

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

*Construction Act*

**Oshawa, Ontario**

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

**2730 Simcoe St. North, Oshawa, Ontario**

(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:

**RioCan Windfields Farm Building A2 Simcoe + Oshawa, Ontario**

(short description of the improvement)

to the above premises was substantially performed on **January 26, 2024**

(date substantially performed)

Date certificate signed: **January 26, 2024**

*Edward Uzoma*

(payment certifier where there is one)

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

Name of owner: **RioCan Realty Inv Partner 11 LLP**

Address for service: **2300 Yonge Street Suite, 500, Box 2686, Toronto, ON M4P 1E4**

Name of contractor: **Rochon Building Corporation**

Address for service: **74 Industry St., Toronto, ON M6M 4L7**

Name of payment certifier (where applicable): **Turner Fleischer Architects Inc.**

Address: **67 Lesmill Road, Toronto, Ontario M3B 2T8**

(Use A or B, whichever is appropriate)

A. Identification of premises for preservation of liens:

**Building A2 - 2730 Simcoe St. North, Oshawa, Ontario**

(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)



**Client Contact :** Lauren Sullivan

**Client :** Riocan Realty Inv Partner 11 LP

**Address:**

2300 Yonge Street  
 Suite 500, PO Box 2386  
 Toronto, ON M4P 1E4

*To whom it may concern,*

In accordance with the construction lien act for the Province of Ontario, please consider this as our application for substantial performance as defined under the Act. It is our opinion that the subject contract is Substantially Performed as evidenced by the following calculations as of **November 30<sup>th</sup> 2023**.

Base contract	\$	<b>4,822,000.00</b>
Total extras	\$	<b>25,668.11</b>
Total contract	\$	<b>4,847,668.11</b>
Total amount billed to date	\$	<b>4,818,360.91</b>
Balance to Complete	\$	<b>29,307.20</b>
<b>Percentage Complete Allowed</b>		
3% of first \$1,000,000.00	\$	<b>30,000.00</b>
2% of second \$1,000,000.00	\$	<b>20,000.00</b>
1% of remainder	\$	<b>28,476.68</b>
Allowed Balance to Complete	\$	<b>78,476.68</b>

According to the above calculations, please issue a certificate of substantial completion (form 9). Our warranty will begin from the date of substantial completion.

Upon receipt, we will arrange for publication of the certificate in the daily commercial news.

An invoice for the holdback monies due for payment following the issue of the certificate of substantial performance will be submitted following publication.

Regards,

Michael Manson  
 Project Manager

**Turner Fleischer Architects Inc.**

67 Lesmill Road  
 Toronto ON, M3B 2T8  
 T 416 425 2222  
 F 416 425 6717  
 info@turnerfleischer.com  
 turnerfleischer.com



**SUBSTANTIAL PERFORMANCE CALCULATION**

PROJECT NAME: Proposed Office Building A2, 2730 Simcoe Street North, Oshawa

DATE: January 26, 2024

PROJECT NUMBER: 08.118SH2

PART 1. ARE THE AREAS OF IMPROVEMENT UNDER THIS CONTRACT, OR A SUBSTANTIAL PART THEREOF, READY FOR USE OR BEING USED FOR THE PURPOSES INTENDED (select answer from dropdown list)? **YES**

PART 2. **CONTRACT VALUE**

ORIGINAL CONTRACT VALUE	<b>\$4,822,000.00</b>	
plus CHANGE ORDERS ISSUED TO DATE (per latest COP nn)	<b>\$25,668.11</b>	
<b>SUBTOTAL</b>	<b>\$4,847,668.11</b>	
minus DEFERRED WORK or SEASONAL WORK (see attached worksheet dated month date, year)	<b>\$0.00</b>	
<b>TOTAL CONTRACT VALUE (ESTIMATED)</b>	<b>\$4,847,668.11</b>	<b>A</b>

**REMAINING CONTRACT VALUE**

TOTAL CONTRACT VALUE (from Line A above)	<b>\$4,847,668.11</b>	<b>A</b>
minus TOTAL CERTIFIED TO DATE (per Line 4 on latest COP nn)	<b>\$4,818,360.91</b>	
<b>TOTAL REMAINING CONTRACT VALUE (ESTIMATED)</b>	<b>\$29,307.20</b>	<b>B</b>

**SUBSTANTIAL PERFORMANCE CALCULATION**

Based on Total Contract Value (Estimated) (Line A)

3% OF FIRST \$1,000,000 OF TOTAL CONTRACT VALUE	<b>\$30,000.00</b>	
2% OF NEXT \$1,000,000 OF TOTAL CONTRACT VALUE	<b>\$20,000.00</b>	
1% OF BALANCE OF TOTAL CONTRACT VALUE	<b>\$28,476.68</b>	
<b>TOTAL OF ALLOWABLE WORK TO BE COMPLETED AND CORRECTED</b>	<b>\$78,476.68</b>	<b>C</b>

**ACTUAL WORK TO BE COMPLETED AND CORRECTED**

Value of Deficiencies (see attached worksheet dated month date, year) (or estimated)	<b>\$0.00</b>	<b>D</b>
Remaining Contract Value (from Line B above)	<b>\$29,307.20</b>	<b>B</b>
	<b>\$29,307.20</b>	<b>E = B + D</b>

PART 3. SUBSTANTIAL PERFORMANCE IS ..... **ACHIEVED**

TO ACHIEVE SUBSTANTIAL PERFORMANCE, ACTUAL WORK TO BE COMPLETED AND CORRECTED (E) MUST BE LESS THAN ALLOWABLE WORK TO BE COMPLETED AND CORRECTED (C)