



June 27, 2024

Project No. CA-GLD-20147687

Deanna Mele, Project Manager

City of Toronto, Engineering and Construction Services
Metro Hall, 55 John Street, 7th Floor
Toronto, ON
M5V 3C6

**SUBSTANTIAL PERFORMANCE CERTIFICATE LETTER
23ECS-MI-02SW LEACHATE COLLECTION SYSTEM UPGRADES AT SUNRISE CLOSED LANDFILL SITE
CITY OF TORONTO, ONTARIO**

Dear Ms. Mele,

Please find enclosed the Certificate of Substantial Performance of the contract 23ECS-MI-02SW, for the leachate collection system upgrades at Sunrise closed landfill site. A copy of the certificate will be forwarded to Green Infrastructure Partners Inc. (GIP) for publication in a construction trade journal.

The contractor, GIP, submitted their formal request for Substantial Performance on April 12, 2024 affirming that Substantial Performance was achieved on December 21, 2023. Based on WSP Canada Inc.'s (WSP) assessment of remaining works and deficiencies, Substantial Performance was achieved on January 22, 2023.

As note in Progress Payment Certificate No. 3 dated January, 2024, the contract total value is \$697,355.50. Total completed work value as of December 22, 2023 is \$697,355.50. The remaining base scope items to be completed is \$0. Change Order 01 of \$39,391.48 increased to the total contract value to \$736,746.98. This change order was approved on June 20, 2024.

Under the Construction Lien Act, a contract is substantially performed generally when:

- a) The "improvements" made under the contract are being used for the purposes intended; and
- b) The value of deficiencies and incomplete work is not more than the following, which for this contract is: The Statutory Lien Holdback valued at 10% of the Contract Amount.

Clarifying language in the Contract includes the definition of Substantial Performance as meaning:

- 1) 1. the requirements set out in the Construction Act for a contract to be "substantially performed" have been met, including the Work being ready for use. For clarity, the Work shall not be "ready for use" until it has satisfied all the requirements for "ready for use" in the Specifications or elsewhere in the Agreement; and
- 2) The Contractor has submitted to the Contract Administrator all items required by the Specifications for Substantial Performance of the Work which under Section 5A –Specific Conditions of Contract – 27. Substantial Performance, is that record drawings are completed.

The record drawings have been submitted in draft and undergoing final review by the design engineer. The value of the remaining work and deficiencies is included in the amount noted above and will be held until the associated tasks are completed.

We therefore recommend that GIP's request for Substantial Performance, in accordance with the *Construction Lien Act* and contract requirements be accepted, and that GIP should proceed with the publication of the notice of Substantial Performance. The 45-day Lien Period will commence once the notice that the contract was substantially performed is published a construction trade journal.

The 10% Statutory Holdback of the base scope and approved change order works is currently estimated in Payment Certificate No. 03 as \$73,674.70 (excluding taxes). This amount is recommended for payment to GIP subject to the following conditions:

- The 45-day Lien Period has been cleared and no liens have been placed against the project;
- GIP provides a Contractor's Release to the City;
- GIP provides a Statutory Declaration; and,
- GIP provides an updated WSIB Clearance Certificate.

Closure

We trust the above meets with your approval. Please do not hesitate to contact the undersigned should you have any questions.

Yours truly,

WSP Canada Inc.



Tracy Meldrum, M.Sc., P.Geo.
Contract Administrator



Frank Barone, Ph.D., P.Eng.
Senior Geotechnical Engineer

TM/FB/tm

[https://wsponlinecan.sharepoint.com/sites/ca-ca-gld-20147687/shared documents/08. construction/contract admin/08. payment certificates/03 pc-ca-gld-20147687_ payment certificate no. 3.docx](https://wsponlinecan.sharepoint.com/sites/ca-ca-gld-20147687/shared%20documents/08.%20construction/contract%20admin/08.%20payment%20certificates/03%20pc-ca-gld-20147687_-_payment%20certificate%20no.%203.docx)

CC: Jim Shorter, GIPI PM

Attachments: Form 9 Certificate of Substantial Performance of the Contract under Section 32 of the Act
Confirmation of Substantial Performance – Form ECS_CWP-45

Form 9 Certificate of Substantial Performance of the Contract under Section 32 of the Act

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

Construction Act

City of Toronto, Toronto East York District

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

Sunrise Landfill at 30 Northline Road, East York, 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:

Leachate Collection System Upgrades Sunrise Closed Landfill Site, Contract No. 23ECS-MI-02SW

(short description of the improvement)

to the above premises was substantially performed on **December 21, 2023**

(date substantially performed)

Date certificate signed: **December 21, 2023**

tracy.meldrum@wsp.com
Digitally signed by
tracy.meldrum@wsp.com
DN: cn=tracy.meldrum@wsp.com
Date: 2024.06.27 14:55:07 -
04'00'

(payment certifier where there is one)

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

Name of owner: **City of Toronto**

Address for service: **Metro Hall, 55 John Street, 7th Floor, Toronto, Ontario M5V 3C6**

Name of contractor: **Green Infrastructure Partners Inc.**

Address for service: **200 Apple Mill Road, Suite 700, Vaughan, ON L4K 0J8**

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:
**Claims for Lien are to be submitted to the Clerk of the City of Toronto electronically as directed at
www.toronto.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)

Confirmation of Substantial Performance – Form ECS_CWP-45

Contract Number: _____ Contract No.: 23ECS-MI-02SW

Tender Call Number: _____ RFT No.: Doc4001403150

Enter Value of Remaining Work, Including Deficiencies 0

Contract Price, Exclusive of Taxes \$ 736,746.98

Construction Lien Act - R.S.O. 1990, Chapter C.30

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 \$500,000 of the contract price, | \$15,000.00 |
| (ii) 2 per cent of the next \$500,000 of the contract price, and | \$ 4,734.94 |
| (iii) 1 per cent of the balance of the contract price. | \$0.00 |

Total Subsection (b) \$19,734.94

Improvement Value (b) vs. Deficiencies \$19,734.94

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 remainder of the improvement cannot be completed expeditiously for reasons beyond the control of the contractor or, where 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: Deanna Mele

Telephone : 416-414-5203

Date: April 26, 2024.

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.

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

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(short description of the improvement)

to the above premises was substantially performed on **December 21, 2023**

(date substantially performed)

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(payment certifier where there is one)

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

Name of owner: **City of Toronto**

Address for service: **Metro Hall, 55 John Street, 7th Floor, Toronto, Ontario M5V 3C6**

Name of contractor: **Green Infrastructure Partners Inc.**

Address for service: **200 Apple Mill Road, Suite 700, Vaughan, ON L4K 0J8**

Name of payment certifier (where applicable): **WSP Canada Inc.**

Address: **201-1224 Gardiners Road, Kingston, Ontario K7P 0G2**

(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:

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