



January 18, 2022

**Via: Email (david@smid.ca)**

SMID Construction Limited  
c/o Dave Kennedy, Project Manager  
460 Finley Avenue  
Ajax ON L1S 2E3

Dear Mr. Kennedy,

**Re: 2 Toronto Street, Barrie - Cladding & Balcony Repairs  
Final Review  
Project No.: 300052350**

A site review was conducted at 2 Toronto Street, Barrie on January 11, 2022 by Wyatt Poulton of R.J. Burnside & Associates. Attendees visually reviewed the site and identified the following deficiencies and remaining work.

- **Suite 1011 Parapet:** The concrete parapet repairs at Suite 1011 (Item 3.1 of the Contract) have not started. The contractor plans to return to site in spring 2022 to complete the repairs when the weather permits.
- **Riser 14 - Balcony Drain Extension:** Installation of the balcony drain extensions at Drop 14 (Item CO2.1 of Change Order No. 2) is incomplete. The contractor plans to install the drain extensions on January 20<sup>th</sup>.
- **North-West Exit Stairwell:** The full scope of cladding repairs at the north-west exit stairwell structure on the garage podium has not been completed (Photo 1). Contractor plans to return in spring 2022 to complete the repairs when the weather permits.
- **At-Grade Cladding Repairs:** Localized at grade cladding repairs and coating work at the south-east loading bay area has not been completed (Photos 2 to 5). Contractor plans to return in spring 2022 to complete the repairs and coating work when the weather permits.
- **Parking Garage Entrance Coating Work:** Localized areas of finish coat repairs adjacent to the parking garage overhead door and the loading bay have an inconsistent finish (Photos 6 to 8). Contractor plans to return in spring 2022 to reapply the stucco finish coat when the weather permits.
- **Drop 20 – Coating Touch-ups:** The colour of coating touch-ups that were completed at Drop 20 appear lighter than the colour of the coating that had been previously applied throughout Drop 20. Contractor plans to monitor the colour of the touch-ups over the winter and will reassess in the spring of 2022.

- **Suite 804 Interior Painting:** The interior painting at Suite 804 is incomplete. The contractor advised they are working on matching the colour of the existing adjacent paint and will complete the painting on January 21<sup>st</sup>.
- **Suite 1205 Sealant Debris:** The resident of Suite 1205 reported that there is excess sealant debris remaining on their balcony. The contractor plans to remove the sealant debris in the spring of 2022 when the weather permits.
- **Suite PH2-4 Paint Splatter:** The resident of Suite PH2-4 reported that there is paint splatter on their balcony tiles. The contractor plans to remove the paint splatter from the tiles in the spring of 2022 when the weather permits.
- **Suite 306 Sealant, Coating, and Cleaning:** The resident of Suite 306 reported that there are sections of incomplete sealant replacement, localized areas that require coating touch-ups, and that there is paint splatter on the patio floor. The contractor plans to complete the sealant replacement on January 21<sup>st</sup> and rectify the remaining of these items in the spring of 2022.
- **Suite 403 Stucco Repair:** The stucco finish is damaged at the wall corner located above and south of the sliding glass door at Suite 403 (Photo 9). The contractor plans to repair this area of stucco in the spring of 2022 when the weather permits.
- **Suite 1203 Stucco Repair:** The stucco finish is damaged at the wall corner located above and south of the sliding glass door at Suite 1203 (Photo 10). The contractor plans to repair this area of stucco in the spring of 2022 when the weather permits.
- **Mechanical Room Step Ladder:** The property manager reported that the step ladder located in the 2 Toronto Street mechanical room was damaged (Photo 11). The contractor plans to replace the step ladder on January 21<sup>st</sup>.

We estimate that the cost to rectify all outstanding deficiencies and complete all remaining work described above is \$14,900.

On the basis of our review dated January 11, 2022, we find the contract to be substantially performed as defined by the Construction Act, Subsection 2.(1), in that the cost to complete remaining work and address deficiencies is less than:

- 3% of the first \$1,000,000 of the contract value,
- 2% of the next \$1,000,000 of the contract value, and,
- 1% of the remaining contract value.

The current contract value, including Change Orders Nos. 1 and 2 approved to date, is \$545,875.00. Therefore the threshold for achieving substantial performance is \$16,376.25.

Enclosed is a Certificate of Substantial Performance (CSP) for the project, which was substantially completed on January 11, 2022. The 10% statutory holdback will be released following the expiration of the lien period and upon receipt of the following from SMID Construction Limited:

- Proof of CSP publication in the Daily Commercial News;
- A final invoice for the holdback amount;
- A Statutory Declaration (CCDC 9A) that all liabilities incurred by the Contractor and the Contractor's Subcontractors in carrying out the Contract have been discharged; and
- A current Certificate of Clearance from the Workplace Safety and Insurance Board.

Yours truly,

**R.J. Burnside & Associates Limited**

A handwritten signature in black ink, appearing to read "Peter Mensinga", with a stylized flourish at the end.

Peter Mensinga, M.A.Sc., P.Eng.  
Building Science Engineer

Enclosures: 1) Certificate of Substantial Performance  
2) Photographs

cc: Lisa Johnston, Bayshore Property Management Inc.

e-mail: ljohnston@bpmgmt.ca

**Photo 1**



North-west stairwell structure incomplete.

**Photo 2**



Area of incomplete coating work.

**Photo 3**



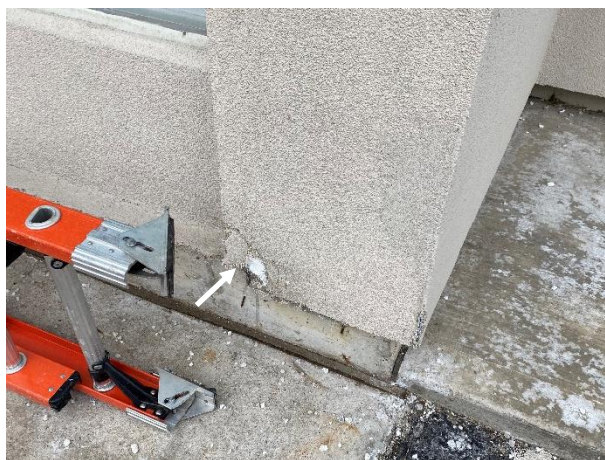
Example of outstanding patch repair.

**Photo 4**



Example of outstanding patch repair.

**Photo 5**



Example of outstanding patch repair.

**Photo 6**



Example of inconsistent stucco finish.

**Photo 7**



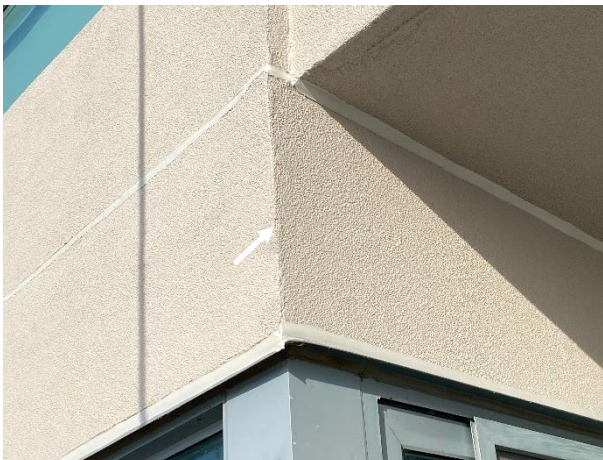
Example of inconsistent stucco finish.

**Photo 8**



Example of inconsistent stucco finish.

**Photo 9**



Damaged stucco finish at Suite 403.

**Photo 10**



Damaged stucco finish at Suite 1203.

**Photo 11**



Mechanical room step ladder.

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

*Construction Act*

City of Barrie

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

2 Toronto Street, Barrie, Ontario, L4M 9R2

(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:

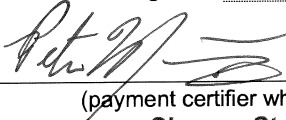
Cladding and balcony repairs.

(short description of the improvement)

to the above premises was substantially performed on January 11, 2022

(date substantially performed)

Date certificate signed: January 18, 2022



(payment certifier where there is one)

**Simcoe Standard Condominium  
Corporation No. 259 c/o  
Bayshore Property Management**

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

Name of owner: Inc.

Address for service: 11 Ferris Lane, Suite 101, Barrie, Ontario, L4M 5N6

Name of contractor: SMID Construction Limited

Address for service: 460 Finley Avenue, Ajax, Ontario, L1S 2E3

**R.J. Burnside & Associates**

Name of payment certifier (where applicable): Limited

Address: 128 Wellington Street West, Suite 301, Barrie, Ontario, L4N 8J6

(Use A or B, whichever is appropriate)

- A. Identification of premises for preservation of liens:  
**Part of the East part of Lot 24, Concession 6 in the geographic Township of Vespra now in the City of Barrie designated as Parts 10 and 1 Plan 51R-30860 and Part 1 Reference Plan 51R-31129. County of Simcoe. Part of P.I.N. 58795-0530 (LT)**

(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, 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)