

**CONFIRMATION OF SUBSTANTIAL PERFORMANCE**

PROJECT NAME                    Bayshore Shopping Centre CRU C9 Uniqlo  
PROJECT LOCATION            100 Bayshore Drive, Ottawa, ON K2B 8C1  
PROJECT NO.                    22055  
DATE                                January 22, 2024

<u>PRIME CONSULTANT</u>	<u>OWNER</u>	<u>CONTRACTOR</u>
MMC International Architects Ltd. 65 Queen Street West, Suite 1110 Toronto, ON M5H 2M5	KS Bayshore Inc. Cushman and Wakefield Asset Services 161 Bay Street, Suite 500, Box 602 Toronto, ON M5J 2S1	PCL Constructors Canada Inc. 49 Auriga Drive, Nepean, ON, K2E 8A1

In accordance with the contract dated September 15, 2023 for the above captioned project AND based on PCL Constructors Canada Inc’s application dated January 8, 2024, and associated submission for Substantial Performance, we agree that the premises are ready for use intended and the value of remaining incomplete and/or deficient work is below the permitted threshold.

We, therefore, advise that the above captioned project has attained Substantial Performance on January 8, 2024.

Please find attached herewith Form 9 Construction Act “Certificate of Substantial Performance of the Contract under Section 32 of the Act”.

The date of Substantial Performance, January 8, 2024, shall be the commencement of the warranty periods. As is customary and in accordance with the Construction Act of Ontario, PCL Constructors Canada Inc. shall publish in the Daily Commercial News trade publication.

The publication date of the substantial performance certificate shall be considered to be the commencement of the Sixty (60) day lien period, stipulated in the Act, for release of the statutory holdback.

Provided that no liens are registered and the General Contractor has forwarded all appropriate documentation for the Project (including Warranties, As-Built Drawings and O&M Manuals), holdback monies shall be due and payable one day after termination of the Sixty (60) day holdback period.

Be advised that this does not constitute the release of all holdback monies, in as much as there shall be a Finishing Holdback retained and to be released upon the Contractor attaining Total Performance of the Contract.

PCL Constructors Canada Inc. shall issue original Workman’s Compensation Clearance and Statutory Declaration Certificate to the Owner.

**The posting of the Substantial Performance Certificate does not release the Contractor or any Sub-contractor from the duty of completing the work pursuant to the terms of the contract.**

ISSUED BY:

Manuel Marquez  
Contract Administrator  
on behalf of MMC International Architects Ltd.

Distribution:

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