**Statutory Declaration – Holdback or Security Deposit Release**

TO BE MADE BY SUBCONTRACTOR WHEN APPLYING FOR RELEASE OF HOLDBACK, SECURITY DEPOSIT OR BOTH UPON SUBSTANTIAL / TOTAL PERFORMANCE

IN THE MATTER OF THE SUBCONTRACT

between (the “Contractor”)

and (the “Subcontractor”)

pursuant to the Prime Contract No. \_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ made as between Contractor

and (the “Owner”)

for Subcontractor’s scope of work and changes thereto (the “Work”) pursuant to

Subcontract No. (the “Subcontract”)

I, of the City of in the Province of DO SOLEMNLY DECLARE:

THAT I am (describe position - see Note 1) of Subcontractor named in the Subcontract and as such have authority to bind Subcontractor and have personal knowledge of the facts hereunder declared, specifically that all accounts for labour, subcontracts, products, services, construction machinery and equipment and other indebtedness (see Note 2) which may have been incurred by Subcontractor in the performance of the Work and for which Contractor or Owner might in any way be held responsible have been paid in full except for holdback monies properly retained, and that the final amount of the Subcontract including all adjustments is $ .

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath.

DECLARED before me at the City of

in the Province of

this day of , 20

 Signed

(A Commissioner for Oaths or Notary Public)

 Commission expiry date (if any):

*NOTE 1: This Statutory Declaration must be made by the President, Vice President, Secretary, Treasurer, or Director of an incorporated company except that another individual may make the Statutory Declaration provided that two copies of the bylaw issued under the corporation’s seal authorizing such individual to execute documents accompanies the first Statutory Declaration issued in connection with each Subcontract. For a partnership, this Statutory Declaration must be made by one of the partners and, for a sole proprietorship, the sole proprietor must make the Statutory Declaration. The position of the declarant and the name of Subcontractor must be clearly stated.*

*NOTE 2: Other indebtedness shall mean only such debts incurred by Subcontractor to persons in privity of contract with Subcontractor, debts arising out of statutory requirements and, in the case of Subcontractor's workers, any debt arising out of collective bargaining agreements, legislation applying to worker's compensation, unemployment insurance and minimum wage standards (where applicable) and that are due as of the date of signing this Statutory Declaration.*

**WARNING: Knowingly making a false or misleading declaration**

 **is a criminal offence under the Criminal Code.**