



219 Dufferin Street, Suite 100C
Toronto, ON, M6K 3J1, Canada
416 696 8686
FORREC.COM

CERTIFICATE OF SUBSTANTIAL PERFORMANCE

FORM 9 COVER LETTER

T0: Gillam Construction Group Ltd.
36 Northline Road, Unit 3, Toronto, ON M4B 3E2
c/o Frank Carr (fcarr@gillamgroup.com)

DATE: Aug 13, 2024

PROJECT NO.: 22-124

cc: Jesse Zuker – Northcrest Developments
c/o jzucker@northcrestdev.ca

PROJECT NAME: Northcrest Experience Centre & Offices

OWNER: Downsview Metro Devco Inc. d/b/a “Northcrest Developments”

CONTRACT NAME: CCDC 5B 2010 – Northcrest Experience Centre & Offices (34 Hanover Rd/123 Garratt Blvd)

PERMIT: 23 153514 BLD 00 BA; 23 153514 BLD 01 BA; 23 153514 BLD 02 BA
23 153514-HVA 00 MS; 23 153514-HVA 01 MS; 23 153514 PLB 00 PS

Attention: Frank Carr

Re: Northcrest Experience Centre & Offices (34 Hanover Renovation Project)
FORREC Project No. 22-124
Form 9 – Certificate of Substantial Performance

Attached please find the Form 9 – Certificate of Substantial Performance for your reference.
Please publish in the Daily Commercial News and forward a copy of the publication to Northcrest Developments and FORREC Architects Ltd.

Yours truly,
FORREC Architects Limited

per 

Diana Zepf (Contract Administrator), OAA
Assistant Director, Architecture – Senior Design Manager

dzepf@forrec.com | 416-696-8686

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Re: Northcrest Experience Centre & Offices (34 Hanover Renovation Project)
FORREC Project No. 22-124
Form 9 – Certificate of Substantial Performance

FORREC has received Gillam Construction’s request for Substantial Performance, submitted via email on Friday August 9, 2024. FORREC completed our review of the application on Tuesday August 13th.

For the purpose of determining substantial performance of the Project the status of the Contract between Gillam Construction and Northcrest Developments as of our review is as follows:

| | | |
|---|--|-----------------|
| 1 | <u>Original Contract Amount</u> | \$ 5,328,792.56 |
| 2 | <u>Authorized Changes</u> | \$ 600,197.78 |
| 3 | <u>Current Contract Amount</u> | \$ 5,928,990.34 |
| 4 | <u>Less Improvements Agreed Upon via Construction Act 2(2)</u> | \$ -0.00 |

Total Contract Value for purposes of the Construction Act (as of COP 13, issued Aug 12, 2024) Total: \$ 5,928,990.34 CONTRACT price

| | | |
|---|---|---|
| 5 | <u>Incomplete for Substantial Purposes</u> | |
| | COP 13 (Aug 12, 2024) – Balance to Complete | \$ 65,508.53 |
| | Value of defects, corrections, work to complete | \$ 11,350.00 (see Gillam provided list) |
| | Total: | \$ 76,858.53 VALUE B |

Calculation as per Construction Act 2(1)(b):

| | |
|--|----------------------|
| 3% of the first \$1,000,000.00 of the CONTRACT price | = \$ 30,000.00 |
| 2% of the next \$1,000,000.00 of the CONTRACT price | = \$ 20,000.00 |
| 1% of the balance of the CONTRACT price | = \$ 39,289.90 |
| Total: | \$ 89,289.90 VALUE A |

Therefore value of B is LESS than A. – substantial performance is achieved.

Based on the above summary and monies test, Gillam Construction has satisfied the requirements within the provisions of the Construction Act 1990, article 2 for Substantial Performance and the date of substantial performance is determined as **August 9th 2024**.

We enclose a copy of the 'Certificate of Substantial Performance – Form 9' issued in accordance with the requirements of the Construction Act of Ontario.

The Contractor is required to advertise this in a Daily Commercial News and the **60** day lien period commences the first day after the date of the advertisement. It is Contractor's responsibility to provide proof of publication to determine the date of release for the Statutory Holdback. On expiry of the lien period the statutory holdback will become payable. Upon receipt of this letter, the contractor is to make an application for holdback release with the provision of:

1. Proof of Publication of the Certificate of Substantial Performance.
2. Contractor's Invoice
3. Schedule of Values
4. A Statutory Declaration form;
5. Workplace Safety & Insurance Board (WSIB) Clearance Certificate

Additionally, this Certificate establishes the date of substantial performance of the Contract. This date is the commencement of Contract warranties as per GC12.3.

Best regards,
FORREC Architects Limited

Per 

Diana Zepf (Contract Administrator), OAA
Assistant Director, Architecture – Senior Design Manager

dzepf@forrec.com | 416-696-8686

Attachments: - Value of Deficiencies List
- Form 9

cc. (via e-mail):

| | | |
|-------------|-------------------------|--|
| Jesse Zuker | Northcrest Developments | jzucker@northcrestdev.ca |
| Kris Burley | Artuitive | kris@artuitivegroup.com |

| Deficiency List | | | | |
|--------------------------------|------|------------------------------|---|-------------|
| SL No | ID | Title | Description | Value |
| 2 | #342 | Line Painting Def | Line Painting Deficiencies | \$ 1,500.00 |
| 3 | #308 | Deficient LT2 Fixtures | There are 3 Qty fixture type LT2 Fixtures (track-mount) that pon aiming, were noted as having quality deficiencies deemed unsuitable for final installation and were removed from the treack mounting for storage and replacement purposes. They had rotational issues for aiming, maintaining aiming position/direction, track connection issue. | \$ 750.00 |
| 4 | #240 | Millwork panel modifications | 3 wood boxes remvoed as noted in RFI 143 are to be replaced with felt in roder to cover missing strips in panels. refer - 10.3 in SR 01 Def | \$ 1,000.00 |
| 5 | #239 | Wall Panel | Two outside panels along windows are not wide enough to cover the width of the wall. Shop dwg indicated to verify dimension in field. Proceed with matching design detail of centre panel | \$ 7,000.00 |
| 6 | #233 | Millwork Edging visible | 9.5 Millwork edging visible in many areas of upper cupboards' | \$ 500.00 |
| 7 | #231 | Edging visible in many areas | Edging visible in many areas . Refer SR-A deficien item 8.5 | \$ 500.00 |
| 8 | #227 | Base at side | Hospitality base at side facing corridor unfinished & seam is visible | \$ 100.00 |
| Total Value of Deficiencies \$ | | | | 11,350.00 |

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

Construction Act

North York

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

123 GARRATT BLVD, North York (also known as 34 Hanover Rd, North York ON)

(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:

Northcrest Experience Centre & Offices

(short description of the improvement)

to the above premises was substantially performed on **August 9, 2024**

(date substantially performed)

Date certificate signed: **August 13, 2024**

Diana Zepf (FORREC Architects Ltd)

(payment certifier where there is one)



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

Name of owner: **Northcrest Developments**
(Downsview Metro Devco Inc)

Address for service: **161 Bay Street, Unit 1305, Toronto, ON M5J 2S1**

Name of contractor: **Gillam Construction Group Ltd.**

Address for service: **36 Northline Road, Unit 3, Toronto, ON M4B 3E2**

Name of payment certifier (where applicable): **FORREC Architects Ltd**

Address: **219 Dufferin Street, Toronto, ON M6K 3J1**

(Use A or B, whichever is appropriate)

☒ A. Identification of premises for preservation of liens:

PIN NO 10233-1750

(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, 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)