



Toronto Transit Commission
1900 Yonge Street, Toronto, ON M4S 1Z2
416-393-4000

April 14, 2021

Paul Johnson
Sr. Project Manager
Black & McDonald Limited
31 Pullman Ct
Scarborough, Ontario
M1X 1E4

Dear Paul Johnson,

**Re: Contract C1-51 Wilson Bus Garage – Ventilation Upgrades, Anti-Slip Flooring in Fuelling Lanes Area, Bus Washracks Upgrade and Overhead Door Replacement
Substantial Performance**

This is to advise you that the Work included in the above noted Contract was Substantially Performed on March 31, 2021. Enclosed for your publication is a copy of the Certificate of Substantial Performance (FORM 9) in accordance with the Construction Lien Act. Please find attached a deficiency list. Please complete all outstanding work and remedy all deficiencies by May 30, 2021.

~~In accepting this work, the TTC does so on the understanding that warranty on the completed work as set out in Document 00 72 00 Article GC10.3 of the Contract Documents, commenced on March 31, 2021.~~

Release of holdback and final payment will be made in accordance with Document 00 72 00 Article GC31 of the Contract Documents respectively.

Sincerely,

Aaron Mickle
Construction Site Manager
Construction Department

50-125-114
03075-1876915835-17

Attachments: Certificate of Substantial Performance
Deficiency List

Jaye Robinson, Chair
Joanne De Laurentiis, Vice-Chair
Richard J. Leary, Chief Executive Officer

Brad Bradford, Commissioner
Shelley Carroll, Commissioner
Fenton Jagdeo, Commissioner
Cynthia Lai, Commissioner

Ron Lalonde, Commissioner
Jennifer McKelvie, Commissioner
Denzil Minnan-Wong, Commissioner
Julie Osborne, Commissioner

FORM 9

**Certificate of Substantial Performance of the
Contract under Subsection 32 of the Act
Construction Act**

City of Toronto

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

160 Transit Road, Toronto, ON, M3H 6C3

(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 C1-51 Wilson Bus Garage Ventilation Upgrades, Anti-Slip Flooring in Fuelling Lanes Area, Bus Washracks Upgrade and Overhead Door Replacement

(short description of the improvement)

to the above premises was substantially performed on **31-Mar-21**

(date substantially performed)

Date certificate signed:

April 13, 2021

Paul Johnson

Digitally signed by Paul Johnson
DN: cn=CA,
email=engulthum@blackandmcdonald.com,
o=Black & McDonald Ltd, cn=Paul Johnson
Date: 2021.04.13 16:54:54-0400

amil

(payment certifier where there is one)

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

Name of owner: **Toronto Transit Commission**

Address for service: **1900 Yonge St, Toronto, Ontario M4S 1Z2**

Name of contractor: **Black & McDonald Limited**

Address for service: **31 Pullman Cr, Scarborough, ON, M1X 1G4**

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 and affidavit must be given to preserve lien:

**Claims for Lien are to be submitted to Toronto Transit Commission electronically as directed at
www.ttc.ca/liens**

(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)

Contract Deficiency List

A. Micka
Construction Site Manager

Mar/31/2021
Date

Revision No.	Contract Name / Number	Approved (Original) Contract Completion Date	Anticipated Contract Completion Date				
0	C1-51 Wilson Bus Garage Ventilation Upgrades, Anti-Slip Flooring in Fueling Lanes Area, Bus Washtracks Upgrade and Overhead Door Replacement	08-Feb-20	30-May-21				
Item	Description	Date Identified	Identified by (Name/Dept.)	Type of Work	Date To Be Completed By	Date Commitment Made	Values
1	O&M Manuals	31-Mar-21	Construction	Incomplete Work	30-May-21	31-Mar-21	\$ 339,000.00
2	As-built Drawings	31-Mar-21	Construction	Incomplete Work	30-May-21	31-Mar-21	\$ 339,000.00
3	Submittals 77 @ \$175/submittal	31-Mar-21	Construction	Incomplete Work	30-May-21	31-Mar-21	\$ 15,228.75
4	Spare Parts	31-Mar-21	Construction	Incomplete Work	30-May-21	31-Mar-21	\$ 10,170.00
5	Training	31-Mar-21	Construction	Incomplete Work	30-May-21	31-Mar-21	\$ 113,000.00
6	Commissioning	31-Mar-21	Construction	Incomplete Work	30-May-21	31-Mar-21	\$ 293,800.00
7	Warranty Certificates	31-Mar-21	Construction	Incomplete Work	30-May-21	31-Mar-21	\$ 113,000.00
8	Structural Framing	31-Mar-21	Construction	Incomplete Work	30-May-21	31-Mar-21	\$ 2,825.00
9	Stairs and Landing	31-Mar-21	Construction	Incomplete Work	30-May-21	31-Mar-21	\$ 79,100.00
10	Temporary Roof Access	31-Mar-21	Construction	Incomplete Work	30-May-21	31-Mar-21	\$ 5,650.00
11	Roof Curbs	31-Mar-21	Construction	Incomplete Work	30-May-21	31-Mar-21	\$ 10,642.99
12	Repair Roofing	31-Mar-21	Construction	Incomplete Work	30-May-21	31-Mar-21	\$ 7,610.82
13	Rubber Paver Roof Walkway	31-Mar-21	Construction	Incomplete Work	30-May-21	31-Mar-21	\$ 35,156.84
14	Painting to Wall & Ceiling	31-Mar-21	Construction	Incomplete Work	30-May-21	31-Mar-21	\$ 10,170.00
15	Topsoil and Finish	31-Mar-21	Construction	Incomplete Work	30-May-21	31-Mar-21	\$ 16,950.00
16	TAB	31-Mar-21	Construction	Incomplete Work	30-May-21	31-Mar-21	\$ 13,277.58
17	Roof Ductwork	31-Mar-21	Construction	Incomplete Work	30-May-21	31-Mar-21	\$ 22,600.00
18	Automation and Control	31-Mar-21	Construction	Incomplete Work	30-May-21	31-Mar-21	\$ 15,000.00
19	Missing Risers	31-Mar-21	Construction	Deficiency	30-May-21	31-Mar-21	\$ 36,160.00
20	Tailpipe Exhaust	31-Mar-21	Construction	Incomplete Work	30-May-21	31-Mar-21	\$ 4,000.00
21	MUA 38, 41 connections	31-Mar-21	Construction	Incomplete Work	30-May-21	31-Mar-21	\$ 819.25
22	Permit Close out	31-Mar-21	Construction	Incomplete Work	30-May-21	31-Mar-21	\$ 965.00
23	Electrical ID	31-Mar-21	Construction	Incomplete Work	30-May-21	31-Mar-21	\$ 1,243.00
24	Electrical Testing	31-Mar-21	Construction	Incomplete Work	30-May-21	31-Mar-21	\$ 3,780.86
25	MUAs and Associated Fans deficiencies	31-Mar-21	Construction	Deficiency	30-May-21	31-Mar-21	\$ 430.00
26	Hanger Rods and Rods deficiencies	31-Mar-21	Construction	Deficiency	30-May-21	31-Mar-21	\$ 1,440.00
27	Junction Boxes/Conduits and Missing Laminacoids	31-Mar-21	Construction	Deficiency	30-May-21	31-Mar-21	\$ 250.00
28	Gas Line deficiencies	31-Mar-21	Construction	Deficiency	30-May-21	31-Mar-21	\$ 3,850.00
29	Duct grilles, caps and dampers deficiencies	31-Mar-21	Construction	Deficiency	30-May-21	31-Mar-21	\$ 1,710.00
30	Damaged and/or missing ceiling ties/frames	31-Mar-21	Construction	Deficiency	30-May-21	31-Mar-21	\$ 740.00
31	Paint & Misc associated deficiencies	31-Mar-21	Construction	Deficiency	30-May-21	31-Mar-21	\$ 400.00
32	Gas Unit Heater deficiencies	31-Mar-21	Construction	Deficiency	30-May-21	31-Mar-21	\$ 60.00
33	Sprinklers, cap, deficiencies	31-Mar-21	Construction	Deficiency	30-May-21	31-Mar-21	\$ 160.00
34	Insulation not properly installed	31-Mar-21	Construction	Deficiency	30-May-21	31-Mar-21	\$ 170.00
35	Grading and gravel fixes	18-Mar-21	Construction	Deficiency	30-May-21	31-Mar-21	\$ 100.00
36	Exhaust fan cap broken for HPC-19	18-Mar-21	Construction	Deficiency	30-May-21	31-Mar-21	\$ 100.00
37	Temperature sensor tagging	24-Nov-20	Plant maint.	Deficiency	30-May-21	31-Mar-21	\$ 100.00
38	C1-47 Epoxy Coating	31-Mar-21	Construction	Incomplete Work	16-Apr-21	31-Mar-21	\$ 27,967.50
39	C1-47 Light Duty Epoxy	31-Mar-21	Construction	Incomplete Work	16-Apr-21	31-Mar-21	\$ 14,690.00
40	C1-47 Painting Line Markings	31-Mar-21	Construction	Incomplete Work	16-Apr-21	31-Mar-21	\$ 8,475.00
41	C1-47 Romcrete broken asphalt and chipped concrete	31-Mar-21	Construction	Deficiency	30-May-21	31-Mar-21	\$ 600.00
42	C60-10 Stainless Steel Doors	31-Mar-21	Construction	Incomplete Work	30-May-21	31-Mar-21	\$ 11,300.00
43	C60-10 Painting	31-Mar-21	Construction	Incomplete Work	30-May-21	31-Mar-21	\$ 19,775.00
44	C60-10 Miscellaneous deficiencies in Bus Wash Areas	31-Mar-21	Construction	Deficiency	30-May-21	31-Mar-21	\$ 5,930.00
45	C60-11 Exterior push button parts rust inside and water leaks	31-Mar-21	Construction	Deficiency	30-May-21	31-Mar-21	\$ 500.00
46	C60-11 Over head door#20 manual (hand) chain need to be fixed	31-Mar-21	Construction	Deficiency	30-May-21	31-Mar-21	\$ 500.00
Total Deficiencies							\$ 35,420.86
Total Incomplete Work							\$ 1,606,150.23
Grand Total:							\$ 1,641,571.09

Items to be deferred	Items 1, 2, 5, 6, 7, 13, 15, 22
\$1,250,726.09	Total Deferred

NOTES:

- Items 1 + 2 to be deferred. As-built drawings and O&M Manuals cannot be submitted with accuracy and completeness until completion of Closeout Submittals. Draft of both have been reviewed by TTC.
- Item 5 Training cannot be completed as commissioning is not complete
- Item 6 Commissioning to be deferred - Commissioning progress for C1-41 is 50% complete (Bus storage bays. Transportation office areas complete) (Bus wash area and repair bay area pending). C60-10 Bus wash commissioning is 80% complete (both bus washes are commissioned); C60-11 overhead doors commissioning 100% complete, C1-47 commissioning N/A
- Item 7 Warranty certificates cannot be submitted with accuracy and completeness until Substantial Performance date is set.
- Items 13 + 15 to be deferred due to weather. Shall be completed in the spring.
- Item 22 Permit closeout to be deferred, deferred to be closed at end of all Works

Agreed to by:



Aaron Nicole

TTC's Representative:

Black and McDonald Limited Representative

Paul Johnson

Black and McDonald Limited Representative