

February 16, 2024

S.E.M. Construction
1615 North Routledge Park Unit 11
London, Ontario
N6H 5L6

Attention: Mr. Alex Townshend, GSC
Director of Project Management

Re: Our Project 2505-22
Stratford General Hospital
E3 Communication Stations
46 General Hospital Drive,
Stratford, Ontario

Substantial Performance Letter

Enclosed herewith please find our Certificate of Substantial Performance establishing February 13, 2024 as the date of Substantial Performance for the above Contracts in accordance with the requirements of Section 2 and 32 of the Construction Act.

Please arrange to publish, once, within 7 days, a copy of the attached certificate in a Construction Trade Newspaper in accordance with the Construction Act Section 32 Paragraph 5.

To facilitate holdback release, the following documents must be submitted:

- a) Tear sheet from the trade newspaper indicating that the enclosed certificate of Substantial Performance was published and the publication date.
- b) Statutory Declaration
- c) Certificate of Clearance from the Workers' Compensation Board.

The application for holdback release shall summarize the current or final contract value indicating net previous invoices and total holdback due.

We trust that you will correct promptly all outstanding deficiencies and look forward to final certification of your Contract.

Yours truly,
architects Tillmann Ruth Robinson



Tom Tillmann
B.Arch., OAA, FRAIC, LEED AP
Principal
TT/arc

Statement of Deemed Substantial Performance

Huron Perth Healthcare Alliance
46 General Hospital Drive,
Stratford, Ontario N5A 2Y6

Notice Date: Feb 9th, 2024

Attn: Steve Done (Payment Certifier)
CC: Doug Biesinger (Owner)

Based on our general review of the project, in our opinion, to the best of our knowledge, information and belief, the construction contract for the below referenced project has been deemed Substantially Performed pursuant to the provisions under section 2(3) of the construction lien act, RSO 1990 as of **January 31st, 2023**

SGH E3 Communications Stations

Located at 46 General Hospital Dr, Stratford, ON N5A 2Y6.

- 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); 2017, c. 24, s. 4 (1, 2).

We hereby formally request that you complete a review and assessment of the work on or prior to **January 31st, 2024**, to determine whether the contract has been substantially performed as well as to document any/all deficiencies and to provide Final Conformance Letters required for Occupancy and Building Permit Closeout.

Based upon the following calculations outlining the **Balance of Work to Complete the Contract**, in the amount of **\$15,090.83** in comparison to the **Maximum Balance of Outstanding Work for Substantial Performance**, in the amount of **\$16,585.02**, we feel that we have met or exceeded the requirements of OAA/OGCA Take-Over Procedures Document No. 100 in conjunction with the CCDC Contract.

Please refer to the tables on the next page for calculations of the Current Contract Value, Value of Work for Substantial Performance Certification, Maximum Balance of Outstanding Work for Substantial Performance and Balance of Outstanding Work to Complete the Contract.

Respectfully,



Alex Townshend
Director of Project Management



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 London, Ontario N6H 5L6
 T: (519) 432-3333
 F: (519) 668-2808
www.semconstruction.ca

Current Contract Value	Amount
Contract Value (Original)	\$ 504,231.00
Change Orders (Approved to date)	\$ 48,513.15
Total	\$ 552,744.15

Value Of Work For Substantial Performance Certification	Amount
Current Contract Value (from above)	\$ 552,744.15
Less Current Unspent Allowances	\$0.00
Less Work That Cannot Be Completed Expeditiously	\$0.00
Total	\$ 552,744.15

Maximum Balance of Outstanding Work for Substantial Performance	Amount
3% of First \$1,000,000 (\$552,744.15)	\$ 16,582.32
2% of Second \$1,000,000	N/A
1% of Balance Of Contract Price	N/A
Total	\$ 16,582.32

Balance of Outstanding Work to Complete the Contract	Amount
General Conditions	\$ 3,483.97
Acoustical Ceilings & Drywall	\$ 300.00
Electrical	\$ 11,306.86
Total	\$ 15,090.83

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

Construction Act

Stratford, Ontario, Canada

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

46 General Hospital Drive, Stratford, Ontario, N5A 2Y6

(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:

SGH E3 Communication Stations - Interior workstation renovations

(short description of the improvement)

to the above premises was substantially performed on January 31, 2024

(date substantially performed)

Date certificate signed: FEB. 13, 2024



(payment certifier where there is one)

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

Name of owner: Huron Perth Healthcare Alliance

Address for service: 46 General Hospital Dr., Stratford, Ontario N5A 2Y6

Name of contractor: S.E.M. Construction Ltd.

Address for service: 1615 North Routledge Park #11, London, Ontario
architects Tillmann Ruth

Name of payment certifier (where applicable): Robinson inc.

Address: 700 - 200 Queens Avenue, London, Ontario N6A 1J3

(Use A or B, whichever is appropriate)

A. Identification of premises for preservation of liens:

46 General Hospital Drive, Stratford, Ontario N5A 2Y6

(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)

CALCULATION FOR SUBSTANTIAL PERFORMANCE



DATE	February 16, 2024
CONTRACTOR	SEM Construction / London, ON
PROJECT #	2505-22
DESCRIPTION	SGH E3 Communication Stations
Main Billing	\$504,231.00
Approved Change Orders	AMOUNT
Approved Change Orders	\$48,513.15
Approved Owner Change Orders - Costs TOTAL	\$48,513.15
Main Billing + Approved Change Orders	\$552,744.15

CALCULATION TO THE DETERMINE SUBSTANTIAL COMPLETION

A) The improvement to be made under this contract or a substantial part thereof is ready for use or is being used

YES	X
NO	

B) The improvement to be made under this contract is capable of completion or, where there is a known defect,

3% OF FIRST \$1,000,000.00	\$16,582.32
2% OF NEXT \$1,000,000.00	\$0.00
1% OF THE BALANCE	\$0.00
TOTAL	\$16,582.32

COST OF OUTSTANDING WORK	
A. BALANCE TO COMPLETE - Last Progress Draw No 9	LESS HOLDBACK
	\$15,090.83
B. SEASONAL DEFERRED WORK + ALLOWANCES	
	DESCRIPTION
	AMOUNT
Allowances	
Deferred Work	
	TOTAL ALLOWANCES
	\$0.00
	TOTAL SEASONAL DEFERRED WORK
	\$0.00
	TOTAL SEASONAL DEFERRED WORK + ALLOWANCES
	\$0.00
TOTAL COST OF OUTSTANDING WORK (BALANCE TO COMPLETE AS PER BILLING) - (SEASONAL Deferred WORK+ALLOWANCES)	
	\$15,090.83

CHECK FOR SUBSTANTIAL COMPLETION OF THE CONTRACT	
ALLOWANCE FOR OUTSTANDING WORK AS PER CONSTRUCTION LIEN ACT	\$16,582.32
COST OF OUTSTANDING WORK - SEASONAL DEFERRED WORK + ALLOWANCES	\$15,090.83
IS THE CONSTRUCTION LIEN ACT ALLOWANCE FOR INCOMPLETE WORK GREATER THAN THE ACTUAL COST OF OUTSTANDING WORK ?	YES