

Date: April 12, 2024

To: Granite Club
2350 Bayview Avenue
Toronto, Ontario
M2L 1E4
Canada

Attn: Roger Puttock (WSP)

Re: **Certification of Substantial Performance**
Granite Club Food and Beverage Renewal Project Phase 2
2350 Bayview Avenue
Toronto, Ontario

Building Permit Number: **20-229575-BLD-00-BA**

Project No: 18-110

Dear Owner's Rep,

In accordance with Section 32 of the Construction Lien Act, R.S.O. 1990, we have certified that Contractor's Company Name had substantially performed the work of above noted project on February 6th, 2024. A copy of the Certificate of Substantial Performance is attached.

On the basis of our periodic review, we have evaluated the Work and to the best of our knowledge, information and belief, determined that the construction has been carried out in general conformity with the Architectural documents.

Based on this certification we hereby advise you that in accordance with Section 31 of the Construction Lien Act, R.S.O. 1990, the release of the basic statutory holdback shall be due on the forty-sixth (46th) day after publication of the certification by Contractor's Company Name. Once we have received proof of publication, we will issue a Certificate for Payment for Holdback Release.

We trust that the above is understood. Should you have any questions with regard to the above, or are aware of any information which would alter our recommendation please contact the undersigned.

Yours Truly,

Gow Hastings Architects
per:



Philip Hastings
Partner

Attachment: Certificate of Substantial Performance of the Contract

cc: Ferrol Ricketts, WSP

David Stansfield, The Granite Club

Malissa Rinkel, The Granite Club

Tyler Brown, Govan Brown

Ash Mohammed, Govan Brown

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

Construction Act

Toronto, ON

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

2350 Bayview Ave

(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:

Granite Club-Food & Beverage Renewal Phase 2

(short description of the improvement)

to the above premises was substantially performed on February 6th, 2024
(date substantially performed)

Date certificate signed: March 1st, 2024

(payment certifier where there is one)

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

Name of owner: Granite Club

Address for service: 2350 Bayview Ave, Toronto, ON M2L 1A1

Name of contractor: Govan Brown & Associates Ltd

Address for service: 108 Vine Avenue, Toronto ON M6P 1V7

Name of payment certifier (where applicable): Gow Hastings

Address: 275 Spadina Road, Toronto, ON, M5R 2V3

(Use A or B, whichever is appropriate)

A. Identification of premises for preservation of liens:

2350 Bayview Ave, Toronto, ON M2L 1A1

(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)

February 29th, 2024

Hugo Martins
Gow Hastings
275 Spadina Rd
Toronto, ON, M5R 2V3

Re: Granite Club F&B Renovation – Request for Substantial Performance

Below is Govan Brown & Associates Ltd. request for Substantial Performance at the Granite Club Project along with our backup reflecting this milestone.

The Construction Lien Act states in part:

2. (1) For the purposes of this Act, a contract is substantially performed,

(a) when the improvement to be made under that contract or a substantial part thereof is ready for use or is being used for the purpose intended; and

(b) when the improvement to be made under that contract is capable of completion or, where there is a known defect, correction, at a cost not more than,

(i) 3 per cent of first \$500,000 of the contract price,

(ii) 2 per cent of next \$500,000 of the contract price, and

(iii) 1 per cent of the balance of the contract price. R.S.O. 1990, c. C.30, s. 2(2).

The Building Inspector granted Granite Club verbal occupancy on Tuesday, February 6th, 2024. Granite Club is thus ready for its intended use as per item 2.(1).(a) above.

The contract price of Granite Club, Not including CD-264 Kitchen exhaust fan change, is \$20,602,572.38. Per item 2.(1).(b) above:

a. 3% of the first \$500,000 = \$15,000.

b. 2% of the next \$500,000 = \$10,000.

c. The balance of the contract price is \$19,602,572.38. 1% of the balance = \$196,025.72

d. The cost to complete is not more than the sum of the items above or \$221,025.72.

From Govan Brown's February 2024 progress draw, the Balance to Complete is \$173,046.80 not including CD-264 Kitchen exhaust fan change. Granite Club has thus met the financial threshold for Substantial Performance per item 2.(1).(b).

A ITEM NO.	B DESCRIPTION OF WORK	C CONTRACT AMOUNT	D TOTAL COMPLETED TO DATE(E+F)		E PREVIOUS APPLICATION		F THIS APPLICATION		CONTRACT BALANCE	G HOLDBACK
			AMOUNT	%	AMOUNT	%	AMOUNT	%		
			Granite Club - Food & Beverage Renewal (Phase 2)							
Total:		20,609,021.59	20,552,297.44	99.72	20,513,253.78	99.54	39,043.66	0.19	56,724.15	2,036,259.72

Work to be completed	Balance amount	
Unused allowance fire separation	\$ 1,281.09	
Operable Walls Install	\$ 10,502.50	
Elevator	\$ 3,100.00	
GBA CM Fee	\$ 877.89	
RFQ076-CO-070 Cutom Drink rail finish for bars	\$ 4,688.25	To be cancelled and credited
RFQ097-CO-081 Walk-in cooler emergency power connections	\$ 2,785.57	
RFQ151-CO-122 Garbage Enclosure concrete walls	\$ 15,950.55	To be cancelled and credited
RFQ181-CO-142 1875 Dishwasher Exhaust insulation	\$ 12,919.20	To be cancelled and credited
RFQ281-CO-232	\$ (645.00)	
RFQ295-CO-243	\$ 1,689.24	
RFQ312-CO-263	\$ 3,574.86	Cancelled
Credit for the Grabage compactor Area	\$ 91,322.65	
Deficiencies to be completed	\$ 20,000.00	Approx value
Close outs	\$ 5,000.00	
Total work to be completed	\$ 173,046.80	

Please contact me if you wish to discuss this any further.

We request Gow Hastings review & acknowledgement of the Substantial Performance of Granite Club. This request is made acknowledging that the contract documents will not be altered by the release of holdback of the completed subcontract.

Upon agreement of the milestone, Gow Hastings shall issue a Certificate of Substantial Performance for Govan Brown & Associates Ltd. publication in the Daily Commercial News. Evidence of the publication shall be forwarded to Granite Club & Gow Hastings. The publication date shall commence the lien period.

Govan Brown will assemble the holdback invoice of \$2,036,259.72, which is reflective of the holdback retained up to date including the February 2024 progress draw. The holdback funds are required to be released on the 61st day after the publication.

Please contact me with any questions or concerns.

Sincerely,

Ash Mohammed
Govan Brown & Associates Ltd.
Project Manager

cc:

Roger Puttock – WSP

Ferrol Rickets - WSP

Tyler Brown– Govan Brown