



SUBSTANTIAL PERFORMANCE LETTER

DATE:	Monday, January 09, 2023
BUILDER NAME:	Mortlock Construction Inc. General Contractors
ADDRESS:	1970 Brown Line, Cavan-Monaghan, ON K9J 6Z9
PROJECT NAME:	Lakefield College School New Residence (Ross and Parent House)
ADDRESS:	4391 County Road 29, Lakefield, ON K0L 2H0
DISTRIBUTION:	Craig Mortlock, Mortlock Construction (MCI) Scott Boon, MCI Claudia Pleasance, MCI

Dear Craig,

Re: Letter of Acceptance for Mortlock Construction Request for Substantial Performance (Revision 3) dated January 5, 2023

We have reviewed your 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, with a copy to the writer, so we may include it in our certification for the release of statutory holdback.

Sincerely,



PER LETT ARCHITECTS INC.

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

Construction Act

Lakefield, Township of Selwyn

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

4391 County Road 29, Lakefield, ON K0L 2H0

(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:

The new construction of a student residence (Ross and Parent House) on the Lakefield College School campus.

(short description of the improvement)

to the above premises was substantially performed on **October 31, 2022**

(date substantially performed)

Date certificate signed: **January 9, 2023**



(payment certifier where there is one)

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

Name of owner: **Lakefield College School**

Address for service: **4391 County Road 29, Lakefield ON K0L 2H0**

Name of contractor: **Mortlock Construction Inc.**

Address for service: **1970 Brown Line, Cavan-Monaghan, ON K9J 6Z9**

Name of payment certifier (where applicable): **Lett Architects Inc.**

Address: **138 Simcoe Street, Peterborough, ON K9H 2H5**

(Use A or B, whichever is appropriate)

A. Identification of premises for preservation of liens:

Ross and Parent House, Lakefield College School, 4391 County Road 29, Lakefield, ON K0L 2H0

(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)

January 5, 2023



Michael Stock
Lett Architects
138 Simcoe Street
Peterborough, ON
K9H 2H5

Attention: Michael Stock
RE: New Double Student Residence Project
Request for Substantial Performance (Revision 3)

Dear Michael,

Mortlock Construction is pleased to inform you that as of **October 31, 2022** we feel that the contract for the New Double Student Residence Project at Lakefield College School, 4391 County Rd. 29, Lakefield, Ontario, is substantially performed.

As of October 31, 2022, the undisputed contract value is **\$10,573,212.19**, as per the following breakdown:

• Construction Management Fee Total:	\$ 272,050.00
• Construction Costs Total:	\$ 10,116,831.48
• Approved Change Orders (\$210,839.18 + \$112,951.53):	\$ 323,790.71
• Less Disputed Value:	<u>(\$ 139,460.00)</u>
• Total Undisputed Contract Value as of October 31, 2022:	<u>\$10,573,212.19</u>

The Construction Lien Act defines substantial performance as per the following:

1. When the improvement to be made under that contract or substantial part thereof is ready for use or is being used for the purposes intended; and
2. 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:

• 3% of the first \$1,000,000.00	\$ 30,000.00
• 2% of the next \$1,000,000.00	\$ 20,000.00
• 1% of the balance	<u>\$ 85,732.12</u>
• Total	<u>\$ 135,732.12</u>

We have assessed the value of the work complete to date in our summary by division from our Progress Draw No. 29, dated October 31, 2022.

• Construction Management Fee:	\$ 4,182.00
• Construction Costs Total (see attached Appendix A):	\$ 109,275.65
• Approved Change Orders:	\$ 1,120.00
• Less Disputed Value removed from General Requirements:	<u>(\$ 76,651.00)</u>
• Total Value of Remaining Work as of October 31, 2022:	<u>\$ 37,926.65</u>



Based upon the calculations above we feel that the contract is within the allowable value and that the contract is substantially performed.

We trust that you will find the above request for substantial performance to be as required and acceptable as submitted. We await your review and hope to see a certificate of substantial performance at your earliest possible convenience.

Yours truly,
MORTLOCK CONSTRUCTION INC.

A handwritten signature in black ink, appearing to read 'Craig Mortlock', with a stylized flourish at the end.

Craig Mortlock, A.Sc.T., LEED AP
Vice President / Project Manager

Appendix A:

Breakdown of Value for Remaining Work

Z1.2 GENERAL REQUIREMENTS & FEES – CM Fees:	\$ 4,182.00
• Management fee for outstanding work	\$ 2,182.00
• Closeout documentation finalization	\$ 2,000.00
A3.5 EXTERIOR ENCLOSURE – Projections:	\$13,590.21
• Doughty Masonry for chimney masonry materials	\$ 353.21
• Bouchard Masonry for chimney stone installation	\$10,927.00
• Kingdon Timber Mart for chimney stone materials	\$ 180.00
• Rapid Lift for lift for mason	\$ 2,130.00
B3.1 FITTINGS & EQUIPMENT – Fittings & Fixtures	\$ 108.25
• Kingdon Timber Mart for entry stair screen materials	\$108.25
B3.3 FITTINGS & EQUIPMENT – Conveying Systems	\$ 2,520.00
• Value held for additional access costs	\$ 2,520.00
C2.1 ELECTRICAL – Service & Distribution	\$ 4,819.52
• Tri-Line Electric, value remaining for completion of contract	\$ 4,819.52
D1.1 SITEWORK – Site Development	\$ 8,280.00
• Balterre for remaining work for south grading	\$ 8,280.00
Z1.1 GENERAL REQUIREMENTS & FEES – General Requirements	\$ 3,085.25
• Cambium invoice for final testing & inspection of asphalt	\$ 2,585.25
• Certificate of Substantial Completion publication cost	~\$ 500.00
• Less disputed value	(\$76,651.00)
CO#15 Revised sanitary alignment	<u>\$ 1,120.00</u>
Total Value of Remaining Work as of October 31, 2022:	<u>\$ 37,926.65</u>