

May 21, 2024

Matheson Constructors Limited  
245 Industrial Parkway North,  
Aurora, ON  
L4G 4C4

Attention: Ms. Colleen Flanagan  
Project Manager

**Re: CRU 3000 Renovation – CF Lime Ridge Mall  
WZMH Project No. 6978.017  
Substantial Performance Form 9**

Dear Ms. Flanagan,

We are pleased to submit herewith the Construction Act Form 9 dated May 21, 2024, acknowledging Substantial Performance achieved on May 08, 2024, for the CRU 3000 Renovation at CF Lime Ridge Mall project. Publishing this document in print (example Daily Commercial News), or electronic format, is the sole responsibility of Matheson Constructors. WZMH and the Owner, (*Cadillac Fairview*), require confirmation that the Form 9 has been published according to the Construction Act. Please contact the undersigned if you have any queries regarding the above.

Yours truly,  
**WZMH ARCHITECTS**



**Mino Ghassemi, M.Arch., OAA**  
Contract Administrator

Attached:  
Form 9, Matheson Constructors Ltd. letter and calculations

cc.	Dave Pitre	Cadillac Fairview
	Andrey Hernandez	Matheson Constructors Ltd.
	Supreet Barhay	WZMH Architects
	Robert Shortt	WZMH Architects
	Ted DuArte	WZMH Architects

**Principals**  
Len Abelman, OAA, MRAIC  
Mohammed Al-Atheri, OAA, MRAIC  
Supreet Barhay, OAA, MRAIC, LEED AP BD+C  
Nicola Casciato, OAA, MRAIC  
Harrison Chan, OAA, MRAIC  
Jee-Young-Kang, B.Arch.  
Jeffrey Leong-Poi, OAA, MRAIC  
Richard Myers, OAA, MRAIC, LEED AP BD+C  
Moran Olsha, B.Tech, LEED AP  
Zenon Radewych, B.Tech

**Chief Financial Officer**  
Genevieve Easton, CPA, CA, ACA

A Partnership of Corporations

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

*Construction Act*

HAMILTON

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

999 UPPER WENTWORTH ST., HAMILTON

(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:

ALTERATION TO EXISTING RETAIL UNIT #3000 AT CF LIME RIDGE MALL

(short description of the improvement)

to the above premises was substantially performed on MAY 08, 2024

(date substantially performed)

Date certificate signed: MAY 21, 2024



(payment certifier where there is one)

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

Name of owner: CADILLAC FAIRVIEW CORPORATION LIMITED

Address for service: 20 QUEEN ST. W, FLOOR 5, TORONTO, ON, M5H 3R3

Name of contractor: MATHESON CONSTRUCTORS LIMITED

Address for service: 245 INDUSTRIAL PARKWAY NORTH, AURORA, ON, L4G 4C4

Name of payment certifier (where applicable): WZMH ARCHITECTS

Address: 95 ST. CLAIR AVENUE WEST, SUITE 1500, TORONTO, ON, M4V 1N6

(Use A or B, whichever is appropriate)

A. Identification of premises for preservation of liens:

UNIT #3000 AT CF LIME RIDGE MALL - 999 UPPER WENTWORTH ST., HAMILTON, ON, L9A 4X5

(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)

May 8, 2024

WZMH  
Attn: Robert Shortt  
Architect  
95 St. Clair Avenue West, Suite 1500  
Toronto, Ontario, M4V 1N6

**RE:** Project No. 2023-031 – CF Lime Ridge Mall, Unit 3000  
**999 Upper Wentworth Street, Hamilton, Ontario, L9A 4X5**

## **Request for Substantial Performance**

Dear Mr. Shortt,

The construction of the project for 2023-031 CF Lime Ridge Mall achieved Substantial Performance on May 8, 2024, by Matheson Constructors Ltd., meeting the contractual obligations, and the Construction Act requirements.

As noted in the Construction Act, a project is substantially performed when the following two criteria requirements are met:

*(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 purposes 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 of not more than,*

*(i) 3 per cent of the first \$1,000,000 of the contract price,*

*(ii) 2 per cent of the next \$1,000,000 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 (1); 2017, c. 24, s. 4 (1, 2).*

The project complies with the two criteria (see Appendix B), and the financial requirement was achieved on the April 2024 Progress draw.

We request issuance of Form 9 to facilitate publication of the achievement in Daily Commercial News.

It has been a great experience to work with the Cadillac Fairview and WZMH teams, which enabled us to achieve the substantial performance of this valuable project.

# **MATHESON**

Sincerely,



Colleen Flanagan  
Senior Project Manager  
647-526-8272  
cflanagan@mathesonconstructors.com

Cc:

Dave Pitre (Cadillac Fairview)  
Ted DuArte (WZMH)  
Minoo Ghassemi (WZMH)  
Andrey Hernandez (MCL)

## **Appendixes:**

B. Estimated balance of Credits and Deferred Contract Works

Calculation for Substantial Performance

Date

05-08-2024

Line	Description	Value	Notes
<b>1</b>	<b>Billing to Date of Application for Substantial</b>	<b>\$ 13,507,532.98</b>	
	Main Contract billing	\$ 10,615,635.87	April Billing
	Changes billed to date	\$ 2,891,897.11	April Billing
	Subtotal billed to date	<b>\$ 13,507,532.98</b>	
<b>2</b>	<b>Current Contract Value</b>	<b>\$16,355,315.96</b>	
	Original	\$13,373,240.00	April Billing
	Approved Contract Changes	\$ 2,982,075.96	April Billing
		\$ -	
	<b>Subtotal Contract Value</b>	<b>\$16,355,315.96</b>	
3	Balance	\$ 2,847,782.98	Line 2 - Line 1

4	Balance of Unspent VAOs	\$ 1,933,458.20	Estimated
5	<b>Total Unspent Allowance and Contingencie</b>	<b>\$ 1,933,458.20</b>	Line 4
6	<b>Contract Value at Substantial performance</b>	<b>\$ 14,421,857.76</b>	Line 2 - Line 5

7	Balance of Work to Complete	\$ 914,324.78	Line 6 - Line 1
13	<b>Balance of Work to Complete</b>	\$ 914,324.78	Line7
14a	Spring Work - Asphalt - Item 2003	\$ 176,475.00	On Hold Due to Weather& CCN #35
14b	Spring Work - Asphalt - CCN #5 - CO #42	\$ 28,185.85	On Hold Due to Weather& CCN #35
14c	Sidewalks - Item 2003	\$ 131,115.00	On Hold Due to Weather
14d	Spring Work - Asphalt - Line 77-0000-019	\$ 145,140.00	On Hold Due to Weather
14e	Deficiencies	\$ 10,000.00	Value of Remaining Def Identified
14f	Credit Labour less amounts from April and May	\$ 170,000.00	Estimated remaining amount
14g	Hoarding Removals until Asphalt is complete	\$ 19,764.00	On Hold Due to Asphalt
14h	VAO #10 & 33 - Landscaping Allowance	\$ 16,535.00	On Hold Due to Weather
14i	Staining Brick	\$ 87,857.00	On Hold Due to Weather
15	<b>Total Work to Complete</b>	<b>\$ 129,252.93</b>	Line 13 + Line 14a-i

Calculation			
16	3% of first \$1,000,000	\$ 1,000,000.00	\$ 30,000.00
17	2% of next \$1,000,000	\$ 1,000,000.00	\$ 20,000.00
18	1% of the balance of Contract Amount	\$ 12,421,857.76	\$ 124,218.58
19	Balance to meet Substantial Performance		\$ 174,218.58
20	Minimum Billing Threshold		\$ 13,462,567.33
21	Billing as of April, 2024		\$ 13,507,532.98
			\$ 44,965.65
			<b>Threshold Met</b>

**Cash Allowance Summary**

ID	Description	GMP Amount	Used/Approved to Date	Retained for Future Use	Savings Pending Return	Comments
1	77-0000-01 - Bonding	-	\$ -	\$ -	\$ 279,011.00	
2	77-0000-02 - Risk on Insurance Deductable - Builders Risk	50,000.00	\$ -		\$ 50,000.00	
3	77-0000-03 - Risk on Insurance Deductable - Water Leak	50,000.00	\$ -		\$ 50,000.00	
4	77-0000-04 - Firewatch Allowance	30,000.00			\$ 30,000.00	
5	77-0000-05 - Unknown Temporary Protections & Relocations	20,000.00	\$ -		\$ 20,000.00	
6	77-0000-06 - Night Work Premiums	105,600.00	\$ 46,800.00		\$ 58,800.00	VAO #1
7	77-0000-07 - Monthly Schedule Delays - Design Documents	99,506.00			\$ 99,506.00	
8	77-0000-08 - Winter Conditions	50,000.00	\$ 25,901.90		\$ 24,098.10	VAO #38
9	77-0000-09 - Winter Heating for Concrete Work	75,000.00	\$ -		\$ 75,000.00	
10	77-0000-10 - Winter Heating for Masonry Work	100,000.00	\$ 47,372.05		\$ 52,627.95	VAO #34
11	77-0000-11 - Allowance for Mockups	25,000.00			\$ 25,000.00	
12	77-0000-12 - Temporary Fall Restrain for Re-Roof & Abatement	50,000.00			\$ 50,000.00	
13	77-0000-13 - Allowance for Misc Xrays/Scanning of Existing	15,000.00			\$ 15,000.00	
14	77-0000-14 - Premium to Lease CF space for Site Office	20,000.00			\$ 20,000.00	
15	77-0000-15 - Demo Schedule Acceleration	100,000.00	\$ 85,100.00		\$ 14,900.00	VAO #1
16	77-0000-16 - Unknown Selective Demolition	25,000.00	\$ 25,000.00		\$ -	VAO #1
17	77-0000-17 - Unknown Abatement Conditions	15,000.00	\$ 13,796.00		\$ 1,204.00	VAO #27
18	77-0000-18 - Landscaping Allowance	25,000.00	\$ 25,000.00		\$ -	VAO #10, 33 & 40
19	77-0000-19 - Shave & Pave Existing Asphalt Further Area than	145,140.00	\$ 139,275.00		\$ 5,865.00	VAO #39
20	77-0000-20 - Underpinning at Interior Column at crawl space	20,000.00			\$ 20,000.00	
21	77-0000-21 - Floor Leveling C/W Laser scan	505,080.00	\$ 505,080.00		\$ -	VAO #6 & 24
22	77-0000-22 - New Concrete Support (Piers/Corbels) for New	150,000.00	\$ 16,915.00		\$ 133,085.00	VAO #20 & 19
23	77-0000-23 - New South Vehicular Ramps & Adjacent SOG P	30,000.00	\$ 19,890.00		\$ 10,110.00	VAO #11
24	77-0000-24 - South Slab on Grade Restoration	14,000.00			\$ 14,000.00	
25	77-0000-25 - Electrical Room Concrete Restoration	3,500.00			\$ 3,500.00	
26	77-0000-26 - Bollard Provision	110,400.00			\$ 110,400.00	
27	77-0000-27 - Foundation Wall to Missing Privacy Screen	25,000.00	\$ 20,464.90		\$ 4,535.10	VAO #29 & 32
28	77-0000-28 - Salvage Existing Brick for Re-Use	56,100.00			\$ 56,100.00	
29	77-0000-29 - Privacy Screen Wall Removal & Rebuild	49,000.00			\$ 49,000.00	
30	77-0000-30 - Misc Masonry Work	50,000.00	\$ 50,000.00		\$ -	VAO #13
31	77-0000-31 - Parapet Design - Additional 2 Brick Course	52,500.00	\$ 47,000.00		\$ 5,500.00	VAO #23
32	77-0000-32 - Specification Premium - Nawkaw Staining	37,996.00	\$ 29,057.00		\$ 8,939.00	VAO #7 & 37
33	77-0000-33 - South Entrance Temporary Shoring	20,000.00			\$ 20,000.00	
34	77-0000-34 - Reinforcing Unsupported Metal Deck	30,000.00			\$ 30,000.00	
35	77-0000-35 - Suppy and installation of RTU steel frame supp	27,000.00			\$ 27,000.00	
36	77-0000-36 - Infill Metal Deck Openings	32,000.00			\$ 32,000.00	
37	77-0000-37 - Metal Fabrication Signage Support	57,000.00	\$ 39,500.00		\$ 17,500.00	
38	77-0000-38 - Metal Fabrication Unknown Requirements	50,000.00			\$ 50,000.00	
39	77-0000-39 - Front Entrance Railings Unknown Requirement	50,000.00			\$ 50,000.00	
40	77-0000-40 - Interior Miscellaneous Blocking	10,000.00			\$ 10,000.00	
41	77-0000-41 - Parapet Framing Design - Low Area - 300mm	26,250.00	\$ 26,250.00		\$ -	VAO #30
42	77-0000-42 - Parapet Framing Design - Hig Areas - 900mm	63,000.00	\$ 61,348.00		\$ 1,652.00	VAO #18
43	77-0000-43 - Expansion Joint Blocking Work	22,500.00	\$ 22,500.00		\$ -	VAO #31
44	77-0000-44 - Specification Premium - 5 Year Added to Price	15,665.00	\$ 15,665.00		\$ -	VAO #8
45	77-0000-45 - Specification Premium - Insulation Change - H	37,095.00	\$ 37,095.00		\$ -	VAO #8
46	77-0000-46 - Unknown Roofing Conditions	25,000.00	\$ 17,975.00		\$ 7,025.00	VAO #15 & 21
47	77-0000-47 - Allowance for Localized Tapered Insulation	30,000.00	\$ 13,555.00		\$ 16,445.00	VAO #9
48	77-0000-48 - Temporary Waterproofing to RTU Openings	22,500.00	\$ 7,985.00		\$ 14,515.00	VAO #22
49	77-0000-49 - Roofing Hazardous Material - Procedures	Unknown/ NIC				
50	77-0000-50 - Roofing Hazardous Approach - Remediation w/	NIC				
51	77-0000-51 - Connection detail for ACM Panels	50,000.00			\$ 50,000.00	
52	77-0000-52 - Specification Premium - Thermal Clips for ACM	17,500.00			\$ 17,500.00	
53	77-0000-53 - ACM on soffit on South Elevation in lieu of met	15,000.00	\$ 15,000.00		\$ -	VAO #14
54	77-0000-54 - Siding to High Parapet Walls - Roofside	26,950.00			\$ 26,950.00	
55	77-0000-55 - Firestopping Scope of Work	6,000.00	\$ 3,157.00		\$ 2,843.00	VAO #36
56	77-0000-56 - Hollow Metal Door & Frames/Hardware & Aut	43,350.00	\$ 43,350.00		\$ -	VAO #12
57	77-0000-57 - Aluminum Glazing & Automatic Sliding Doors S	286,000.00	\$ 180,920.00		\$ 105,080.00	VAO #4
58	77-0000-58 - Overhead Doors Scope of Work	110,000.00	\$ 110,000.00		\$ -	VAO #3
59	77-0000-59 - Drywall Scope of work	292,500.00	\$ 238,449.00		\$ 54,051.00	VAO #5 & 28
60	77-0000-60 - Cut & Patching at Mail Areas	25,000.00			\$ 25,000.00	
61	77-0000-61 - Dock Leveler Scope of Work	50,000.00	\$ 30,283.95		\$ 19,716.05	VAO #2
62	77-0000-62 - Compactor Scope of Work	60,000.00			\$ 60,000.00	
63	77-0000-63 - Privacy Screen for RTUs	270,000.00	\$ 270,000.00		\$ -	VAO #25 & 26
64	77-0000-64 - Entrance Griles Provision Scope of Work	10,000.00			\$ 10,000.00	
	<b>Total</b>	<b>\$ 3,884,132.00</b>	<b>\$ 2,229,684.80</b>	<b>\$ -</b>	<b>\$ 1,933,458.20</b>	
					<b>\$ 1,933,458.20</b>	

Description of 14e on  
calculation sheet

Remaining Deficiency list to date

08-May-24

Ref Number from Arch Report	Description of Item	Value	Date to be complete
21.3.1	Exit Doors - Threshold	\$ 250.00	May 16th
21.3.3 - Item 1	Wall between Electrical Door	\$ 1,500.00	To be complete with interior fit out
21.3.3 - Item 3	Door Jambs	\$ 500.00	May 16th
21.3.5	Seal of the gap at South Overhead Door	\$ 500.00	May 22nd
21.3.6	Metal Flashing at North OH Door	\$ 1,500.00	May 22nd
21.3.10	South Tenant Storefront	\$ 500.00	May 15th
21.3.13 - Item 2	Sealant	\$ 500.00	May 16th
21.3.14 - Item 2	Metal Trim on the Interior Storefront	\$ 1,500.00	May 16th
21.3.16	Exterior Concrete Stair CCN #34	\$ 20,641.95	Pending Approval
21.3.17	Metal Flashing Cap over Brick Wall	\$ 1,000.00	May 22nd
21.4.1	Interior Storefront panel replacement	\$ 1,000.00	May 17th
21.4.3	Metal Flashing at Curtain Wall	\$ 1,250.00	May 22nd
		\$ 10,000.00	not including CCN #34