

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

*Construction Act*

Bellingham, ON

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

ON-554, Algoma, Unorganized, North Part, ON P0R 1H0

(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:

Grading, Drainage, Granular Base, Hot Mix Paving, Electrical and Structural Rehabilitation

(short description of the improvement)

to the above premises was substantially performed December 7, 2023  
(date substantially performed)

on Date certificate signed: June 26, 2024

His Majesty The King in Right of Ontario as represented by the  
Minister of Transportation

(payment certifier where there is one)

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

Name of owner: His Majesty The King in Right of Ontario as  
represented by the Minister of Transportation

Address for service: 3767 HIGHWAY 69 SOUTH FLOOR 1 SUITE 8 SUDBURY ONTARIO P3G 1E7 Canada

Name of contractor: Teranorth Construction & Engineering Limited

Address for service: 799 Luoma Rd Sudbury, ON, P3G 1J4

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:

Director, Legal Services Branch 125 Sir William Heart Avenue, 1st Floor Downsview, ON, M3M 0B6

(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)

To: Brad Thom  
Manager, Construction Management Office  
Northeast  
Area

Date: June 25, 2024

Contract No.: 2023-5005

In accordance with the contract requirements, I/We Teranorth Construction & Engineering Limited hereby apply for:

- Certificate of Substantial Performance (as of \_\_\_\_\_)
- Certificate of Completion (as of December 13, 2023)

All work invoiced to date	\$ <u>1,793,771.07</u>
Payments made to date	-\$ <u>1,775,531.17</u>
Less holdback	-\$ <u>0.00</u>
Less Owner's set-offs	-\$ <u>18,239.90</u>
Amount due	=\$ <u>0.00</u>

I/We Teranorth Construction & Engineering Limited hereby declare that the Certificate of Substantial Performance shall be published in: Daily Commercial News. The link for the construction trade newspaper is: <https://canada.constructconnect.com/dcn/certificates-and-notice>.

I/We Teranorth Construction & Engineering Limited 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

- CR0001 - Extension of Time

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

I/We Teranorth Construction & Engineering Limited 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:

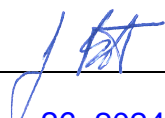
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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name: James Bot  
Position: President

Signature:   
Date: June 26, 2024

STATUTORY DECLARATION

Canada  
Province of Ontario

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

by Teranorth Construction & Engineering Limited, (Contractor), at

MTO Contract Number: 2023-5005

I, James Bot,

DO SOLEMNLY DECLARE:

1. that I am President, of Teranorth Construction & Engineering Limited, 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)

\_\_\_\_\_

\_\_\_\_\_

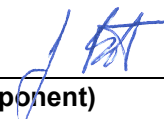
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(4) payments that are yet to be made because they are subject to the Contractor's verification processes.

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 City  
Of Greater Sudbury  
in the Province  
of Ontario this 26th  
day of June A.D. 2024

  
\_\_\_\_\_  
(Deponent)

A Bryanton  
A Commissioner etc. **Andrew Jordan Bryanton, a Commissioner,  
etc., Province of Ontario, for Teranorth  
Construction & Engineering Limited.  
Expires August 15, 2025.**

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