R.J. Burnside & Associates Limited 128 Wellington St W Barrie ON L4N 8J6 CANADA
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December 12, 2024

Via: Email (justin@bwkcon.com)

BWK Construction Company Ltd.
c/o Justin Kubbinga
7 Lougheed Court
Aurora, ON, L4G 5K9

Dear Mr. Kubbinga:

Re: Newmarket Community Centre - Subdrainage Installation
Final Review
Project No.: 300054026.0012

A final review meeting was held at 200 Doug Duncan Drive, Newmarket on October 28, 2024. The following people attended:

Name	Organization
Justin Kubbinga	BWK Construction Company Ltd. (BWK)
Susan Hastings	Town of Newmarket
Inderpal Dua	Town of Newmarket
Rolf Weidelich	R.J. Burnside & Associates Limited
Noah Alcantara-Aquino	R.J. Burnside & Associates Limited

Attendees visually reviewed the site and identified the following deficiencies:

- **Repair Leaking Sump Pump:** Repair active leakage at new sump pump.
- **Remove Remaining Pipe Supports:** Remove any remaining ceiling-mounted pipe supports for the piping of the original sump pump.
- **Reinstate Floor Finishes:** Reinstate floor finishes in the Lion's Storage Room where removed for the trench/excavation.
- **Battery Backup Installation:** Ensure battery backup is installed. If not completed, supply and install as per specifications.

We estimate that the cost to rectify the deficiency items described above is less than $2,500**.**

Post Site Meeting Note: In an email on December 4, 2024, BWK indicated that all remaining ceiling-mounted pipe supports had been removed, floor finishes in the Lion's Storage Room had been reinstated, and the leak at the sump pump has been repaired.

On the basis of our review dated October 28, 2024, 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 Order No. 1, is $90,499. Therefore, the threshold for achieving substantial performance is $2,714.97.

Enclosed is a Certificate of Substantial Performance (CSP) for the project, which was substantially completed on October 28, 2024. The 10% statutory holdback will be released following the expiration of the lien period and upon receipt of the following from BWK Construction Company Ltd.:

- Manuals and product data information for the sump pump and controls.
- 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



Rolf Weidelich, P.Eng.
Senior Engineer

Enclosures: 1) Certificate of Substantial Performance

cc: Susan Hastings, Town of Newmarket e-mail: shastings@newmarket.ca
Inderpal Dua, Town of Newmarket e-mail: idua@newmarket.ca

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

Construction Act

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

200 Doug Duncan Drive, Newmarket, ON L3Y 3Y9 ,
(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:

Subdrainage Installation
(short description of the improvement)

to the above premises was substantially performed on **October 28, 2024** .
(date substantially performed)

Date certificate signed: **December 12, 2024**

(payment certifier where there is one)

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

Name of owner: **The Corporation of the Town of Newmarket**

Address for service: **395 Mulock Drive, P.O. Box 328, Newmarket, ON, L3Y 4X7**

Name of contractor: **BWK Construction Company Ltd.**

Address for service: **7 Lougheed Court, Aurora, ON L4G 5K9**

Name of payment certifier (where applicable): **R.J. Burnside & Associates Ltd.**

Address: **17345 Leslie St, Suite 303, Newmarket, ON, L3Y 0A4**

(Use A or B, whichever is appropriate)

☒ A. Identification of premises for preservation of liens:

Newmarket Community Centre - 200 Doug Duncan Drive, Newmarket, ON L3Y 3Y9
(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)