



I N V I Z I J

June 21, 2023

Graceview Enterprises Inc. General Contractors  
51200 Yorke Line  
Belmont, Ontario N0L 1B0  
Sent via e-mail only

ATTENTION: Mr. Dan Batterink, Project Manager

SUBJECT: St. Thomas Apartments / Fire Hall  
10 Queen St.,  
St. Thomas, Ontario.  
Invizij Architect's Project No.: 20037

Dear Mr. Dan Batterink,

We have reviewed your attached (5 pages) June 21, 2023 request for certification of Substantial Performance of the Contract on this project and find it in order. A copy of the Certificate of Substantial Performance is attached.

Please forward evidence of your publication of this certificate directly to the Owner's Representative (Ashraf Elwad of Flourish), with a copy to our office, so we may include it in our certification for the release of holdback.

Please do not hesitate to contact us if you require further information or clarification.

Yours truly,

Bob Prince,  
Principal  
BP/bp

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Graceview Enterprises Inc. General  
Contractors  
Mr. Dan Batterink  
June 21, 2023

c.c.

Owner	Indwell	G. Cubitt, J. Brouwer, A. Redlich
Owner's Representative	Flourish	A. Elawad, Ra. Rajendram
Landscape Architect:	Ron Koudys LA Inc.	Martha Berkvens
Structural Engineer:	Kalos Engineering Inc.	Grant Finlay, Tony Kalac
Mechanical Engineer:	CK Engineering Inc.	Chandra Kuruppu, Sunny Patel
Electrical Engineer:	CK Engineering Inc.	Jonathan Schrader, Pavle Ijadic
Passive House Consultant	Zon Engineering Inc.	Greg Leskien, Stephen McEwen
Solar PV Consultant	Zon Engineering Inc.	C. Desmarais, A. Gartshore
Civil Engineer:	Stantec	Chris Hendriksen, Brian Horvath

OWNER RETAINED CONSULTANTS:

Commissioning Agent:	Isotherm	Adam Cheney
Security/TV/Telephone/IT Provider:	The Bold Group	Lucas D. Simonetto



Founded on *Integrity*, Building on *Experience*, Solid through *Teamwork*

**Invizij Architect Inc.**  
185 Young Street  
Hamilton ON L8N 1V9

Revised: June 20, 2023  
June 21, 2023

Attention: Mr. Bob Prince

**St. Thomas Apartments/Firehall**  
**10 Queen Street, St. Thomas Ontario**  
**Invizij Architects Project No.: 20-037**  
**City of St.Thomas Building Permit No.: 2021-418**  
**Roll# 342103023007750**

Application for Substantial Performance

Graceview Enterprises Inc. is advising Indwell, via Invizij Architects, that:

- (i) The contract is substantially performed as of June 20, 2023, and
- (ii) The phase of the performance of the balance of the contract is in the process and completion is scheduled for the 19<sup>th</sup> day of July 2023.

Graceview Enterprises Inc. and Indwell have agreed that the balance of the contract to complete consists of:

1. Architectural: Deficiency Report 01-R2 – dated June 12, 2023 & Architectural Submittal Log, Table of Contents, dated June 19, 2023
2. Mechanical & Electrical: Deficiencies Report No. 1 – dated June 6, 2023
3. Commissioning : CX Review Notes #8 – dated June 7, 2023
4. Civil: Stantec (Brian Horvath) email to Graceview of May 26, 2023
5. Passive House: ZON, Site Review Report #10, dated May 24, 2023
6. Landscape: Final review to be performed once Graceview advises construction is complete
7. Solar: Final review to be performed once Graceview advises construction is complete
8. Resolution of Proposed Change No. 61, Electrical – Revision to Communications Conduit – Owner Request, dated January 19, 2023
9. Resolution of Proposed Change No. 73, Electrical – Dryer Receptacles – Design Continuance, dated June 16, 2023
10. Resolution of Proposed Change No. 74, Architectural – Additional Blinds – Owner Request, dated June 20, 2023
11. Resolution of Graceview e-mail to CK Engineering, dated June 20, 2023 re. extra costs for addressing ESA identified deficiencies

Graceview has no outstanding claims related to extra construction costs.  
The submission of all documentation required under the balance of the contract is identified within the balance of the contract above

Indwell and Graceview have agreed to remove a value of \$183,916.39 from the balance uncertified to allow Graceview to meet the financial calculation of Substantial Performance.

The calculations to support this application is as follows:

Description	June 20 balance	
Contract Amount with Approved Change: per Draw #19		\$ 11,776,094.83
<b>Current Contract Value</b>		\$ 11,776,094.83
Balance to Complete - per Draw #19	\$306,725.94	
Indwell and Graceview have agreed to remove a value of \$183,916.39 from the balance uncertified to allow Graceview to meet the financial calculation of Substantial Performance. This amount is based on:		
Less CO 55: Remainder of Increase to Cash Allowance	\$72,404.74	
Less remainder of CO #40 not to affect SP calculation	\$70,251.65	refer to Flourish email April 6/23
Less Landscaping and Site Fencing not to affect SP calculation	\$41,260.00	Landscaping works are complete
With this reduction of \$183,916.39, the current balance uncertified under Contract is reduced to \$122,809.55 which is within the maximum allowable.		
<b>Substantial Performance Calculation</b> per Construction Lien Act, is as follows:		
current contract value	\$ 11,776,094.83	
: 3% of value up to the 1 <sup>st</sup> \$1M		\$ 30,000.00
: 2% of value up to the 2 <sup>nd</sup> \$1M		\$ 20,000.00
: 1% of the balance value		\$ 97,760.95
<b>Allowable outstanding value</b>		<b>\$147,760.95</b>
		+ HST

Attached is our invoice for the \$1,146,936.89 representing the current amount of the basic holdback monies due for release and payment following the issue of the certificate of substantial performance.

A Statutory Declaration and Workplace Safety & Insurance Board (WSIB) Certificate of Clearance is provided in this application for the release of the basic holdback.

Should you have any questions, please do not hesitate to call.

Sincerely,

Dan Batterink

Project Manager  
Graceview Enterprises Inc.



Founded on Integrity, Building on Experience, Solid through Teamwork

**TO OWNER/CLIENT:**

Indwell  
1430 Main Street East Hamilton,  
Ontario L8K 1C3

**PROJECT:**

STAF Queen Street 10-  
20 Queen Street St.  
Thomas, Ontario

**APPLICATION NO:** 20

**INVOICE NO:** 20HB  
**PERIOD:** 6/1/23 - 6/30/23  
**PROJECT NO:** 2109

**FROM CONTRACTOR:**

Graceview Enterprises Inc.  
51200 Yorke Line Belmont,  
Ontario N0L 1B0 (519) 269-  
3939

**VIA ARCHITECT/ENGINEER:**

Bob Prince (Invizij Architects Inc.)  
185 Young Street  
Hamilton, Ontario L8N 1V9

**CONTRACT DATE:**

**TERMS:** Net 30 Days

**CONTRACT FOR:** St. Thomas Apartments/Firehall  
**CONTRACTOR'S APPLICATION FOR PAYMENT**

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet is attached.

1.	Original Contract Sum		\$10,859,805.00
2.	Net change by change orders		\$916,289.83
3.	Contract Sum to date (Line 1 ± 2)		\$11,776,094.83
4.	Total completed to date		\$11,469,368.89
5.	Retainage:		
	a. 0.00% of completed work	\$0.00	
	Total retainage		\$0.00
6.	Total earned less retainage (Line 4 less Line 5 Total)		\$11,469,368.89
7.	Less previous certificates for payment (Line 6 from prior certificate)		\$10,322,432.00
8.	Current payment due:		\$1,146,936.89
9.	HST applicable to this payment:		\$149,101.80
10.	Current payment due including HST:		\$1,296,038.69
11.	Balance to finish, including retainage (Line 3 less Line 6) (excl. HST)		\$303,045.94

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner/Client:	\$1,066,597.23	(\$153,600.60)
Total approved this month:	\$0.00	\$0.00
Totals:	\$1,069,890.43	(\$153,600.60)
Net change by change orders:	\$916,289.83	

We confirm that the business(es) listed below are active and in good standing with us.  
Nous confirmons que la ou les entreprises énumérées ci-dessous sont actives et que leurs comptes sont en règle.

Contractor legal or trade name / Raison sociale ou appellation commerciale de l'entrepreneur	Contractor address / Adresse de l'entrepreneur	Contractor NAICS Code and Code Description / Code du SCIAN de l'entrepreneur et description	Clearance certificate number / Numéro du certificat de décharge	Validity period (dd-mm-yyyy) / Période de validité (jj- mmm-aaaa)
GRACEVIEW ENTERPRISES INC	51200 YORKE LINE RR 1, BELMONT, ON, N0L1B0, CA	236220: Commercial and institutional building construction 007060: Non-Exempt Partners and Executive Officers in Construction - G6	D0000IM5EB	20-May-2023 to 19-Aug-2023

Under Section 141 of the *Workplace Safety and Insurance Act*, the WSIB waives our right to hold the principal (the business that has entered into a contractual agreement with the contractor/subcontractor) liable for any unpaid premiums and other amounts the contractor may owe us for the validity period specified.  
Aux termes de l'article 141 de la *Loi sur la sécurité professionnelle et l'assurance contre les accidents du travail*, la WSIB renonce à son droit de tenir l'entrepreneur principal (l'entreprise qui a conclu une entente contractuelle avec l'entrepreneur ou le sous-traitant) responsable de toute prime impayée et autre montant que l'entrepreneur pourrait lui devoir pour la période de validité indiquée.

# Statutory Declaration of Progress Payment Distribution by Contractor

Standard Construction Document

CCDC 9A – 2018

To be made by the Contractor as a condition for either

- second and subsequent progress payments; or  
 release of holdback.

## Information Appearing in the Contract Documents

Name of Project  
STAF Queen Street

Date of Contract: October 15, 2021

Name of Owner  
Indwell

Name of Contractor  
Graceview Enterprises Inc.

Application for payment number 15  
dated April 30/23 is the last  
application for payment for which the Contractor has  
received payment.

## Declaration

I solemnly declare that, as of the date of this declaration, I am an authorized signing officer, partner or sole proprietor of the Contractor, and as such have authority to bind the Contractor, and have personal knowledge of the fact that all accounts for labour, subcontracts, products, services, and construction machinery and equipment which have been incurred directly by the Contractor in the performance of the work as required by the Contract, and for which the Owner might in any way be held responsible, have been paid in full as required by the Contract up to and including the latest progress payment received, as identified above, except for:


- 1) holdback monies properly retained,
- 2) payments deferred by agreement, or
- 3) payment withheld by reason of legitimate dispute which has been identified to the party or parties from whom payment has been withheld.


I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

Declared before me in Belmont, Ontario this 20 day of June in the year 2023  
*City/Town and Province*

James Van Gorp  
*Name*  
President  
*Title*

**Victor James Weverink**  
a Commissioner, etc., County of Elgin  
for Graceview Enterprises Inc.  
Expires October 15, 2024

  
*Signature*

  
*(A Commissioner for Oaths, Notary Public, Justice of the Peace, etc.)*

**The making of a false or fraudulent declaration is a contravention of the Criminal Code of Canada, and could carry, upon conviction, penalties including fines or imprisonment.**

This agreement is protected by copyright and is intended by the parties to be an unaltered version of CCDC 9 – 2018 except to the extent that any alterations, additions or modifications are set forth in supplementary conditions.

**CCDC**  
**9**  
2018

Use of this form without a CCDC 9 copyright seal constitutes an infringement of copyright. Use of this form with a CCDC 9 copyright seal demonstrates that it is intended by the parties to be an accurate and unamended version of CCDC 9A – 2018.

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

*Construction Act*

**The City of St. Thomas**

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

**10 Queen Street, St. Thomas Ontario**

(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:

**St. Thomas Apartments / Firehall**

(short description of the improvement)

to the above premises was substantially performed on **June 20, 2023**

(date substantially performed)

Date certificate signed: **June 21, 2023**

(payment certifier where there is one)

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

Name of owner: **Indwell**

Address for service: **1430 Main St. E. Hamilton, Ontario. L8K 1C3**

**Graceview Enterprises Inc.**

Name of contractor: **General Contractors**

Address for service: **51200 Yorke Line, Belmont, Ontario N0L 1B0**

Name of payment certifier (where applicable): **Bob Prince**

Address: **185 Young Street, Hamilton, Ontario L8N 1V9**

(Use A or B, whichever is appropriate)

A. Identification of premises for preservation of liens:

**10 Queen Street, St. Thomas Ontario**

(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)