

**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)

Major Mackenzie Drive between Weston Road and Pine Valley Drive, in the City of Vaughan

(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. T-16-127 - Supply and Installation of Various Plant Material and the Associated Establishment Activities - 2020

(short description of the improvement)

to the above premises was substantially performed on March 1, 2021.

(date substantially performed)

Date Certificate Signed: March 24, 2021

\_\_\_\_\_  
(payment certifier where there is one)

Angie Hutnick

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

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: Titanium Contracting Inc.

Address for service: 550 Bowes Road, Concord, ON L4K 1K2

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)

RELEASE  
2020

IN THE MATTER OF a contract for supply and installation of various plant material and the associated establishment activities on Major Mackenzie Drive between Weston Road and Pine Valley Drive, in the City of Vaughan, known as Contract No. T-16-127, entered into between The Regional Municipality of York (the "Region") and Titanium Contracting Inc. (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 GC8 – Claims and Disputes made prior to Substantial 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 which have not been finalized

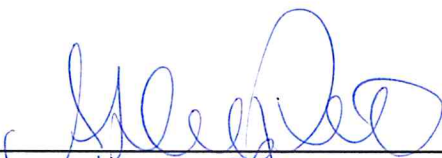
With respect to item 1, the Contractor acknowledges and agrees that none of the claims listed in the attached "Schedule of Outstanding Claims" have been admitted, acknowledged or accepted by the Region as valid claims. The Contractor further acknowledges that nothing in this Release prevents or estops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

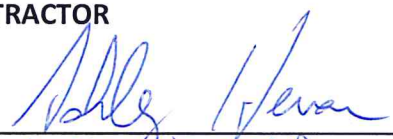
Dated this 24th day of March 2021.

WITNESSED BY:

SIGNED, SEALED AND DELIVERED

CONTRACTOR

  
Name: Ashley P. J. Co.

  
Name: Ashley Herman (Seal)  
Title: President

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Name: (Seal)

Title:

I/We have authority to bind the corporation

**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



STATUTORY DECLARATION OF PAYMENT OF ACCOUNTS

) IN THE MATTER OF  
) THE REGIONAL MUNICIPALITY OF YORK  
) CONTRACT NO. T-16-127

TO WIT:

I, Ashley Herman of Titanium Contracting Inc.  
(name)

DO SOLEMNLY DECLARE:

1. That I am the President of Titanium Contracting Inc.,  
(title or position)

the Contractor referred to herein, and as such have knowledge of the facts herein declared.

2. That Titanium Contracting Inc. entered into Contract No. T-16-127 with The Regional Municipality of York (the "Region") for the supply of the following services and/or materials:

Supply and Installation of Various Plant Material and the Associated Establishment Activities on Major Mackenzie Drive between Weston Road and Pine Valley Drive, in the City of Vaughan (2020)

3. That all assessments and levies under the Employment Standards Act, the Workplace Safety and Insurance Act or other social or labour legislation in respect of said contract have been duly paid, and the work is free of all liens and encumbrances.
4. That all claims for damage to property or injury to persons in respect of said contract, and of which the above named contractor has received notice, have been fully paid or settled.
5. That all accounts for labour, subcontracts, Products, construction machinery and equipment and other indebtedness which may have been incurred by the Contractor in the performance of the work under the contract, and for which the Region might in any way be held responsible, have been duly paid except for statutory and contractual holdback monies properly retained.

And I make this 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 in Vaughan, ON this 24<sup>th</sup> day of March,  
(City/Town and Province)  
in the year 2021.

Ashley Herman  
Signature of Declarant

Ashley Piro  
(A Commissioner for Oaths, Notary Public, etc.)

Ashley Victoria Piro, a Commissioner, etc.,  
Province of Ontario, for Titanium Contracting Inc.  
and its associated companies.  
Expires September 24, 2022