

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

Construction Act

The City of Oshawa

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

2600, 2610, 2630, 2640, 2670, 2680, 2700, 2710 Simcoe Street North, Oshawa, Ontario

(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:

Construction of Shell Buildings at Windfields Farm Block A (Buildings A4, A5, A6, A7, A10, A11, A12 & A13+14)

(short description of the improvement)

to the above premises was substantially performed on **March 31, 2021**
(date substantially performed)

Date certificate signed: **April 14, 2021**



(payment certifier where there is one)

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

Name of owner: **2285136 Ontario Limited, by its agent, RioCan Management Inc.**

Address for service: **2300 Yonge Street, Suite 500, PO Box 2386, Toronto, Ontario, M4P 1E4**

Name of contractor: **Rochon Building Corporation**

Address for service: **74 Industry Street, Toronto, Ontario, M6M 4L7**

Name of payment certifier (where applicable): **Turner Fleischer Architects Inc.**

Address: **67 Lesmill Road, Toronto, Ontario, M3B 2T8**

(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:

2300 Yonge Street, Suite 500, PO Box 2386, Toronto, Ontario, M4P 1E4

(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)

SUBSTANTIAL PERFORMANCE CALCULATION

PROJECT NAME: Windfields Farm, Oshawa
 DATE: April 8, 2021
 PROJECT NUMBER: 08.118SH

PART 1. ARE THE AREAS OF IMPROVEMENT UNDER THIS CONTRACT, OR A SUBSTANTIAL PART THEREOF, READY FOR USE OR BEING USED FOR THE PURPOSES INTENDED (select answer from dropdown list)? Yes

PART 2. **CONTRACT VALUE**

ORIGINAL CONTRACT VALUE	\$11,383,387.00	
plus CHANGE ORDERS ISSUED TO DATE (per latest COP 15)	\$10,217,118.90	
SUBTOTAL	\$21,600,505.90	
minus DEFERRED WORK or SEASONAL WORK (see attached worksheet dated month date, year)	\$685,568.88	
TOTAL CONTRACT VALUE (ESTIMATED)	\$20,914,937.02	A

REMAINING CONTRACT VALUE

TOTAL CONTRACT VALUE (from Line A above)	\$20,914,937.02	A
minus TOTAL CERTIFIED TO DATE (per Line 4 on latest COP 15)	\$20,688,736.07	
TOTAL REMAINING CONTRACT VALUE (ESTIMATED)	\$226,200.95	B

SUBSTANTIAL PERFORMANCE CALCULATION

Based on Total Contract Value (Estimated) (Line A)

3% OF FIRST \$1,000,000 OF TOTAL CONTRACT VALUE	\$30,000.00	
2% OF NEXT \$1,000,000 OF TOTAL CONTRACT VALUE	\$20,000.00	
1% OF BALANCE OF TOTAL CONTRACT VALUE	\$189,149.37	
TOTAL OF ALLOWABLE WORK TO BE COMPLETED AND CORRECTED	\$239,149.37	C

ACTUAL WORK TO BE COMPLETED AND CORRECTED

Value of Deficiencies (see attached worksheet dated month date, year) (or estimated)	\$12,000.00	D
Remaining Contract Value (from Line B above)	\$226,200.95	B
	\$238,200.95	E = B + D

PART 3. SUBSTANTIAL PERFORMANCE IS **ACHIEVED**

TO ACHIEVE SUBSTANTIAL PERFORMANCE, ACTUAL WORK TO BE COMPLETED AND CORRECTED (E) MUST BE **LESS** THAN ALLOWABLE WORK TO BE COMPLETED AND CORRECTED (C)