

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

Construction Act

The Regional Municipality of Niagara

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

27 Lombardy Avenue, St. Catharines, ON L2M 1A2

(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:

Exterior Lighting

(short description of the improvement)

to the above premises was substantially performed on **June 30, 2022**

(date substantially performed)

Date certificate signed: **June 30, 2022**

MNE Engineering Inc.

(payment certifier where there is one)

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

Name of owner: **Niagara Region**

Address for service: **1815 Sir Isaac Brock Way, P.O. Box 1042, Thorold, ON L2V 4T7**

Name of contractor: **Procon Constructors Inc.**

Address for service: **401 Enterprise Drive, Welland, ON L3B 6H8**

Name of payment certifier (where applicable): **MNE Engineering Inc.**

Address: **22 Kevco Place, Box A, Kitchener, ON N2C 2G5**

(Use A or B, whichever is appropriate)

A. Identification of premises for preservation of liens:

Port Weller Pollution Control Plant

(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)



MNE Engineering Inc.
22 Kevco Place - Box A
Kitchener, Ontario N2C 2G5
519 894 9408
www.mneengineering.ca

June 30, 2022

Mr. Frank Gazzola, Energy Management, Project Manager

The Regional Municipality of Niagara
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7
Frank.Gazzola@niagararegion.ca

**RE: Substantial Performance
2020-T-138 Port Weller Pollution Control Plant Exterior Lighting**

Mr. Gazzola,

During the course of construction of the above project, personnel from our firm carried out periodic site reviews of the electrical work in accordance with the requirements of Division C, subdivision 1.2.2 of the Ontario Building Code and the requirements of section 2 of Ontario Regulation 260/08, made under the Professional Engineers Act, 1990, as amended. These reviews were conducted following the procedures described in the Professional Engineers Ontario guideline for *Professional Engineers Providing General Review of Construction as Required by the Ontario Building Code*.

On the basis of these reviews, and the basis of reports received from independent testing and inspection firms, we are of the opinion that the construction contract was substantially performed on June 30, 2022, as per the issued Certificate of Substantial Performance of the Contract. Accordingly, the project's warranty period shall elapse on June 30, 2023.

The balance of the statutory holdback will be released after the expiration of the lien period. In accordance with the Construction Act, the contractor is required to publish the certificate. We ask that they forward a copy of the publication for our record. The date of the publication commences the lien period.

Thank you for involving MNE in this project; we look forward to working with you again. Should you have questions or require any additional information, please do not hesitate to contact our office.

Regards,

A handwritten signature in black ink that reads 'Andrew Gubbels'.

Andrew Gubbels, P.Eng.
Electrical Engineer

cc:

Chris Ruber

Procon Constructors Inc.

Chris.Ruber@procon.ca

20053 Substantial Performance Letter