



July 24, 2020

Alliance Commercial Restoration Inc.
91 Parr Blvd.
Bolton, Ontario
L7E 4E3

Attention: Joe Pimentel, Project Manager

Dear Joe:

**Subject: The Exchange Tower – 130 King St. West, Toronto
2019 Podium Waterproofing Repairs – Certificate of Substantial Performance**

Please find enclosed a copy of the Certificate of Substantial Performance for this project. Provided no liens have been registered against the property, statutory holdback for the project will become due 60 days after publication of Substantial Performance. We are in receipt of the following information:

- Invoice for Release of Holdback (received) with:
 - WSIB Clearance Certificate (received); and
 - Statutory Declaration (received).
- Statement of Warranty Form (received).

We shall issue a Certificate for Payment for Release of Holdback.

In accordance with the Contract dated November 9, 2018 between the Contractor and the Owner, and on the basis of a joint inspection with the Contractor on July 10, 2020, the Consultant on behalf of the Owner, hereby certifies that:

- 1** The work or a substantial part thereof is ready for use and may be used for the purpose intended; and
- 2** The Contract is deemed complete.

The issuance of this Certificate does not release the Contractor or any Subcontractor from the duty of completing the Work pursuant to the terms of the Contract. The date of substantial performance defines the start of the warranty period. The warranty period for this work is as follows:

- 5 Years for the Hot Fluid-Applied Rubberized Asphalt Waterproofing; and
- 2 Years for all other items.

2300 Yonge Street
Suite 2300
Toronto, ON, Canada M4P 1E4

T: +1 416 487-5256
F: +1 416 487-9766
wsp.com



Should you have any questions, please do not hesitate to contact us.

Sincerely,

Nathan Gravelle, B.Eng.
Building Sciences Consultant

Leah MacEachern, P.Eng.
Project Manager

Sam Schiafone, P.Eng.
Senior Project Director

Encl. Certificate of Substantial Performance

Dist: Amandio Rodrigues - Amandio.Rodrigues@brookfieldproperties.com;
Alissa Rankin - Alissa.Rankin@brookfieldproperties.com;
Chris Comparelli - Christopher.Comparelli@brookfieldproperties.com;
Vito Nardi - vnardi@verdialliance.com;
Joe Pimentel - jpimentel@verdialliance.com;
Chris Meitsch - cmeitsch@verdialliance.com
Leah MacEachern – Leah.MacEachern@wsp.com
Nathan Gravelle – Nathan.Gravelle@wsp.com
Sam Schiafone – Sam.Schiafone@wsp.com

WSP Ref.: 181-04007-00



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

Construction Act

City of Toronto

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

130 King Street West

(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:

Podium Waterproofing

(short description of the improvement)

to the above premises was substantially performed on

July 10, 2020

(date substantially performed)

Date certificate signed: July 24, 2020

WSP Canada Inc.

(Payment Certifier where there is one)

Sam Schiafone, P.Eng., Project Director

Name of owner:

Brookfield Properties (PI) Inc. as agent for Brookfield Properties Canada Management LP, Brookfield Office Properties Inc., FCP (BOPC) Ltd., ARI FCP Holdings Inc., CPPIB FCP Holdings Inc., HRI Exchange Inc., and PFS Exchange Inc.

Address for service:

100 King St. West, Concourse Level, Toronto, Ontario M5X 1A1

Name of contractor:

Alliance Commercial Restoration Inc.

Address for service:

91 Parr Blvd., Bolton, Ontario, L7E 4E3

Name of payment certifier:

WSP Canada Inc.

Address:

2300 Yonge Street, Suite 2300, Toronto, Ontario M4P 1E4

(Use A or B, whichever is appropriate)

A. Identification of premises for preservation of liens:



“Lands” means those certain parcels of land situated in the City of Toronto, in the Province of Ontario, being more particularly described as:

PART 1 – Freehold Parcel Lands

The whole of Parcel Plan-2, Section 66M-2164, being Lots 6 and 7 on Plan 66M-2164, in the City of Toronto.

Subject to a non-exclusive easement, right-of-way, or right in the nature of an easement in, over, along, upon and through those lands and premises being that part of Lane lying to the east of the easterly limit of Lots 9 and 10 on Plan D-32, as stopped up and closed by City of Toronto By-law 286-77 designated as

- a) Firstly
Parts 9, 10, 21, 22 and 30 on Plan 66R-14112, to permit the unobstructed passage of light and air;
- b) Secondly
Parts 9, 10, 21, 22, 30 and 31 on Plan 66R-14112, for the purposes of maintaining, repairing and reconstructing the building, structures or other improvements;
- c) Thirdly
Part 10 on Plan 66R-14112, for ingress, to and egress from, an entrance or doorway located at ground level in the westerly wall of the buildings; and in, over, and upon the following fourthly described lands
- d) Fourthly
Part 1 on Plan 66R-14143, to maintain, repair and replace the existing two (2) six-inch water lines,

In favour of the owner, or owners, their respective successors and assigns, etc., from time to time of that part of Town Lot 7, south side of Adelaide Street West and part of the Lane Plan D-32, as stopped up and closed by By-law 21723 (registered as Instrument No. 55115 E.S. (See C-98264) described as:

Firstly: lying below a plane having an elevation of two hundred and fifty-one point six feet (251.6') City of Toronto datum throughout designated as Part 1B Plan 66R-9180, being part of Parcels 7-2 Freehold and Leasehold Section Y-1;

Secondly: lying above a plane having an elevation of four hundred and forty point three feet (440.3') City of Toronto datum throughout designated as Part 1B Plan 66R-9180, being part of Parcels 7-2 Freehold and Leasehold Section Y-1;

Thirdly: designated as Part 1 on Plan 66R-9180, being whole of Parcel 7-5, Section Y-1.

Subject to the conditions and terms set out in C-177137.

PART 2 – South Parcel Lands

Firstly:

The whole of Parcel Plan-3 Leasehold, Section 66M-2164, being Lots 8 and 9 on Plan 66M-2164, in the City of Toronto.



The easterly limit of York Street was confirmed by the Boundaries Act Plan BA-1121, registered as Instrument CT273419.

Secondly:

The whole of Parcel Plan-3 Leasehold, Section 66M-2164, being Lots 8 and 9 on Plan 66M-2164, in the City of Toronto.

The easterly limit of York Street was confirmed by the Boundaries Act Plan BA-1121, registered as Instrument CT273419.

PART 3 – North Parcel Loads

The whole of Parcel Plan-1-A Leasehold, Section 66M-2164, being Lots 1, 2, 3, 4 and 5 on Plan 66M-2164, in the City of Toronto.

Plan BA-1121 a plan under the Boundaries Act registered as Plan D-464 confirms part of the boundaries of this land.

(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)