

3. That Rafat General Contractor Inc. is not engaged in any adjudication with
(name of contractor)
respect to Contract No. RFTC-977-22 except for those adjudications
(contract number)
identified in Schedule A – Known Adjudications.

4. That Rafat General Contractor Inc. is not aware of any adjudication in which any
(name of contractor)
subcontractors or suppliers are engaged in with respect to Contract No. RFTC-977-22
(contract number)
except for those adjudications identified in Schedule A – Known Adjudications, and has
made reasonable enquiries to confirm this.

Date

Signature of Declarant

