

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

*Construction Act*

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

**Various Locations in the MENDM area**

\_\_\_\_\_  
(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:

**MENDM Item #9, PERF 4201M, MENDM Entrance Culvert Installations**

\_\_\_\_\_  
(short description of the improvement)

to the above premises was substantially performed on **August 15, 2024**  
(date substantially performed)

Date certificate signed: \_\_\_\_\_

\_\_\_\_\_  
(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**

**Ministry of Transportation  
437 McKeown Ave. West Wing,**

Address for service: **North Bay, ON P1B 9E4  
Fowler Construction Company**

Name of contractor: **Ltd.  
PO Box 630**

Address for service: **1260 Rosewarne Drive  
Bracebridge, ON P1L 1T9**

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:

**Ministry of Transportation of Ontario  
Director, Legal Services Branch  
125 Sir William Hearst Avenue, 1<sup>st</sup> Floor  
Downsview, Ontario  
M3M 0B5**

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

**APPLICATION FOR SUBSTANTIAL  
PERFORMANCE/CONTRACT COMPLETION**

To: Brian Bell, Manager, Operations Office Northeastern Region  
Date:

**Contract No.:** MENMD Item #9, PERF 4201M (MENMD Entrance Culvert Installations)

In accordance with the contract requirements, I/We Fowler Construction Company Limited (Name of Contractor) hereby apply for:

☒ Certificate of Substantial Performance

☐ Certificate of Completion

All work invoiced to date	\$44,706.22
Payments made to date	-\$
Less holdback	-\$
Less Owner's set-offs	-\$
Amount due	=\$44,706.22

I/We Fowler Construction Company Limited (Name of Contractor) 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

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I/We Fowler Construction Company Limited (Name of Contractor) 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 Lien Act.

- List outstanding liabilities:


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Name: Diane Landstam  
Position: Project Mgr.

Signature:   
Date: Sept. 16/24

## STATUTORY DECLARATION

Canada  
Province of Ontario

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

by Fowler Construction Company Limited, (Contractor), at

MTO Contract Number:

I, John McBride,

### DO SOLEMNLY DECLARE:

1. that I am Vice President of Operations, of Fowler Construction Company 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.

**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 Town


Of Bracebridge

in the District Municipality

of Muskoka this 14

day of September A.D. 2024

  
A Commissioner etc.

  
(Deponent)

### 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 Regional Contracts Office

Gail Diane Michel, a Commissioner, etc.,  
Province of Ontario, for  
Fowler Construction Company Limited and  
Fowler Construction Holding Ltd.  
Expires July 14, 2026.

**Ministry of Transportation**

Huntsville Operations Office  
Northeastern Region  
207 Main Street W  
Huntsville, ON P1H 1Z9  
Tel.: (705) 783-5627  
Fax.: (705) 789-3606

**Ministère des Transports**

Huntsville Bureau des opérations  
Région du Nord-Est  
207, rue Main Ouest  
Huntsville (Ontario) P1H 1Z9  
Tel.: (705) 783-5627  
Fax.: (705) 789-3606



Aug 15, 2024

Ms. Diane Landstrom, Project Manager  
Fowler Construction Company LTD.  
1206 Rosewarne Drive, P.O. Box 630  
Bracebridge, Ontario, P1L 1T9

**Owner's Notice of Conformance (Item 9 – MNDM Entrance Culvert Installs)**

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This letter will service to inform the Contractor by issuance of this notice, the construction phase of the work is considered complete, and the warranty period begins on the date the Owner's Notice of Conformance was issued and will continue for two calendar years.

Sincerely,

*Brian Bell*

Brian Bell  
Maintenance Superintendent  
Huntsville Operations

TL/tl

c. CDMC 2017-05 file.

X

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Diane Landstrom  
Project Manager - FCCL