

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

Construction Act

Leamington Ontario

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

Ferry Terminal and Harbour Channel

(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:

(short description of the improvement)

to the above premises was substantially performed on **Septembre 30, 2023**
(date substantially performed)

Date certificate signed: **2024-03-08**

(payment certifier where there is one)

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

Name of owner: **Ministry of Transportation of Ontario West area**

Address for service: **Exeter Road Complex, 659 Exeter Road, London, ON, N6E 1L3**

Name of contractor: **Ocean Dredging DM inc.**

Address for service: **85, rue Abraham-Martin, Québec, QC G1K 8N1**

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:

Ocean Dredging DM inc. 85, rue Abraham-Martin, Québec, QC G1K 8N1

(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)

**APPLICATION FOR SUBSTANTIAL
PERFORMANCE/CONTRACT COMPLETION**

To: Scott Reid P.Eng Date: March 8, 2024
Manager, Construction Management Office

West
Area

Contract No.: 3020-M-0023

In accordance with the contract requirements, I/We, Ocean Dredging DM inc. hereby apply for:

- Certificate of Substantial Performance
- Certificate of Completion

All work invoiced to date	\$5 249 151.70
Payments made to date	-\$4 661 541.66
Less holdback	-\$ 539 585.04
Less Owner's set-offs	-\$ <u>48 025.00</u>
Amount due	=\$ 0

I/We, Ocean Dredging DM inc. hereby declare that the Certificate of Substantial Performance shall be published in: Daily Commercial News. The link for the construction trade newspaper is: <https://dcn.pressreader.com/daily-commercial-news>.

I/We, Ocean Dredging DM inc. hereby release the owner of all further claims related to the contract with the following exceptions:

- List outstanding issues in accordance with MTO General Conditions of Contract

Release of Ministry set off for Liquidated damages 42 500.00\$ plus
HST 48 025.00\$

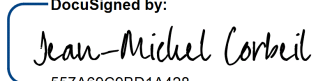
I/We Ocean Dredging DM inc. hereby declare and submit with this Application a Statutory Declaration in the form provided that all liabilities incurred by the Contractor, and the Contractor's Sub-Contractors, in carrying out the contract have been discharged, except for the statutory holdbacks properly retained in accordance with the Construction Act.

- List outstanding liabilities:

N/A

Name: Jean-Michel Corbeil

Signature: _____

DocuSigned by:

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Position: Director - Marine Works and Rental

Date: March 8, 2024

STATUTORY DECLARATION

**Canada
Province of Ontario**

IN THE MATTER OF a contract entered with
**Her Majesty the Queen in right of Ontario, represented by the
Minister of Transportation, (Owner)**

By **Ocean Dredging DM inc., (Contractor)**, at

MTO Contract Number: 3020-M-0023

I, Jean-Michel Corbeil,

DO SOLEMNLY DECLARE:

- 1. that I am Director- Marine Works and Rental of Ocean Dredging DM inc., the Contractor named in the above mentioned Contract, and as such have personal knowledge of the fact herein declared.
- 2. that all accounts for labour, sub-contracts, products, materials, services and construction machinery and equipment, which have been incurred directly by the Contractor in the performance of the work as required by the Contract, and for which the Owner might in any way be held responsible, have been discharged, except for:
 - (1) holdback monies properly retained,
 - (2) payments deferred by agreement between the Contractor and the Owner,
 - (3) amounts withheld by reason of legitimate dispute which have been identified to the party or parties, from whom payment has been withheld and are listed below and, (identify payees and amounts payable to each)

N/A

 - (4) payments that are yet to be made because they are subject to the Contractor's verification processes.
- 3. that all accounts for labour, material suppliers and sub-contracts have been informed of the name of the construction trade newspaper, as declared.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the CANADA EVIDENCE ACT.

**Declared before me at the Quebec City
in the province of Québec this 8th
day of March, 2024**

Jean-Michel Corbeil (Deponent)

DocuSigned by:

Laurence Pépin

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Laurence Pepin, lawyer

INSTRUCTION

This declaration must be sworn before a commissioner for oaths, notary public or justice of the peace.

Statutory declaration to be submitted along with application to the appropriate MTO Construction Management Office