

2024-04-22

OSSTF – Ontario Secondary School Teachers' Federation
49 Mobile Drive
North York, ON
M4A 1H5

Attention: Jim Spray, CFO

Regarding: SUBSTANTIAL PERFORMANCE
OSSTF – Multi-Tenant Complex

In accordance with the Contract Documents and the close-out and take-over procedures, we enclose herewith the Certificate of Substantial Completion; Form 9 of the Construction Act declaring that construction of the OSSTF Multi-Tenant Complex has been *Substantially Performed* as of April 12, 2024.

It has been determined by us, Moriyama Teshima Architects that the *Work* has been *Substantially Performed* and the facility ready to be used for the purpose as intended. However, it should be noted that \$ 2,177,148.21 (less \$1,000.00) is outstanding to reach Deemed Completion of the facility.

Eastern Construction Company Limited will advertise the Certificate of Substantial Performance in the Daily Commercial News. The date of publication of the Certificate of Substantial Performance will commence the 60-day Construction Lien period.

For your information and records please find the attached Certificate of Substantial Performance (Form 9) and a copy of Eastern Construction Company Limited's Application for Substantial Performance, which includes the values breakdown, upon which the calculation for the Substantial Performance was based on.

Please do not hesitate to contact us if you require further information or clarification.

Sincerely,



Gordon Doherty

Moriyama Teshima Architects

Cc: Ryan Desjardins – ECCL
Steve Gray – ECCL
Michelle Abug Martin – ECCL
Martin Kibble - ECCL
Penny Phenlan – BTY
Negar Panahi – BTY
Carol Phillips – MTA
Phil Silverstein - MTA

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

Construction Act

City of Toronto

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

59/60 Mobile Drive, Toronto, 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:

Multi-Tenant Commercial Complex OSSTF head office work space with shared program, leasable tenant space and underground parking

(short description of the improvement)

to the above premises was substantially performed on **April 12, 2024**

(date substantially performed)

Date certificate signed: **April 22, 2024**



(payment certifier where there is one)

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

Name of owner: **Ontario Secondary School Teachers' Federation**

Address for service: **60 Mobile Drive, Toronto, Ontario M4A 2P2**
Eastern Construction Company

Name of contractor: **Limited**

Address for service: **2075 Kennedy Road, Suite 1200, Toronto, Ontario M1T 3V3**

Name of payment certifier (where applicable): **Moriyama Teshima Architects**

Address: **117 George Street, Toronto, Ontario M5A 2N4**

(Use A or B, whichever is appropriate)

A. Identification of premises for preservation of liens:

Plan M733 Pt Blk N, O & P R486 Part 2 to 3

1. PIN: 10372-0071 (LT)

L/E: AT6476781

2. PIN: 10372-0072 (LT)

L/E: AT6476781

(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, 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)

April 18, 2024 (revised)

To: Ontario Secondary School Teachers' Federation
 49 Mobile Drive,
 North York, Ontario
 M4A 1H5

Attention: Mr. Jim Spray

Re: **Application for Certificate of Substantial Performance**
OSSTF Multi-Tenant Complex Project at 60 Mobile Drive

Dear Mr. Spray,

We are writing to request a review for issuance of a Certificate for Substantial Performance in accordance with the CCDC-5B contract dated May 14, 2019.

We are advising that the work was substantially performed on or before April 12, 2024 which coincides with the attached Occupancy Permit #24119380 000 00 AO dated and received on the same date. With reference to our attached Progress Claim #51 dated March 31st, 2024; the Statement of Values is as follows:

| | |
|--|-----------------|
| Value of Contract and Change Orders at Substantial Performance (PC#51) | \$71,021,581.18 |
|--|-----------------|

Financial Test:

| | |
|--|----------------------|
| 3% of the first \$1,000,000 | \$ 30,000.00 |
| 2% of the second \$1,000,000 | \$ 20,000.00 |
| 1% of the balance (\$69,021,581.18) | + \$ 690,215.81 |
| Value of incomplete work must be less than | \$ 740,215.81 |

| | |
|---|-----------------|
| (A) Contract Balance to complete per Progress Claim #51 | \$ 2,177,148.21 |
|---|-----------------|

Items of work excluded from the calculation:

| | | |
|--------------------|--|-----------------|
| 800-40 | Fee on CO61 GC's Extension Delay (cost of work item) | -\$ 2,650.39 |
| 800-50 | Fee GC's Extension Delay (cost of work item) | - \$ 2,830.14 |
| 1000-50 | Construction Services (schedule delay beyond ECCL's control) | -\$ 98,556.27 |
| 1176 to 1780 | General Conditions (cost of work items) | - \$ 471,381.91 |
| 1176-40 to 1620-40 | CO 61 GC's Extension Delay (cost of work items) | - \$ 140,625.55 |
| 1176-50 to 1710-50 | GC's Extension Delay | - \$ 175,092.14 |
| 8114 | BP#24 ECCL Doors and Frames Handling (cost of work item) | - \$ 18,078.00 |
| 10430 | ECCL Exterior Signs (cost of work item) | - \$ 500.00 |
| 2900 | BP#38 Landscaping (schedule delay beyond ECCL's control) | - \$ 376,603.72 |
| 7460 | BP#15 Metal Panel System (schedule delay beyond ECCL's control) | - \$ 55,557.06 |
| 10270 | BP#29 Access Flooring (schedule delay due to Change Order) | - \$ 17,641.96 |
| 10660 | BP#34 Operable Partitions (schedule delay beyond ECCL's control) | - \$ 43,898.74 |

Think Forward. Rise Above.

EASTERN CONSTRUCTION COMPANY LIMITED

2075 Kennedy Road, Suite 1200, Toronto, Ontario M1T 3V3
 T. 416.497.7110 F.416.497.7241 easternconstruction.com

| | | | |
|----------------|--|------|------------|
| 11014 | BP#13 Fall Protection /Roof Anchors (100% complete but not billed) | - \$ | 34,976.56 |
| 11150 | BP#36 Parking Control Equipment (pending Owner's network install) | -\$ | 147.86 |
| 12510 | BP#33 Window Shades (complete 50% in February but not billed) | -\$ | 103,046.00 |
| 2230 to 15700 | Allowances – Awarded (cost of work items) | -\$ | 7,464.28 |
| 17110 to 17120 | Budget Allowances (cost of work items) | -\$ | 17,352.01 |
| 20164 | Bravura – Delay Claim (see 10660 above) | -\$ | 25,170.20 |
| 20286 | Aldershot – Delay Claim (see line 2900 above) | -\$ | 22,869.81 |

B) Value to deduct from the Contract Balance - \$ 1,614,442.60

(C) Value of Work applicable to Financial test after deferrals (A+B) \$ **562,705.61**

Per the above, the value of work remaining to be completed is less than the amount required by the Financial Test. Additionally, Partial Occupancy is awaiting final sign-off of the last pieces of submitted documentation and is expected to be imminent. Preliminary closeout documents have been submitted for initial review. A final occupancy review will be required just before closing the permit when all deferred work is complete on site. This is expected to occur in June 2024 if all goes according to plan.

Please find the enclosed copy of Progress Claim #51, our latest Statutory Declaration for your reference as well as a partially filled out Form 9 for your completion and signature. I trust that this provides all the documentation you require currently in order to certify Substantial Performance for the Project. If you require anything further, please do not hesitate to contact me.

Regards,



Ryan Desjardins, Project Manager

EASTERN CONSTRUCTION COMPANY LIMITED

Cc: Steve Gray (ECCL); Martin Kibble (ECCL); Michelle Abug Martin (ECCL); Penny Phelan (BTY), Negar Panahi (BTY), Gord Doherty (MTA)

OCCUPANCY PERMIT NO: 24 119380 000 00 AO

BUILDING PERMIT NO: 20 161333 BLD 00 NB

OCCUPANCY PERMIT

Friday, April 12, 2024

PROJECT LOCATION: 60 MOBILE DR

AREAS TO BE OCCUPIED: All interior floors, suites, exterior site, terrace 359, and roofs.

The above-mentioned building or parts thereof is authorized for occupancy pursuant to Division C, Part 1, Subsection 1.3.3. of the Ontario Building Code.

Sacha Franjic

Sacha Franjic
Manager, Inspections

/NM