

**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)

at Various Locations in the Cities of Richmond Hill, Vaughan and Markham

(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-651-22-22-201 - Intersection Improvements

(short description of the improvement)

to the above premises was substantially performed on February 21, 2024.

(date substantially performed)

Date Certificate Signed: February 26, 2024

N/A

(payment certifier where there is one)



Kenter Zhang for the Regional Municipality of York

(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](mailto:regionalclerk@york.ca)

Name of contractor: Black & McDonald Limited

Address for service: 31 Pullman Court, Scarborough, ON M1X 1E4

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](mailto: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)

February 26, 2024

Via Email to: pfarzam@blackandmcdonald.com

Pouya Farzam  
Black & McDonald Limited  
31 Pullman Court, Scarborough, ON M1X 1E4

Dear Pouya:

**Re: SUBSTANTIAL & TOTAL PERFORMANCE - Contract No. RFTC-651-22-22-201  
Intersection Improvements at Various Locations in the Cities of Richmond Hill, Vaughan and Markham**

In accordance with the *Construction Act*, R.S.O. 1990, c. C.30, s. 2, Contract No. RFTC-651-22-22-201 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 No Adjudication
6. Proper Invoice for the unpaid work completed up to the date of Total Performance

The forms of Release and Declaration of No Adjudication acceptable to The Regional Municipality of York are attached for your use.

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

Sincerely,



Kenter Zhang, P.Eng., PMP  
Project Manager

KZ/eg

Copy to: Susan Su Legal Assistant, Legal Services, York Region  
Jennifer Leitch, Senior Risk Management Analyst, Controllership Office, via e-mail [insurancecertificates@york.ca](mailto:insurancecertificates@york.ca)  
John Cheng, Loren May, Sarah Clark, Ivy Mak, Finance Department, York Region  
Steve Wrong, Electrical Construction Coordinator, York Region

YORK # 16022189

# CERTIFICATE OF TOTAL PERFORMANCE OF THE CONTRACT

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

CONTRACT NO. RFTC-651-22-22-201

for

Intersection Improvements at Various Locations in the Cities of Richmond Hill, Vaughan and  
Markham

was totally performed on:

February 21, 20224

The Regional Municipality of York

Black & McDonald Limited



Name: Kenter Zhang

Title: Project Manager



Name: Pouya Farzam

Title: Project Manager

RELEASE

IN THE MATTER OF a contract for Intersection Improvements at Various Locations in the Cities of Richmond Hill, Vaughan and Markham, known as Contract No. RFTC-651-22-22-201, entered into between The Regional Municipality of York (the "Region") and Black & McDonald Limited (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 27 day of February 2024.

WITNESSED BY:

SIGNED, SEALED AND DELIVERED

**Black & McDonald Limited**



Pouya Farzam

Name:

Name: Pouya Farzam

(Seal)

Title: Project Manager

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 NO ADJUDICATION

I, Pouya Farzam  
(name)

of Black & McDonald Limited  
(name of Contractor)

declare that:

1. I am the Project Manager of  
(title or position)  
Black & McDonald Limited,  
(name of Contractor)

and as such have knowledge of the facts herein declared.

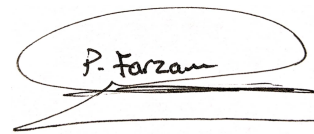
2. That Black & McDonald Limited  
(name of Contractor)  
entered into Contract No. RFTC-651-22-22-201 with The Regional Municipality of York for  
(contract no)  
Intersection Improvements at Various Locations in the Cities of Richmond Hill, Vaughan and Markham  
(description of contract)

3. That Black & McDonald Limited  
(name of Contractor)  
is not engaged in, nor aware of, any adjudication with respect to Contract No. RFTC-651-22-22-201,  
(contract no)  
nor is it aware of any adjudication in which any subcontractors or suppliers are engaged, and has made reasonable enquiries to confirm this.

Declared before me in Scarborough  
(City/Town)

in the Province of Ontario  
(Province)

on the 27 day of February, 2024



Signature of Declarant

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A Commissioner, etc.