

PETROFF

October 16, 2022

TD Bank Group c/o Brookfield Global Integrated Solutions
TD Bank Tower, 66 Wellington Street West, 14th Floor
Toronto, Ontario, M5K 1A2

Attention: Ross Attridge
Sr. Project Manager – BGIS

Re: Substantial Performance
2650 Lawrence Avenue East
Scarborough ON
TD Tr. 1791 TDT1011282

PPA Project No. 22029.00

Dear Mr. Attridge,

Enclosed herewith is a Certificate of Substantial Performance (Form 9) for the above noted project, a copy of which is being simultaneously forwarded to Mirtren Construction Limited, who will make application for Release of Holdback, prepare and submit all close-out documentation and work towards total performance of the contract.

Please be advised that the holdback monies are due and payable one day after termination of the statutory sixty (60) day lien waiting period which commences from date of publication of the certificate. The contractor shall publish a copy of the certificate once in a construction trade paper.

Yours truly,



Aly Hamdy

For: Alex Egberts, OAA
Architect

cc: James Harding - Mirtren

FORM 9

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

Construction Act

Scarborough ON

(County/District or Regional Municipality/City or Borough of the Municipality in which the premises are situated)

2650 Lawrence Avenue, East

(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 Alterations

TR # 1791 TDT1011282

To the above premises was substantially performed on:

October 13, 2022

(date substantially performed)

Date certificate signed:

October 19, 2022



Aly Hamdy for: Alex Egberts
c/o Petroff Partnership Architects
(signature of payment certifier where there is one)

Name of owner:

First Capital Holdings (Ontario) Corporation

Address for service:

85 Hanna Avenue - Suite 400
Toronto M6K 3S3

Name of contractor

Mirtren Construction Limited

Address for service:

50 Nashdene Road – Unit 110, Toronto ON

Name of payment certifier:

Aly Hamdy (for: Alex Egberts)

Address:

260 Town Centre Boulevard, Suite 300
Markham ON L3R 8H8

(Use A or B whichever is appropriate)

A Identification of premises for the 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 the lien and affidavit must be given to preserve lien:

C/O BGIS
Po Box 6011, 4175 14th Avenue,
Markham On L3R 0J2

Attention: Ross Attridge

(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)



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: TD TR 1791, 2650 Lawrence Ave, Toronto, ON
Project Number: S22-024
Date Submitted: October 13,2022

(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 11th of November. 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.

Evaluation of Net Contract Price to determine Substantial Performance

(Input blue italic values only)

Contract Price	<i>\$414,109.58</i>
Deferred Work & Remaining Cash Allowance value	<i>\$10,000.00</i>
Revised Total Contract Price to determine SP	\$404,109.58

A Value of Work Remaining including Deficiencies *\$10,765.25*

Lien Act calculation to determine Substantial Performance

3% of Contract Price up to 1mil	\$404,109.58	\$12,123.29
2% of Contract Price within the next 1mil	\$0.00	\$0.00
1% of Remaining Balance	\$0.00	\$0.00

B Total **\$12,123.29**

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)
\$10,765.25	\$12,123.29
-\$1,358.04	

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

