

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

*Construction Act*

**City of Toronto, Province of Ontario**

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

**O'Connor Dr. from Bermondsey Road to Yardley Avenue**

(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:

**Watermain Reconstruction (O'Connor Dr. from Bermondsey Road to Yardley Avenue)**  
**Abandonment of existing 300 mm diameter cast iron watermain.**  
**Transfer of water services to the newly installed 300 mm PVC Watermain.**  
**Temporary Restoration Works.**  
**Associated Relocation and Support of Utilities.**

(short description of the improvement)

to the above premises was substantially performed on **April 29, 2024**

(date substantially performed)

Date certificate signed: **June 03, 2024**

*Chris Morrison*

(payment certifier where there is one)

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

Name of owner: **City of Toronto**

**City Clerk's Office, 100 Queen Street West, 13th Floor West Tower, Toronto, Ontario, M5H 2N2**  
**(Attention Mika Raisanen, Director, Design & Construction, Linear Underground**

Address for service: **Infrastructure, Engineering & Construction Services)**

Name of contractor: **Sanscon Construction Ltd.**

Address for service: **79 Fenmar Dr, North York, ON M9L 1M3**

Name of payment certifier (where applicable): **Chris Morrison, P.Eng**

Address: **3381 Steeles Avenue East, Suite #315, Toronto ON M3H 3S8**

(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:

**Claims for Lien are to be submitted to the Clerk of the City of Toronto electronically as directed at**  
**[www.toroo.ca/liens](http://www.toroo.ca/liens).**

(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)

Contract Number: NCP-23ECS-LU-11FP

Tender Call Number: N/A

Enter Value of Remaining Work, Including Deficiencies **\$ 28,000.00**

Contract Price, Exclusive of Taxes **\$ 5,500,000.00**

## Construction Act

### Contracts, substantial performance and completion

#### When contract substantially performed

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

(a) **YES**

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,     | \$30,000.00 |
| (ii) 2 per cent of the next \$1,000,000 of the contract price, and | \$20,000.00 |
| (iii) 1 per cent of the balance of the contract price.             | \$35,000.00 |

**Total Subsection (b)** \$85,000.00

**Improvement Value (b) vs. Deficiencies** \$57,000.00

**Substantial Completion Achieved?** **Yes**

#### Idem

2. (2) For the purposes of this Act, where the improvement or a substantial part thereof is ready for use or is being used for the purposes intended and the owner and the contractor agree not to complete the improvement expeditiously, the price of the services or materials remaining to be supplied and required to complete the improvement shall be deducted from the contract price in determining substantial performance.

**Project Lead:** Joseph Pellegrini

**Telephone :** 416-394-8441

**Date:** 3-Jun-24

**NOTE:** A copy of the latest deficiency list with values for outstanding work is to be attached to this sheet. This sheet is to accompany the Certificate of Substantial Performance.



**DEFICIENCY LIST**

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Inspector: Mark Ludwinski

Date: May 31, 2024

Contract No. NCP-23ECS-LU-11FP

Contractor: Sanscon Construction

Contract Administrator: A. Kochhar

Location: O'Connor Dr.

Item	Location	Description	Cost	Accepted	
				By	Date
1	NW corner of St Clair	Settlement at VB 4	\$1,000.00	ML	April 15/24
2	VB 3a	Paved over and needs to be	\$1,000.00	ML	April 15/24
3	1161 O'Connor	Repair st and san cleanouts	\$2,000.00	ML	May 9/24
4	785, 819 O'Connor at	VB broken	\$1,000.00		
5	Various locations north of Curity Ave	Temporary Asphalt is incomplete	\$5,000.00		
6	Various locations north of Curity Ave	Debris removal and cleanup	\$2,000.00		
7	Entire limit of Project	Remove ex VB's	\$5,000.00		
8	Entire limit of Project	Ex VC removal	\$5,000.00		
9	Entire limit of Project	Tracer wire verification	\$5,000.00		
10	Canadian Macedonian Place	Raise VB's to grade	\$1,000.00		
11	8 Sandra Rd	Restore test pit with topsoil and sod	\$500.00		
12	Entire limit of project	Secure tracer wire to bottom flange of hydrant	\$500.00		
13	849	Pothole in temp asphalt in sidewalk	\$500.00	ML	May 27/24
14	VB 42	Tracer wire missing	\$2,000.00		
15	Curity to Yardley	Lower valve boxes to grade on blvd	\$1,000.00		
<b>Total</b>			<b>28,000.00</b>		

## Akash Kochhar

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**From:** Jason Beattie <Jason@sanscon.com>  
**Sent:** Tuesday, April 30, 2024 8:12 AM  
**To:** Akash Kochhar  
**Cc:** Chris Morrison; Joe Pellegrini; Mark Ludwinski; carlo; BFPP23ECS.11FP@jacobs.com; Eric Lee  
**Subject:** 23ECS-LU-11FP - Substantial Performance - April 29

Hi Akash,

We are formally requesting Substantial Performance of contract 23ECS-LU-11FP as of April 29, 2024.

Please forward the appropriate documents for our signature.

Thanks,

Jason

**Jason Beattie, P.Eng.**  
Sanscon Construction Ltd.  
79 Fenmar Drive  
Toronto, ON M9L 1M3  
Email: [jason@sanscon.com](mailto:jason@sanscon.com)  
Cell: (416) 991 5004

