

January 19, 2021

EMAIL ONLY TO: rbansal@sitedevelopment.ca

**Four Seasons Site Development Ltd.
42 Wentworth Court, Unit 1
Brampton ON L6T 5K6**

Dear Mr. Bansal:

**RE: Substantial and Total Performance
Request for Tender (RFT) Number 20-153
Asphalt Removal, Warm Mix Asphalt Paving and Culvert Replacement
King Road from 1.5 km west of Highway 27 to 0.5 km west of Weston Road
Township of King
Our File: L01 3996 2020**

In accordance with the *Construction Act*, R.S.O. 1990, c. C.30, s. 2, Contract No. 20-153 is substantially performed and deemed to be complete. Enclosed are the Certificates of Substantial and Total Performance of the Contract.

Please sign both certificates and arrange for the publication of the Certificate of Substantial Performance in the Daily Commercial News.

In accordance with the terms of the contract, the following documents should be uploaded to the **PI Portal within 15 calendar days** of the date of this letter:

1. Proof of publication of the Certificate of Substantial Performance
2. Certificate of Total Performance
3. Release
4. WSIB Certificate of Clearance
5. Declaration of No Adjudication
6. Proper Invoice covering the unpaid work completed up to the date Total Performance

The forms of Release and Declaration of No Adjudication acceptable to the Region are attached for your use.

Should you have any questions or concerns, please contact me.

Regards,



Richard So, P.Eng
Senior Project Manager

RS/dl

Attachments (4): Certificate Substantial Performance, Certificate of Total Performance, Release and Declaration of No Adjudication

Email copy to: John Cheng, Pedram Zali, Ivy Mak, Finance York Region
Mark Dunn, Senior Risk Management Analyst, York Region
Sheila Gallant, Senior Law Clerk, Construction Law York Region
Matt Jebb, Construction Administrator, York Region

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

The Regional Municipality of York

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

King Road (Y.R. 11) from 1.5 km west of Highway 27 to 0.5km west of Weston Road (Y.R. 56) in the Township of
King

(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:

Contract No. 20-153- Asphalt Removal, Warm Mix Asphalt Paving and Culvert Replacement

(short description of the improvement)

to the above premises was substantially performed on September 14, 2020.
(date substantially performed)

Date Certificate Signed: January 19, 2021

N/A

(payment certifier where there is one)

Richard So for the Regional Municipality of York

Four Seasons Site Development Limited

Name of owner: The Regional Municipality of York

Address for service: Office of the Regional Clerk, 17250 Yonge Street, Newmarket, ON, L3Y 6Z1;

regionalclerk@york.ca

Name of contractor: Four Seasons Site Development Ltd.

Address for service: 42 Wentworth Court, Unit 1, Brampton, ON L6T 5K6

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:

The Regional Municipality of York, Office of the Regional Clerk, 17250 Yonge Street, Newmarket, ON L3Y 6Z1;
regionalclerk@york.ca

(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)

CERTIFICATE OF TOTAL PERFORMANCE

This is to certify that the contract for the following improvement:

CONTRACT NO. 20-153

for

Asphalt Removal, Warm Mix Asphalt Paving and Culvert Replacement on King Road (Y.R. 11) from 1.5 km west of Highway 27 to 0.5km west of Weston Road (Y.R. 56) in the Township of King

was totally performed on:

September 14, 2020

The Regional Municipality of York

Four Seasons Site Development Ltd.



Name: Richard So

Name:

Title: Senior Project Manager

Title:

RELEASE

IN THE MATTER OF a contract for asphalt removal, warm mix asphalt paving and culvert replacement on King Road (Y.R. 11) from 1.5 km west of Highway 27 to 0.5km west of Weston Road (Y.R. 56) in the Township of King, known as York Region Contract No.20-153, entered into between The Regional Municipality of York (the "Region") and Four Seasons Site Development Ltd. (the "Contractor").

KNOW ALL MEN BY THESE PRESENTS THAT the Contractor, on its own behalf and on behalf of its Subcontractors, and their respective heirs, executors, administrators, successors and assigns, as the case may be (the "Releasor"), for and in consideration of the payment or promise to pay the statutory holdback under the above-mentioned contract, and for other good and valuable consideration, hereby remises, releases and forever discharges the Region and its directors, officers, council members, partners, employees, agents, assigns and successors (the "Releasee"), of and from all manner of actions, causes of action, suits, debts, dues, sums of money, claims and demands whatsoever at law or in equity which the Releasor ever had, now has, or may have by reason of the above-mentioned contract, save and except any claim which the Releasor has arising out of:

1. Claims pursuant to GC 7 – Claims, Disputes and Adjudication made prior to Total Performance of the Contract and still unsettled, as listed in the attached "Schedule of Outstanding Claims"
2. The retention by the Region of the maintenance holdback, if applicable
3. Pending/Unresolved Change Orders as listed in the attached "Schedule of Pending/Unresolved Change Orders"
4. Quantities that have not been finalized

With respect to item 1 above, the Contractor acknowledges and agrees that none of the claims listed in the attached "Schedule of Outstanding Claims" have been admitted, acknowledged or accepted by the Region as valid claims. The Contractor further acknowledges that nothing in this Release prevents or estops the Region from disputing the validity, timeliness and quantum of the claims listed therein.

Dated this _____ day of _____, 2021.

WITNESSED BY:

SIGNED, SEALED AND DELIVERED

(Seal)

(Seal)

SCHEDULE OF OUTSTANDING CLAIMS

Description of Dispute	Value of Dispute

SCHEDULE OF PENDING/UNRESOLVED CHANGE ORDERS

C.O. #	Description of Change Order	Value of Change Order

DECLARATION OF NO ADJUDICATION

I, _____
(name)

of Four Seasons Site Development Ltd.
(name of Contractor)

declare that:

1. I am the _____ of
(title or position)
Four Seasons Site Development Ltd.,
(name of Contractor)

and as such have knowledge of the facts herein declared.

2. That Four Seasons Site Development Ltd.
(name of Contractor)
entered into Contract No. 20-153 with The Regional Municipality of York for
(contract no)

(description of contract)

3. That Four Seasons Site Development Ltd.
(name of Contractor)
is not engaged in, nor aware of, any adjudication with respect to Contract No. 20-153,
(contract no)

nor is it aware of any adjudication in which any subcontractors or suppliers are engaged, and has made reasonable enquiries to confirm this.

Declared before me in _____
(City/Town)

in the Province of _____
(Province)

on the _____ day of _____, 20

Signature of Declarant

A Commissioner, etc.