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

Construction Act

City of Toronto, Ontario ,

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

65 Front Street West, Toronto, ON M5J 1E6 ,

(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:

Union Station East Wing - City Office Space Renovation, Floors 2, 3, 4 and 5

(short description of the improvement)

to the above premises was substantially performed on February 28, 2021 .

(date substantially performed)

Date certificate signed: March 29, 2021

(payment certifier where there is one)

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

Name of owner: City of Toronto

Address for service: 55 John Street, 2nd Floor, Metro Hall, Toronto, Ontario, M5V 3C6

Name of contractor: Century Group Inc

Address for service: 895 Meyerside Drive, Mississauga, ON, L5T 1R8

Name of payment certifier (where applicable): Radu Pana - WSP

Address: 100 Commerce Valley Dr West, Thornhill, ON L3T 0A1

(Use A or B, whichever is appropriate)

☒ A. Identification of premises for preservation of liens:

PIN - 21396-0113 (LT), 65 Front Street West, Toronto, Ontario

(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:

(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)

895 Meyerside Drive,
Mississauga ON, L5T 1R8

590 Beaver Lake Road
Victoria BC, V9E 2J7

cgi constructors

08 March 2021

To: 100 Commerce Valley Dr W
Thornhill, Ontario
L3T 0A1 Canada
Radu.Pana@wsp.com

ATTN: Radu Pana, Snr. Project Manager – Contract Administrator-Union Station Project

Dear Radu,

RE: East Wing Union Station Project: NOTICE OF SUBSTANTIAL PERFORMANCE
(RFP Doc/ No. 9119-19-7187)

As it pertains to the above noted project this letter is to serve as notification that Substantial Performance of the contract occurred on **28 February 2021**.

This Notice recognizes the following:

The provisions of the Ontario Construction Act, R.S.O. 1990, c. C.30 stipulate as follows.

> *2 (1) For the purposes of this Act, a contract is substantially performed,*
> ***(a)*** *when the improvement to be made under that contract or a substantial part thereof is ready for use or is being used for the purposes intended; and*
> ***(b)*** *when the improvement to be made under that contract is capable of completion or, where there is a known defect, correction, at a cost of not more than,*
>
> > *(i) 3 per cent of the first $1,000,000 of the contract price,*
> >
> > *(ii) 2 per cent of the next $1,000,000 of the contract price, and*
> >
> > *(iii) 1 per cent of the balance of the contract price. R.S.O. 1990, c. C.30, s. 2 (1); 2017, c. 24, s. 4 (1, 2).*

Base on the above we assert the following:

a) The project has been substantially completed and all the areas under the project are occupied or available to be used as intended. Occupancy has been permitted by the Building Inspector of City of Toronto for all three floors under the original contract, and the areas have been handed over to the Owner's custody and care.

Outstanding work to be done under the contract cannot be completed expeditiously due to,

- Late Change Order #099 – was issued on 08 February 2021. The work under the change is limited to a new area (GF), not considered in the original contract and not included in this application.
- CGI is prevented from accessing the Lower Levels currently occupied by another contractor.

These issues are beyond the control of CGI, therefore the value of the work to be completed has been deducted from the contract price in determining substantial performance.

b) Financial Calculation Test of outstanding work, as per Lien Act:

Certified Contract Sum to Date	$15,207,757.53
Less CO 099	$533,972.12
Less Remaining GC Budget (CO 104A)	$73,839.76
Less Remaining GC Budget (CO 104B)	$159,926.39
Total	**$14,440,019.26**
3% of First $ 1M	$30,000.00
2% of Second $ 1M	$20,000.00
1% of remaining portion	$124,400.19
Financial Test (Lien Act)	**$174,400.19**

c) Outstanding Work
Outstanding work to be done under the contract is limited to **$54,036.25**, as outlined in the accompanying Remaining Work Valuation document. The Financial Calculations above clearly demonstrate that this is well within the provisions of the Lien Act.

Please issue a Certificate of Substantial Performance, dated February 28, 2021, so that we may advertise the event and release the applicable subcontracts.

Yours truly,

For and on behalf of
Century Group Inc.

Ondrej Vasica
Snr. Project Manager

c.c.: E. Zvaniga (CGI)
A. Ali (City of Toronto)