

2021-08-25

**Mirtren Construction Ltd.**50 Nashdene Road, Unit #110.  
Scarborough, Ontario, M1V 5J2**Re: RBC Laurier University  
Project No. 07781  
Publication of Certificate of Substantial Performance**

Dear Simon Nagy,

We are pleased to submit herewith the Ontario Construction Act Form 9 dated Aug 25, 2021, acknowledging substantial performance was achieved on Aug 6, 2021 for the above noted project (with updated information provided Aug 25, 2021). Publishing this document in a construction newspaper in print or digital format is the sole responsibility of Mirtren. WZMH and the Owner, Jones Lang Lasalle require confirmation by the publishing entity, that the Form 9 has been published according to the Ontario Construction Act.

Please contact the undersigned if you have any queries regarding the above.

Yours truly,  
**WZMH ARCHITECTS**Kristiana Schuhmann, OAA  
Contract Administrator

CC: Amanda, Douglas, JLL

## Attachments:

1. Form 9
2. 3-2-1 Calculation

**Principals**

Len Abelman, OAA, MRAIC  
Mohammed Al-Atheri, OAA, MRAIC  
Supreet Barhay, OAA, MRAIC, LEED AP BD+C  
Nicola Casciato, OAA, MRAIC  
Harrison Chan, OAA, MRAIC  
Jee-Young-Kang, B.Arch.  
Jeffrey Leong-Poi, OAA, MRAIC  
David Moore, OAA, FRAIC, LEED AP  
Richard Myers, OAA, MRAIC, LEED AP BD+C  
Moran Olsha, B.Tech, LEED AP  
Zenon Radewych, B.Tech  
Robert Sampson, OAA, MRAIC  
John White, OAA, MRAIC

**Chief Financial Officer**  
Henry Ng, CPA, CA

A Partnership of Corporations

**MIRTREN CONSTRUCTION LIMITED**

50 Nashdene Road, Unit #110, Scarborough, Ontario, M1V 5J2

T: (416) 2192-9393 W: www.mirtren.com F: (416) 292-6437

**Contractor Name: Mirtren Construction Limited**
**Project Name:** RBC- Laurier On Campus, 75 University Ave, Waterloo, Ontario

**Project Number:** S21-020

**Date Submitted:** 24-Aug-21

(i) the Contract is substantially performed, and  
 (ii) the phase of the performance of the balance of the Contract is in process and completion is scheduled for the **Date**. Where the balance of the Contract, or a part or parts thereof, cannot be performed forthwith, but must be deferred for reasons beyond the control of the Contractor, the Contractor's statement shall contain a completion date for each phase of the balance of the Contract.

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**Evaluation of Net Contract Price to determine Substantial Performance**
*(Input blue italic values only)*

Contract Price	<i>\$211,410.00</i>
Deferred Work & Remaining Cash Allowance value	<i>\$0.00</i>
<b>Revised Total Contract Price to determine SP</b>	<b>\$211,410.00</b>

**A Value of Work Remaining including Deficiencies** *\$5,000.00*


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**Lien Act calculation to determine Substantial Performance**

3% of Contract Price up to 1mil	\$211,410.00	\$6,342.30
2% of Contract Price within the next 1mil	\$0.00	\$0.00
1% of Remaining Balance	\$0.00	\$0.00

**B Total** **\$6,342.30**
**Value of Work remaining NOT TO EXCEED Lien Act calculation**
**if A - B = NEGATIVE value Substantial Performance achieved**
**if A - B = POSITIVE value Substantial Performance NOT achieved**

A - B	Substantial Performance ( - or + value)
<b>\$5,000.00</b> <b>\$6,342.30</b>	<b>-\$1,342.30</b>

**Lien Act Criteria**

When contract substantially performed

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).

**Deferred work is defined as:**

3. Work which cannot be performed for reasons beyond the control of the Contractor; and where applicable Work which the Owner and the Contractor agree in writing is to be deferred to a later date

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

**City of Waterloo**

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

**75 University Ave, Waterloo ON**

(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:

**Interior Renovation of RBC Branch**

(short description of the improvement)

to the above premises was substantially performed on **Aug 6, 2021**

(date substantially performed)

Date certificate signed: **Aug 25, 2021**



(payment certifier where there is one)

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

Name of owner: **Jones Lang Lasalle**

Address for service: **200 Wellington Street West, Suite 605, Toronto, ON M5V3C7**

Name of contractor: **Mirtren Construction Ltd.**

Address for service: **50 Nashdene Road, Unit #110. Scarborough, Ontario, M1V 5J2**

Name of payment certifier (where applicable): **WZMH Architects**

Address: **95 St. Clair Ave. W., Suite 1500, Toronto, Ontario, M4V 1N**

(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:

**Jones Lang Lasalle, 200 Wellington Street West, Suite 605, Toronto, ON M5V3C7**

(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)