

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

*Construction Act*

**Oxford County**

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

**645 Athlone Place, Woodstock ON N4S 7V8**

(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:

**New Building Addition**

(short description of the improvement)

to the above premises was substantially performed on **March 31, 2023**

(date substantially performed)

Date certificate signed: **April 20, 2023**



(payment certifier where there is one)

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

Name of owner: **11447556 Canada Inc.**

Address for service: **645 Athlone Place, Woodstock On., N4S 7V8**

Name of contractor: **Michael+Clark Construction Inc.**

Address for service: **6647 Westminister Drive London On, N6P 1N5**

Name of payment certifier (where applicable): **SPH Engineering**

Address: **485037 Sweaburg Rd. Woodstock, ON N4S 7V6**

(Use A or B, whichever is appropriate)

A. Identification of premises for preservation of liens:

**Lt 30 PL 1600 Except Pt 1 to 5, PL1770; S/T 376836, EO11219; Woodstock.**

(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)



March 31, 2023

Sent via Email Only

**ATT: 11447556 Canada Inc.**

645 Athlone Place, Woodstock ON N4S 7V8

**FROM: From: Michael Clark Construction (MCC) - Project Number 21-038**

**Re: Construction Substantial Completion – 645 Athlone Place – Phase 1 New Office Addition**

Please consider this as our application for Substantial Performance as defined under the Construction Act. It is our opinion that the contract for 645 Athlone Place – Phase 1 New Office Addition is substantially complete.

Our original contract value for the 645 Athlone Place – Phase 1 New Office Addition contract was **\$4,419,700**. At the time of our latest Progress Application, the total approved Change Orders was **\$3,034,174.35**. Our current contract value as such is **\$7,453,874.35**.

Furthermore, our original contract value included **\$77,500** in Cash Allowances. At the time of our latest Progress Application, the total approved Cash Allowances was **\$77,500** which leaves no outstanding balance. As such our final Contract Final Value is **\$7,453,874.35**

In accordance with Section 2.1 (b) of the Construction Act, our balance to bill on the project must be less than:

3% of first \$1,000,000.00	<b>\$30,000.00</b>
2% of next \$1,000,000.00	<b>\$20,000.00</b>
1% of balance	<b>\$54,538.74</b>
<b>Total</b>	<b>\$104,538.74</b>

The following work is to be deferred to warmer weather months and is not included in the balance to bill.

<b>Item</b>	<b>Balance Deferred</b>
Earthworks	<b>\$15,000.00</b>
Asphalt Paving	<b>\$63,927.00</b>
Fencing	<b>\$30,000.00</b>
Landscaping	<b>\$50,000.00</b>
Change COR#2	<b><u>\$50,847.44</u></b>
<b>TOTAL</b>	<b>\$209,774.44</b>

As per our latest Progress Application **#21-038-023** dated **March 31,2023** our balance to bill for each of the items listed above excluding those items which are being deferred is shown below:

<b>Item</b>	<b>Balance to Bill</b>
Base Contract	<b>\$0.00</b>
Change Orders	<b>\$61,617.57</b>
Cash Allowances	<b><u>\$0.00</u></b>
<b>TOTAL</b>	<b>\$61,617.57</b>

Since the balance to bill is less than the calculation required by Section 2.1 (b) of the Construction Act we fulfill the requirement for Substantial Performance.

An invoice for the holdback monies due for payment following the issue of the certificate of **Substantial Performance** will be submitted following publication.

We request that a Certificate of **Substantial Performance** be issued so that we can arrange for publication of the Certificate as required by the Construction Act. The date of publication is understood to be the commencement of the statutory lien period.

Project warranties will commence from the date of Substantial Performance.

Please contact the undersigned to discuss any content within this letter in further detail as needed.

Yours truly,

**michael+clark construction**

Per:

A handwritten signature in black ink, appearing to read "Adam McManus". The signature is written in a cursive style with a large initial "A" and "M".

Adam McManus  
**Project Manager**

**Cc** Paul McKenna – MCC Director of Operations  
Rebecca Ellis – MCC Director of Finance & Administration

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

*Construction Lien Act*

Oxford County

*(County/District or Regional Municipality/City or Borough of  
Municipality of Metropolitan Toronto in which premises are situate)*

645 Athlone Place, Woodstock ON N4S 7V8

*(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:

**New Office Addition**

*(short description of the improvement)*

to the above premise was substantially performed on: **March 31, 2023**

*(date substantially performed)*

Date certificate signed: **April 20, 2023**



*(Signature of payment certifier where there is one)*

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

Name of owner: **11447556 Canada Inc.**

Address for service: **6600, ch St-Francois, Saint-Laurent, QC H4S 1B7**

Name of contractor: **Michael+Clark Construction Inc.**

Address for service: **6647 Westminster Drive London ON, N6P 1N5**

Name of payment certifier: **SPH Engineering**

*(where applicable)*

Address: **485037 Sweaburg Rd. Woodstock On N4S 7V6**

*(Use A or B whichever is appropriate)*

A. Identification of premises for preservation of liens:

**645 Athlone Place, Woodstock ON N4S 7V8**

*(where liens attach to premises, reference to lot and plan or instrument registration number)*

B. Office to which claim for lien must be given to preserve lien:

*(where liens do not attach to premises)*