

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

Construction Act

Township of Chapple, Rainy River District, Ontario

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

317 Heatwole Road, Barwick, Ontario, P0W 1A0

(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:

Booster Station SMPEI SCP-CC61

(short description of the improvement)

to the above premises was substantially performed on August 31, 2020

(date substantially performed)

Date certificate signed: September 22, 2020

(payment certifier where there is one - signature required)



Brian Ngugi

Capital Projects Manager

Sep 26, 2020

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

Name of owner: New Gold Inc.

Address for service: Brookfield Place, 181 Bay Street, Suite 3320, Toronto, Ontario, M5J 2T3

Name of contractor: EKT 90 Inc.

Address for service: PO Box 29034, Thunder Bay, ON P7B 6P9

Name of payment certifier (where applicable): Andrew Sinclair

Address: PO Box 29034, Thunder Bay, ON P7B 6P9

(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:

New Gold Headquarters - 181 Bay Street, Suite 3320, Toronto, Ontario. M5J 2T3

(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)