

Court File No. 35-2481393  
Estate File No. 35-2481393

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
IN THE BANKRUPTCY AND INSOLVENCY**

IN THE MATTER OF THE BANKRUPTCY OF  
SIRIUS CONCRETE INC. OF THE CITY OF WATERLOO,  
IN THE PROVINCE OF ONTARIO

AND IN THE MATTER OF THE  
*CONSTRUCTION LIEN ACT*, R.S.O. 1990, c. C.30, as amended

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**MOTION RECORD OF THE TRUSTEE**

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August 6, 2019

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# INDEX

## INDEX

<b>Tab</b>	<b>Document</b>	<b>Page No.</b>
1	Notice of Motion, dated August 6, 2019	1
2	Second Report of the Trustee, dated August 1, 2019	10
	Appendix "A" – Trustee's First Report	26
	Appendix "B" – Trustee's Supplement to the First Report	35
	Appendix "C" – April 2 Order	44
	Appendix "D" – Claims Register	67
	Appendix "E" – Order Vacating Waterloo Project Liens	74
	Appendix "F" – Payment from Ayerswood	81
	Appendix "G" – Affidavit of Robyn Duwyn	83
	Appendix "H" – Affidavit of Robert Danter	113



# Tab 1

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
IN THE BANKRUPTCY AND INSOLVENCY**

IN THE MATTER OF THE BANKRUPTCY OF  
SIRIUS CONCRETE INC. OF THE CITY OF WATERLOO,  
IN THE PROVINCE OF ONTARIO

AND IN THE MATTER OF THE  
*CONSTRUCTION LIEN ACT*, R.S.O. 1990, c. C.30, as amended

**NOTICE OF MOTION**

BDO Canada Limited in its capacity as Trustee of Sirius Concrete Inc., of the City of Waterloo, in the Province of Ontario, will make a motion to the Court on Friday, August 16, 2019 at 10:00 a.m., or as soon after that time as the motion can be heard at the Court House, 80 Dundas Street, London, Ontario.

**PROPOSED METHOD OF HEARING:** The Motion is to be heard:

- in writing under subrule 37.12.1(1) because it is on consent;
- in writing as an opposed motion under subrule 37.12.1(4);
- orally

**THE MOTION IS FOR:**

An Order, including without limitation;

- a. If necessary, abridging the time for service, filing and confirmation of the notice of motion and the materials filed in support of the motion and validating the service thereof and dispensing with further service thereof such that this motion is properly returnable on August 16, 2019;

- b. Approving the Trustee's First Report dated March 11, 2019 (the "**First Report**"), the Supplement to the First Report dated March 18, 2019 (the "**First Supplement**", hereinafter collectively, the "**First Report**") and the Trustee's Second Report dated August 1, 2019 (the "**Second Report**"), filed, and the activities and conduct of the Trustee as detailed therein;
- c. Approving the settlements reached by the Trustee with the customers of the Debtor as detailed in the Second Report;
- d. Approving the fees and disbursements of the Trustee (the "**Trustee Fees**"), and its counsel, Harrison Pensa LLP ("**HP**") (the "**Counsel Fees**") for services rendered from the period of March 4, 2019 to July 22, 2019 as detailed in the Second Report and the fee affidavits of the Trustee and HP contained therein (the "**Fee Affidavits**");
- e. That the Trustee maintain a sufficient reserve for final fees and final costs of administering the estate of the Debtor and administering the Claims Procedure Order and authorizing the Trustee to disburse the funds obtained under the Claims Procedure Order pursuant to the Proposed Distribution as detailed and defined in the Second Report (the "**Proposed Distribution**");
- f. Directing the Accountant of the Superior Court of Justice to pay to the Trustee the amount of \$35,046.50 being held in Account No. 00002 010 88-03218 in London SCJ 1038-19;
- g. Directing the Accountant of the Superior Court of Justice to pay to Stonerise Construction Inc. the amount of \$112,328.87 being held in Account No. 00002 010 88-03218 in London SCJ 1038-19 (f-g, the "**Waterloo Settlement**");
- h. That upon payment of the amounts referred to in paragraphs (f) and (g) above, the liens and certificates of action, as applicable, of Gillies Lumber Inc., James Koopman as Agent for the Christian Labour Association of Canada Construction Workers' Local 6, Cooper Equipment Rentals Limited, and Sirius Concrete Inc., which were vacated from title to the premises against which they were registered pursuant to the Order of the Honourable Madam Justice Rady made on May 28, 2019 in London SCJ 1038-19 be discharged (collectively, the "**Waterloo Property Discharges**");
- i. Requiring Stonerise Construction Inc. to pay to the Trustee the amount of \$15,713.79 as full settlement on the Kitchener Project as defined in the Second Report (the "**Kitchener Settlement**");

- j. That upon payment of the Kitchener Settlement, the Trustee be authorized to discharge from title to the property legally described as LOT 174 SUB.LOT 17 GERMAN COMPANY TRACT & PT. LOTS 16 TO 20 PLAN 398, BEING PTS. 3, 4, 5, 6, 7, 20 ON 58R-17696; SUBJECT TO AN EASEMENT IN GROSS AS IN WR520011; SUBJECT TO AN EASEMENT IN GROSS OVER PART 1 ON 58R-19137 AS IN WR1081722; CITY OF KITCHENER (the "**Kitchener Property**") the following:
  - a. The Construction Lien and Certificate of Gilles Lumber Inc. registered as WR1173892 and WR1183635; and
  - b. The Construction Lien and Certificate of Koopman, James registered as WR1175099 and WR1186757(Collectively the "**Kitchener Property Lien Discharges**");
- k. Seeking directions with respect to the Pre-Bankruptcy Ayerswood Payment; and
- l. Such further and other relief as counsel may advise and this Honourable Court permit.

**THE GROUNDS FOR THE MOTION ARE:**

Bankruptcy

1. The Bankrupt, Sirius Concrete Inc. ("**Sirius**") made a voluntary assignment in bankruptcy on March 4, 2019, and BDO Canada Limited was appointed as Trustee in Bankruptcy ("**BDO**", or the "**Trustee**").
2. Prior to its assignment, Sirius operated as a subcontracting firm that specialized in modern super-structures throughout Southwestern Ontario. Sirius provided insulated concrete forms, pre-cast paneling installation, structural block, and cast in place concrete, for numerous construction projects, including the following:
  - a. 18 Barrel Yards Blvd, Waterloo, Ontario ("**Waterloo Project**");
  - b. The Kitchener Property, municipally known as 112 Benton St. Kitchener, Ontario ("**Kitchener Project**");
  - c. 109 King Ave, Newcastle, Ontario ("**Newcastle Project**");
  - d. 45 Yarmouth St., Guelph, Ontario ("**Guelph Project**");

- e. 200 Steelwell Rd. Brampton, Ontario (the “**Brampton Project**”); and
- f. 10 Wilson St. Guelph, Ontario (the “**Parking Lot Project**”).

(collectively, the “**Projects**”)

#### Claims Administration Procedure and Trustee’s Activities

- 3. The Trustee has previously reported to the Court by way of its First Report.
- 4. As set out in the First Report, the Trustee developed a Claims Administration Procedure (the “**Claims Administration Procedure**”) to determine the status of all claims as against Sirius in relation to the Projects, and to determine all payables and receivables of Sirius in relation to same.
- 5. The Claims Administration Procedure was approved by Order of the Honourable Justice Mitchell on April 2, 2019 (the “**April 2 Order**”).
- 6. Pursuant to the April 2 Order, and as outlined in the Second Report, the Trustee has taken the following action in relation to the filing of claims under the Claims Administration Procedure:
  - a. The Trustee has sent notice of the Claims Administration Procedure to each known Lien Claimant and/or Trust Claimant (as defined in the April 2 Order), and has advertised the Claims Administration Procedure in several newspapers;
  - b. The Trustee has made the First Report and the April 2 Order available on the Trustee’s website; and
  - c. The Trustee has received, processed, and responded to a total of 37 claims under the Claims Administration Procedure, and the deadline for filing any further claims or notices of dispute in relation to claims already filed has lapsed.
- 7. The Trustee has taken numerous further steps in collecting all receivables owing to Sirius as at the date of bankruptcy, including:

- a. The commencement of actions pursuant to the *Construction Lien Act* and/or the *Construction Act* (the “**CLA**”) in relation to the Waterloo, Kitchener, Guelph, and Newcastle Projects;
- b. Entered into negotiations with the project owners on each of the Projects for the collection of all related receivables, including any holdbacks owing to Sirius pursuant to the CLA, resulting in a number of payments in satisfaction of the liens of Sirius and other lienholders, including:
  - i. The Waterloo Settlement, which requires the payment of the sum of \$35,046.50 currently held by the Accountant of the Superior Court to the Trustee (the “**Accountant**”), and an additional \$112,328.87, also held by the Accountant, to Stonerise Construction Inc. (“**Stonerise**”), , in exchange for the Waterloo Property Lien Discharges;
  - ii. The Kitchener Settlement, which requires the payment of the sum of \$15,713.79 from Stonerise to the Trustee in satisfaction of all liens registered as against the Kitchener Property, in exchange for the Kitchener Property Lien Discharges;
  - iii. Certain other settlements with project owners on the Newcastle and Parking Lot Projects, which will result in payments to the Trustee upon the publication of certificates of substantial performance in relation thereto; and
  - iv. Continued negotiations as between the Trustee and the project owner for the Brampton Project.

#### The Guelph Project

8. Despite repeated requests from the Trustee to the project owner of the Guelph Project (“**Ayerswood**”), Ayerswood has failed or refused to release the holdback due and owing to Sirius to the Trustee in relation to this project, totalling \$310,835.60.
9. The Trustee is seeking the direction of this Honourable Court with regard to the responsibility of Ayerswood to pay this holdback to the Trustee, as set out in the Second Report.

Approval of Trustee's Accounts

10. The April 2 Order requires the Trustee and HP, as legal counsel, to pass its accounts from time to time.
11. The Trustee and HP have properly incurred fees and disbursements as detailed in the Second Report and the Fee Affidavits.
12. The fees incurred by the Trustee for services provided by its legal counsel, HP, are detailed in the Second Report.
13. The Trustee seeks the approval of the Trustee's Fees and the Counsel Fees and payment of same.

Distributions

14. The Trustee proposes to distribute the proceeds from each of the Construction Projects to the Lien Claimants and Trust Claimants on each of the Construction Projects after deduction of the fees and costs associated with the applicable Projects pursuant to the April 2 Order, pursuant to the priorities scheme and the Proposed Distribution set out in the Second Report, and with the approval of this Honourable Court.
15. The applicable provisions of:
  - a. The *Construction Act*, R.S.O. 1990, c. C.30, as amended;
  - b. The *Bankruptcy and Insolvency Act*, R.S.C., 1985, c. B-3, as amended; and
  - c. The *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, as amended.
16. The grounds as detailed in the Second Report.
17. Such further and other grounds as counsel may advise and this Honourable Court may permit.

**THE FOLLOWING DOCUMENTARY EVIDENCE** will be used at the hearing of the motion:

1. The Order of the Honourable Justice Mitchell dated April 2, 2019;

2. The First Report of the Trustee dated March 11, 2019;
3. The Supplement to the First Report of the Trustee dated March 18, 2019;
4. The Second Report of the Trustee dated August 1, 2019; and
5. Such materials as counsel may advise and this Honourable Court may permit.

August 6, 2019

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IN THE MATTER OF THE BANKRUPTCY OF  
SIRIUS CONCRETE INC. OF THE CITY OF  
WATERLOO, IN THE PROVINCE OF ONTARIO

AND IN THE MATTER OF THE *CONSTRUCTION LIEN ACT*, R.S.O. 1990, c. C.30, as amended

Court File No. 35-2481393  
Estate File No. 35-2481393

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**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**

Proceeding commenced at  
London, Ontario

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**NOTICE OF MOTION**

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# Tab 2

District of ONTARIO  
Division No. 08 - Waterloo  
Court File No. 35-2481393  
Estate No. 35-2481393

ONTARIO  
SUPERIOR COURT OF JUSTICE  
IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF  
THE BANKRUPTCY OF

SIRIUS CONCRETE INC.  
OF THE CITY OF WATERLOO,  
IN THE PROVINCE OF ONTARIO

SECOND REPORT TO THE COURT  
SUBMITTED BY BDO CANADA LIMITED

August 1, 2019

	<u>Page</u>
1.0 Introduction and Purpose of Report.....	3
1.1 Introduction .....	3
1.2 Purpose of Trustee’s Second Report .....	4
2.0 Claims Administration Procedure Update .....	5
2.1 Claims Filed .....	5
2.2 Collections of Receivables and Holdbacks .....	6
2.3 Guelph Project update .....	8
3.0 Trustee’s Account .....	10
4.0 Proposed Distribution .....	12
4.1 Distribution Priority .....	12
4.2 Proposed Distribution .....	12
5.0 Order Sought .....	14

- Appendix A - Trustee's First Report
- Appendix B - Trustee' Supplement to the First Report
- Appendix C - April 2 Order
- Appendix D - Claims Register
- Appendix E - Order Vacating Waterloo Project Liens
- Appendix F - Payment from Ayerswood
- Appendix G - Affidavit of Robyn Duwyn
- Appendix H - Affidavit of Rob Danter

## 1.1 Introduction

1.1.1 This follows BDO Canada Limited's ("BDO") first report of the Trustee and the Supplement to the First Report. All terms not otherwise defined shall be as defined in the First Report and the First Supplement.

1.1.1 Sirius Concrete Inc. ("Sirius" or the "Company") was incorporated on June 13, 2016 in the province of Ontario and has been operating under the Sirius name since its inception. The Company operated out of leased premises located at 589 Colby Drive, Waterloo, Ontario.

1.1.2 Sirius was a subcontracting firm that specialized in modern super-structures throughout Southwestern Ontario. Sirius provided insulated concrete forms, pre-cast paneling installation, structural block, and cast in place concrete.

1.1.3 As at the date of Bankruptcy Sirius was involved in the following projects (together the "Construction Projects"):

- (i) 18 Barrel Yards Blvd, Waterloo, Ontario ("Waterloo Project");
- (ii) 112 Benton St. Kitchener, Ontario ("Kitchener Project");
- (iii) 109 King Ave, Newcastle, Ontario ("Newcastle Project");
- (iv) 45 Yarmouth St., Guelph, Ontario ("Guelph Project");
- (v) 200 Steelwell Rd. Brampton, Ontario ("Brampton Project"); and,
- (vi) 10 Wilson St. Guelph, Ontario (the "Parking Lot Project").

1.1.4 Sirius began experiencing financial difficulty in the fourth quarter of 2018 and into 2019. Sirius made a voluntary assignment in bankruptcy on March 4, 2019 and BDO Canada Limited was appointed as the trustee in Bankruptcy ("BDO" or the "Trustee")

1.1.5 The Trustee is not aware of any secured creditor or any party holding a General Security Agreement registered against Sirius.

1.1.6 As described in the First Report, the Trustee developed a Claims Administration Procedure for the Debtor's construction projects. The First Report is attached as **Appendix A**.

1.1.7 As described in the First Supplement, the Trustee detailed the payables and receivables, according to the records of Sirius, on each of the Company's projects. The First Supplement is attached as **Appendix B**.

1.1.8 On April 2, 2019, the Court issued an Order (the "April 2 Order") approving the Claims Administration Procedure. A copy of the April 2 Order is attached hereto as **Appendix C**.

## 1.2 Purpose of Trustee's Second Report

1.2.1 This constitutes the Trustee's second report (the "Second Report") to the Court in this matter and is filed to:

- (i) Provide an update on the claims submitted pursuant to the Claims Administration Procedure;
- (ii) Provide an update on the payments received by the Trustee pursuant to the Claims Administration Procedure;
- (iii) Approving the settlements made by the Trustee;
- (iv) Provide direction with respect to the payment of the holdback on the Guelph Project;
- (v) Obtain an Order paying out the Funds (as defined herein) from Court;
- (vi) Obtain approval of the fees and disbursements of the Trustee and its counsel; and,
- (vii) Obtain approval of the Proposed Distribution (as defined herein).

## 2.0

## *Claims Administration Procedure Update*

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### 2.1 Claims Filed

- 2.1.1 Following the April 2 Order the Trustee sent notice of the Claims Administration Procedure to each known Lien Claimant, Trust Claimant and/or their counsel by regular mail on April 5, 2019. The Trustee also advertised the Claims Administration Procedure in the Waterloo Record and Oshawa This Week newspapers on April 4, 2019.
- 2.1.2 The First Report, First Supplement and April 2 Order were also placed on the Trustee's website on April 3, 2019.
- 2.1.3 The Claims Administration Procedure indicated that claims were to be filed within 30 days of the April 2 Order being, May 2, 2019.
- 2.1.4 As at May 2, 2019 the Trustee has received 37 claims as detailed in the chart below:

Project Location	# of Claims
Waterloo	5
Kitchener	4
Newcastle	7
Guelph	10
Brampton	0
Guelph Parking Lot	1
Not related to the Construction Projects	10

- 2.1.5 The Trustee sent Notice of Revision or Disallowance to all 10 creditors that filed claims for amounts that were not related to a Construction Project and disallowed the claims in full. The Trustee will allow the claims in the bankruptcy of Sirius.
- 2.1.6 None of the creditors that filed claims not related to a Construction Project filed a Notice of Dispute with the Trustee.
- 2.1.7 The Trustee, with the assistance of former employees of Sirius, reviewed the remaining 27 claims resulting in the following:
- (i) 21 of the claims were allowed as filed;
  - (ii) 2 claims were amended and subsequently accepted by the Trustee; and,
  - (iii) 4 claims were partially disallowed and the Trustee sent Notice of Revision or Disallowance to the claimant.



2.1.8 None of the creditors that received Notice of Revision or Disallowance filed a Notice of Dispute.

2.1.9 The chart below provides a summary of the Trust Claims and Lien Claims that have been filed and accepted to date. Attached as **Appendix D** is a detailed report of the claims filed and accepted on each of the six projects broken down between Lien Claim and Trust Claim for each claimant.

Claims Administration Procedure			
Project	Lien Claims	Trust Claims	Total Claims
Waterloo	35,047	48,408	83,455
Kitchener	15,714	30,296	46,009
Newcastle	208,817	80,285	289,102
Guelph	906,347	129,078	1,035,425
Brampton	-	-	-
Guelph Parking Lot	-	4,357	4,357

2.1.10 The deadline for filing a claim or Notice of Dispute has lapsed for all creditors.

## 2.2 Collections of Receivables and Holdbacks

2.2.1 All amounts are inclusive of HST unless otherwise noted.

2.2.2 Following its appointment, the Trustee reviewed the records of Sirius and updated the invoicing and receivables. The chart below details the outstanding invoice(s), receivables and holdbacks on each of the Construction Projects as at the date of bankruptcy.

Opening Receivable Summary						
	Waterloo	Kitchener	Newcastle	Brampton	Parking Lot	Guelph
Invoice 1	\$ 46,327.91	\$ 152,550.00	\$ 22,626.46	\$ 140,588.93	\$ 11,789.79	\$ 158,652.00
Invoice 2	14,238.00	62,037.00	-	(59,109.59)	-	-
Holdback	23,546.80	28,080.50	149,167.04	59,020.96	52,698.50	328,188.65
<b>Total</b>	<b>\$ 84,112.71</b>	<b>\$ 242,667.50</b>	<b>\$ 171,793.50</b>	<b>\$ 140,500.30</b>	<b>\$ 64,488.29</b>	<b>\$ 486,840.65</b>

Note- All amounts are inclusive of HST

### 2.2.3 Waterloo Project

- (i) The Waterloo Project was in progress at the time of the bankruptcy of Sirius. The records of Sirius indicated that two invoices totaling \$60,565.91 and the holdback of \$23,546.80 were owing as at the date of bankruptcy.
- (ii) The Trustee issued a demand to the project owner for payment of the invoices and holdback.
- (iii) The project owner provided evidence that they would incur a loss of over \$1.8 million related to the cost of the replacement formwork contractor to complete the job. The project owner provided an executed copy of the new contract to support the claim. The Trustee allowed the set-off claim against the two invoices in the amount of \$60,565.91.
- (iv) The Trustee and the project owner entered into negotiations related to the amount owing pursuant to the holdback provision of the CLA. The Trustee and the project owner entered into an agreement, subject to court approval, for the payment of

\$35,046.50 as a final settlement of the amount owing. This settlement is approximately \$11,500 higher than the amount required under the CLA.

- (v) Stonerise Construction Inc. paid \$147,375.37 into Court to vacate the liens that were registered against the Waterloo Project. The Order vacating the liens against the Waterloo project is attached hereto as **Appendix E**. The Trustee hereby requests an order paying \$35,046.50 of the funds held in Court be paid to the Trustee with the balance of the funds returned to Stonerise Construction Inc.

#### 2.2.4 Kitchener Project

- (i) The Kitchener Project was in progress at the time of the bankruptcy of Sirius. The records of Sirius indicated that two invoices totaling \$214,587.00 and the holdback of \$28,080.50 were owing as at the date of bankruptcy.
- (ii) Sirius was engaged by the same company for the Waterloo Project and the Kitchener Project. As a result, Stonerise Construction Inc. set-off the loss from the Waterloo Project against the amount owing on the Kitchener Project pursuant to section 17 of the CLA. The Trustee allowed the set-off claim against the two invoices in the amount of \$214,587.00.
- (iii) The Trustee and the project owner entered into negotiations related to the amount owing pursuant to the holdback provision of the CLA. The Trustee and the project owner entered into an agreement, subject to court approval, for the payment of \$15,713.79 as a final settlement of the amount owing. The Settlement amount is equal to the registered liens on the Kitchener Project. The difference in the \$28,080.50 holdback and the amount of the settlement will be set-off against the losses on the Waterloo Project. The Trustee notes that holdback amounts can be set-off so long as the setoff does not reduce the holdback to an amount that is less than the registered liens.
- (iv) Upon payment of the \$15,713.79 by Stonerise Construction Inc. the Trustee will request an order discharging the liens registered against the Kitchener Project.

#### 2.2.5 Newcastle Project

- (i) According to Sirius the Newcastle Project was over 90% complete at the time of the bankruptcy. The records of the Company indicated that one invoice totaling \$22,626.46 (the “**Invoice**”) and the holdback of \$149,167.04 were owing as the date of bankruptcy.
- (ii) The Trustee and the project owner have undertaken a full review of all current and past projects between Sirius and the project owner to determine if the Invoice was paid prior to the bankruptcy.
- (iii) The project owner has agreed that the holdback is due in full and will release the payment to the Trustee following the publication of the certificate of substantial performance. The project owner anticipates publication to take place during the summer of 2019.

#### 2.2.6 Brampton Project

- (i) The Brampton Project was completed prior to the bankruptcy of Sirius. The records of Sirius indicated that one invoice and one credit note totaling \$81,479.34 and the holdback of \$59,020.96 were owing as at the date of bankruptcy.
- (ii) The invoice for \$140,588.93 consisted of three items as follows:

- Progress billing of \$25,900 plus HST. The project owner provided backup that this amount was paid prior to the bankruptcy of Sirius.
  - Billing for a completed change order that was done by another vendor. The project owner directly paid the vendor that completed the work and Sirius issued a credit note for \$59,109.59 to offset this amount.
  - The final component of the invoice was a charge of \$60,000 plus HST related to the non-delivery of concrete forms. Sirius and the project owner had agreed that the project owner build concrete forms, to Sirius' specifications, in exchange for \$60,000, plus HST, in payment. As the forms were not delivered Sirius invoiced the project owner.
- (iii) After considering the above the Trustee is pursuing the collection of \$61,020.00 (\$60,000 less the 10% holdback plus HST) on account of the invoice and \$59,020.96 for the holdback.
- (iv) The project owner and the Trustee will continue to work towards a negotiated settlement.

### 2.2.7 Parking Lot Project

- (i) The Guelph Parking Lot Project was completed prior to the bankruptcy of Sirius. The records of Sirius indicated that one invoice in the amount of \$11,789.79 and the holdback of \$52,698.50 were owing as at the date of bankruptcy.
- (ii) The Trustee has collected the \$11,789.78 receivable that was owing on the Guelph Parking Lot Project.
- (iii) The Trustee is continuing to pursue the collection of the holdback of \$52,689.50 and anticipates collecting the funds in August 2019 following the publication of the certificate of substantial performance.

## 2.3 Guelph Project update

- 2.3.1 As noted in the first report, at the date of bankruptcy the Trustee took possession of a cheque from the Ayerswood Development Corporation (“Ayerswood”) payable to Sirius in the amount of \$381,578.40 (“Pre-Bankruptcy Ayerswood Payment”). The cheque was for the payment of invoice 19.001 in relation to the Guelph Project and the funds are being held in the Trustee’s estate account. The Pre-Bankruptcy Ayerswood Payment is attached as **Appendix F**.
- 2.3.2 As at the date of Bankruptcy, the books and records of Sirius evidenced an outstanding receivable owing by Ayerswood in the amount of \$158,652.00 and a holdback owing in the amount of \$328,188.65.
- 2.3.3 Following the bankruptcy of Sirius, Ayerswood engaged a quantitative surveyor to review the work done by Sirius and estimate the percentage of completion for the Guelph Project. Ayerswood provided a copy of the report to the Trustee (the “**Report**”).
- 2.3.4 The Trustee, in consultation with former Sirius employees, reviewed the Report in detail. The Trustee disagreed with several aspect of the Report, including:
- (i) The Report was prepared without any comment or input from Sirius or the Trustee;
  - (ii) The stated accuracy of the Report was +/- 15%;

- (iii) Several of the deficiencies were for items that were not included in the contract between Ayerswood and Sirius;
  - (iv) The deficiencies included \$240,000 for a slab that was not completed or billed and therefore formed part of the calculation of the percentage of completion. Deficiencies should only cover the cost to remedy the incorrect or incomplete work done by Sirius and not the cost to complete the remainder of the project;
  - (v) Sirius employees questioned the cost and quantity of several of the other deficiency claims; and,
  - (vi) The Report added 10% for overhead and 10% for profit on top of the stated deficiency costs further increasing the deficiency claim above market value.
- 2.3.5** Despite the issues identified above, it is the opinion of the Trustee that the Report provided sufficient evidence of overbilling and deficiencies to completely offset the invoice in the amount of \$158,652 owing by Ayerswood to Sirius. As a result, the Trustee is only seeking payment of the statutory holdback pursuant to the CLA.
- 2.3.6** The Report stated that, based on the work completed, the holdback is \$310,835.60. Based on the Report the Trustee reduced its holdback claim to \$310,835.60 as opposed to the amount reflected in the records of Sirius. The Trustee has demanded that Ayerswood remit \$310,835.60 to satisfy its holdback requirement.
- 2.3.7** Despite repeated requests Ayerswood has refused to remit to the Trustee the amount of \$310,835.60 to satisfy its holdback requirement.
- 2.3.8** Ayerswood's position is that despite the fact that the Pre-Bankruptcy Ayerswood Payment referenced a January 2019 invoice the payment satisfied its holdback obligation under the CLA. In the alternative, Ayerswood has taken the position that the Trustee should return the Pre-Bankruptcy Ayerswood Payment at which time Ayerswood will pay the required holdback.
- 2.3.9** The Trustee's position is that the payment of \$381,578.40 was for the January 2019 progress draw and was given by Ayerswood to Sirius prior to the bankruptcy and prior to the completion of the Guelph Project. As a result, the payment could not satisfy the holdback provision of the CLA. In addition, the Trustee noted that par. 7 of the April 2 Order states that set-off claims cannot be used to reduce the holdback. Customer set-off claims can be used against the outstanding invoice and any additional set-off would form a claim in the bankruptcy of Sirius.
- 2.3.10** The Trustee is seeking direction from the Court with respect to the payment of the \$310,835.60 holdback owing from Ayerswood to Sirius.

## 3.0

## *Trustee's Account*

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- 3.1 Pursuant to paragraph 24 of the April 2 Order, the fees and expenses of the Trustee in connection with the Claims Administration Order shall form a first charge on the funds collected.
- 3.2 The Trustee, and its counsel, has tracked its time by project and will allocate the fees and expenses to the applicable project.
- 3.3 The fees and disbursements of the Trustee for the period from March 4, 2019 through to July 19, 2019 are detailed in the affidavit of Robyn Duwyn, a copy of which is attached as **Appendix G**.
- 3.4 The Trustee has submitted seven invoices as follows:
- (i) The Waterloo Project fees from March 4 through to July 19, 2019 encompass 12.7 hours at an average hourly rate of approximately \$367.13 for a total of \$4,662.50 prior to applicable taxes.
  - (ii) The Kitchener Project fees from March 4 through to July 19, 2019 encompass 12.9 hours at an average hourly rate of approximately \$359.50 for a total of \$4,637.50 prior to applicable taxes.
  - (iii) The Newcastle Project fees from March 4 through to July 19, 2019 encompass 20.7 hours at an average hourly rate of approximately \$365.34 for a total of \$7,562.50 prior to applicable taxes.
  - (iv) The Guelph Project fees from March 4 through to July 19, 2019 encompass 24.2 hours at an average hourly rate of approximately \$370.87 for a total of \$8,975.00 prior to applicable taxes.
  - (v) The Brampton Project fees from March 4 through to July 19, 2019 encompass 6.2 hours at an average hourly rate of approximately \$342.74 for a total of \$2,125.00 prior to applicable taxes.
  - (vi) The Guelph Parking Lot Project fees from March 4 through to July 19, 2019 encompass 1.6 hours at an average hourly rate of approximately \$275.00 for a total of \$440.00 prior to applicable taxes.
  - (vii) The general claims process fees from March 4 through to July 19, 2019 encompass 57.8 hours at an average hourly rate of approximately \$369.12 and disbursements of \$56.55 for a total of \$21,391.55 prior to applicable taxes. The general claims process invoice includes time applicable to all projects and will be split among the other six projects on the basis of time spent. The proposed distribution is as follows:

Project	Fees	%	General Allocation	Total
Waterloo	\$ 4,662.50	16.4%	\$ 3,511.60	\$ 8,174.10
Kitchener	4,637.50	16.3%	3,492.77	8,130.27
Newcastle	7,562.50	26.6%	5,695.75	13,258.25
Guelph	8,975.00	31.6%	6,759.59	15,734.59
Brampton	2,125.00	7.5%	1,600.46	3,725.46
Parking Lot	440.00	1.5%	331.39	771.39
	\$28,402.50	100.0%	\$ 21,391.55	\$49,794.05

- 3.5 The Trustee is therefore requesting that the Court approve its total fees and disbursements in the amount of \$49,794.05 prior to of applicable taxes.
- 3.6 The Trustee has an additional \$32,000 in work in progress which is being allocated to the bankrupt estate which it is not seeking court approval of at this time.
- 3.7 The fees and disbursements of the Trustee’s counsel for the period from March 4, 2019 through to July 22, 2019 are detailed in the affidavit of Rob Danter, a copy of which is attached as **Appendix H**.
- 3.8 The Trustee’s counsel has submitted one invoices as follows:
- (i) The fees from March 4, 2019 through to July 22, 2019 encompass 172 hours at an average hourly rate of approximately \$339.16 and disbursements of \$8,170.35 for a total of \$60,992.85 prior to applicable taxes (“**Counsel Fees**”).
  - (ii) Based on the Trustee’s allocations 39% of Counsel Fees, \$23,787.21 will be allocated to the bankrupt estate and is only seeking court approval of the remainder being \$37,205.58 prior to applicable taxes.
- 3.9 The Trustee is therefore requesting that the Court approve its counsel’s fees and disbursements in relation the Claims Procedure Order and the Construction Projects in the amount of \$41,791.30 inclusive of applicable taxes.

#### 4.1 Distribution Priority

- 4.1.1 The Trustee proposes to distribute the proceeds from each of the Construction Projects to the Lien Claimants and Trust Claimants on each of the Construction Projects after deduction of the fees and costs associated with the applicable Construction Projects pursuant to the Claims Procedure Order.
- 4.1.2 The Trustee proposes to distribute the funds as follows (the “Proposed Priority”):
- (i) Firstly, to the approved fees and expenses of the Trustee pursuant to par. 24 of the April 2 Order;
  - (ii) Secondly, to the accepted Lien Claim filed by CLAC with respect to the amounts owing to employees pursuant to the priority provided by par. 81 of the *Construction Lien Act*;
  - (iii) Thirdly, pari-passu among the accepted non-employee Lien Claims;
  - (iv) Fourthly, pari-passu among the accepted Trust Claims; and,
  - (v) Finally, and subject to a reserve being held by the Trustee to complete and finalize the administration of the Claims Procedure order (the “Reserve”), any remaining funds will be paid into the general pool for the benefit of non-construction creditors and creditors who were not repaid in full from the Claims Procedure Order.
- 4.1.3 Any distributions to the employees under 4.1.2 (ii) or 4.1.2 (iv) will be subject to any required Wage Earner Protection Act (“WEPPA”) repayment if the individual employee received a payment from Service Canada under the WEPPA.

#### 4.2 Proposed Distribution

- 4.2.1 The receipts to date on each of the Construction Projects are noted above in section 2.2.
- 4.2.2 The fees and costs incurred on each project are noted above in section 3.0.
- 4.2.3 The Trustee, with the approval of this Court, proposes to make distributions, as funds are available, on each of the Construction Projects pursuant to the Proposed Priority.
- 4.2.4 The Trustee is seeking approval for the following distribution (the “Proposed Distribution”):
- 4.2.5 Parking Lot Project
- (i) The fees and expenses of the Trustee in the amount of \$771.39 plus applicable taxes;
  - (ii) The fees and expenses of counsel to the Trustee in the amount of \$693.73.
  - (iii) The Lien Claim from CLAC in the amount of \$4,356.96<sup>1</sup>.

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<sup>1</sup> Subject to any WEPPA repayments

- (iv) Any remaining funds on hand, subject to the Reserve, and future receipts will be paid into the general pool.

#### 4.2.6 Waterloo Project

- (i) The fees and expenses of the Trustee in the amount of \$8,174.10 plus applicable taxes.
- (ii) The fees and expenses of counsel to the Trustee in the amount of \$6,776.88.
- (iii) The Lien Claim from CLAC up to the amount of \$24,129.16<sup>2</sup>.
- (iv) Any remaining funds on pari-passu basis to the Lien Claimants.

#### 4.2.7 Kitchener Project

- (i) The fees and expenses of the Trustee in the amount of \$8,130.10 plus applicable taxes.
- (ii) The fees and expenses of counsel to the Trustee in the amount of \$6,758.49.
- (iii) The Lien Claim from CLAC up to the amount of \$10,950.61<sup>3</sup>.
- (iv) Any remaining funds on pari-passu basis to the Lien Claimants.

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<sup>2</sup> Subject to any WEPPA repayments

<sup>3</sup> Subject to any WEPPA repayments



## 5.0 Order Sought

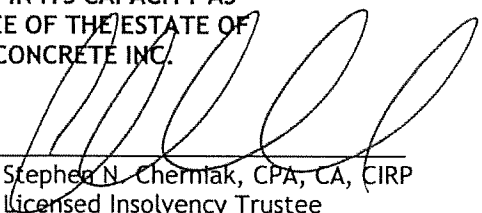
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5.1.1 We submit this Second Report to the Court in support of our Motion respectfully requesting this Court to:

- (i) Approve the Second Report and the Trustee's actions described therein;
- (ii) Approve the settlements reached by the Trustee with the Customers;
- (iii) Provide direction to the Trustee with respect to Ayerswood;
- (iv) Approve the fees and disbursement of the Trustee and its counsel; and,
- (v) Approve the Proposed Distribution.

All of which is respectfully submitted this 1 day of August, 2019.

BDO CANADA LIMITED.  
SOLELY IN ITS CAPACITY AS  
TRUSTEE OF THE ESTATE OF  
SIRIUS CONCRETE INC.

  
Per: Stephen N. Chermak, CPA, CA, CIRP  
Licensed Insolvency Trustee  
Senior Vice President

# APPENDIX A

District of ONTARIO  
Division No. 08 - Waterloo  
Court File No. 35-2481393  
Estate No. 35-2481393

ONTARIO  
SUPERIOR COURT OF JUSTICE  
IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF  
THE BANKRUPTCY OF

SIRIUS CONCRETE INC.  
OF THE CITY OF WATERLOO,  
IN THE PROVINCE OF ONTARIO

FIRST REPORT TO THE COURT  
SUBMITTED BY BDO CANADA LIMITED

March 11, 2019

*Table of Contents*

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	<u>Page</u>
1.0 Introduction and Purpose of Report.....	3
1.1 Introduction.....	3
1.2 Purpose of Trustee's First Report.....	3
Directing the customers of Sirius to make payment to the Trustee Accounts Receivable .....	3
2.0 Claims Administration Procedure .....	5
3.0 Order Sought .....	7

*Listing of Appendices*

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- Appendix A - Sample Claims Package
- Appendix B - Advertisement
- Appendix C - Sample Notice of Revision and Disallowance
- Appendix D - Sample Notice of Dispute

**1.1 Introduction**

- 1.1.1 Sirius Concrete Inc. (“**Sirius**” or the “**Company**”) was incorporated on June 13, 2016 in the province of Ontario and has been operating under the Sirius name since its inception. The Company operated out of leased premises located at 589 Colby Drive, Waterloo, Ontario.
- 1.1.2 Sirius was a subcontracting firm that specialized in modern super-structures throughout Southwestern Ontario. Sirius provided insulated concrete forms, pre-cast paneling installation, structural block, and cast in place concrete.
- 1.1.3 Sirius began experiencing financial difficulty in the fourth quarter of 2018 and into 2019. Sirius made a voluntary assignment in bankruptcy on March 4, 2019 and BDO Canada Limited was appointed as the trustee in Bankruptcy (“**BDO**” or the “**Trustee**”)
- 1.1.4 The Trustee is not aware of any creditor with a General Security Agreement registered against Sirius.
- 1.1.5 The first meeting of creditors will be held at the offices of the Trustee on March 20, 2019.
- 1.1.6 Following its appointment the Trustee took possession of the Sirius’ assets, which included vehicles, job trailers, office trailers, concrete buckets, forms, hand tools and accounts receivable. The Trustee has obtained insurance coverage on the assets in its possession.

**1.2 Purpose of Trustee’s First Report**

- 1.2.1 This constitutes the Trustee’s first report (the “**First Report**”) to the Court in this matter and is filed to obtain an order:

Approving the Service Protocol as defined and detailed in the First Report and deeming service in accordance with the Service Protocol as effective and valid;

Approving a claims process for construction lien and trust claims that have been or may be asserted by the sub-trades of Sirius against various properties upon which Sirius worked and accounts receiving due to Sirius (the “**Claims Administration Procedure**”); and,

Directing the customers of Sirius to make payment to the Trustee.

## Accounts Receivable

- 1.2.2 As at the date of bankruptcy the books and records of the Company indicated there were outstanding accounts receivable of \$632,710 and an additional \$758,064 in holdback receivables.
- 1.2.3 There are 124 creditors of Sirius and other interested parties who will require notice of the Claims Administration Procedure.
- 1.2.4 Most of Sirius's customers (the "Customers") have not paid their outstanding balance because there are unpaid Sirius suppliers and sub-trades (the "Claimants") who have completed work in relation to the specific contracts/jobs between Sirius and the Customers. The Customers are concerned they will be required to satisfy the unpaid invoices of the Claimants.
- 1.2.5 Consequently, this may result in payment to the Claimants directly by the Customers from proceeds due to Sirius but not necessarily on a pari passu basis and without notice to all potential claimants. Disputes could lead to prolonged and expensive litigation between each of the Trustee, the Customer and the Claimants.
- 1.2.6 The Trustee believes that a formal claims process is necessary to provide for equitable and cost efficient treatment of all claims. The total outstanding claims for each of Sirius's jobs/contracts has not yet been determined and the Trustee believes that the recommended Claims Administration Procedure discussed below will resolve these issues.

## 2.0

## Claims Administration Procedure

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- 2.1.1 The Construction Act (“CA”) provides for a process whereby a Claimant with a bona fide claim can register a lien on title to preserve its claim. The Claimant has a 45 day period from the last day that services were provided or supplies delivered to register its lien on title to the subject property. Upon expiry of the 45 day period the Claimant loses its ability to register on title and preserve its lien.
- 2.1.2 If a Claimant has lost its ability to file a lien under the CA, the CA provides for a trust claim in favour of creditors for unpaid services rendered or supplies delivered to a specific job/contract against the funds outstanding from the customer for that specific job/contract after payment of any perfected liens under the CA from the customers holdback. The funds due to Sirius from the Customers are imbued with that trust.
- 2.1.3 The CA does not provide a formal process for dealing with the distribution of funds to Claimants who hold a valid trust claim against Sirius and whose lien rights have expired.
- 2.1.4 It would be in the best interest of the estate for the Trustee to establish and implement a formal claims process in order to deal with the collection of receivables and hold backs from Customers and the related amounts due to the Claimants.
- 2.1.5 Accordingly, the Trustee proposes the following Claims Administration Procedure:
- (i) The Trustee will provide a claim package to the Claimants within 7 days of receiving the approval order which will include an Instruction Letter and Proof of Claim substantially in the form as at Appendix “A” to this Report.
  - (ii) The Trustee will publish a Notice to Lien Claimants in the local papers where the contract/job were situated substantially in the form as at Appendix “B” to this Report.
  - (iii) Proof of Claims must be filed with the Trustee not later than April 26, 2019 (“**Claims Bar Date**”). If a Proof of Claim is not filed by the Claims Bar Date the Claimant will be barred from asserting a lien claim or trust claim against the project, the trustee, the owner or Sirius.
  - (iv) The Trustee will review each Proof of Claim within 60 days of the Claims Bar Date and provide written notice of acceptance of the claim or provide a Notice of Revision or Disallowance, substantially in the form at Appendix “C” to this Report.
  - (v) A Claimant who disputes the Notice of Revision or Disallowance may deliver a Notice of Dispute, substantially in the form at Appendix “D” to this Report, to the Trustee within 20 days of receiving the Notice of Revision or Disallowance.
  - (vi) A Notice of Revision or Disallowance dispute will be resolved consensually between the parties or by way of motion to the Ontario Superior Court of Justice.
  - (vii) That all Customers who are indebted to Sirius for services (whether construction or any other services) provided by Sirius for the period prior to March 4, 2019 are hereby directed to make payment of any and all such debts to the Trustee. The amount payable to the Trustee will be the outstanding receivable balance plus the outstanding holdback balance less any proven claim by the Customer for set-off. In order to prove a valid set-off the Customer must file a Proof of Claim with the Trustee by the Claims Bar Date with sufficient supporting documentation to prove the set-off claim. Under no



circumstance will the set-off reduce the amount payable below the lesser of the hold back, as at March 4, 2019, and the amount owing to the Claimants on the contract/job;

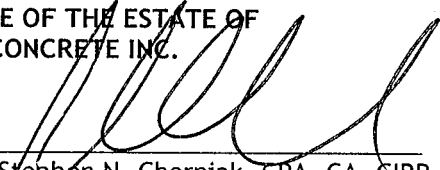
- (viii) That the Trustee will retain, in its bankruptcy estate trust account, the funds received from the Customers relating to the Sirius invoice(s) being paid by the Customers, which funds shall not be distributed by the Trustee to any party without further Order of this Court on notice to all Customers who have made payment to the Trustee; provided, however, that nothing in the Order nor the retention of funds referred to in this paragraph shall have the effect of giving rights to Customers which did not exist up to the filing of this First Report;
- (ix) That no Sirius supplier or sub-contractor with a valid Claim shall have any recourse against the Customers for having made such payment to the Trustee, and all Customers making such payment to the Trustee shall be deemed to have satisfied in full any and all obligations they may have had to Sirius;
- (x) Any excess funds collected from the Customers after the payment of all fees, expenses and claims of the Claimants on a particular job/contract will form part of the general pool of funds that are available to Sirius creditors that did not qualify to file a claim in the Claim Administration Procedure;
- (xi) Any Claimant whose claim is not fully paid through the Claims Administration Procedure will be eligible to file a claim for their shortfall in the general pool of creditors; and,
- (xii) Any Customer who incurs a loss on a Sirius job/contract that was ongoing as at March 4, 2019 is eligible to file a claim for the loss in the general pool of creditors.

3.1.1 We submit this First Report to the Court in support of our Motion respectfully requesting this Court to:

- (i) Approve the Claims Procedure Order authorizing and directing the Trustee to administer the Claims Administration Process.

All of which is respectfully submitted this 11<sup>th</sup> day of March, 2019.

BDO CANADA LIMITED.  
SOLELY IN ITS CAPACITY AS  
TRUSTEE OF THE ESTATE OF  
SIRIUS CONCRETE INC.

  
Per: Stephen N. Cherniak, CPA, CA, CIRP  
Licensed Insolvency Trustee  
Senior Vice President

## APPENDIX B

District of ONTARIO  
Division No. 08 - Waterloo  
Court File No. 35-2481393  
Estate No. 35-2481393

ONTARIO  
SUPERIOR COURT OF JUSTICE  
IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF  
THE BANKRUPTCY OF

SIRIUS CONCRETE INC.  
OF THE CITY OF WATERLOO,  
IN THE PROVINCE OF ONTARIO

SUPPLEMENT TO THE FIRST REPORT TO THE COURT  
SUBMITTED BY BDO CANADA LIMITED

March 18, 2019

1.0 INTRODUCTION AND PURPOSE.....2

2.0 CLAIMS ADMINISTRATION PROCEDURE BENEFITS.....3

3.0 PROJECT SUMMARY AND SUB-TRADES.....4

    3.1 Active Projects.....4

    3.2 Completed Projects .....4

4.0 RECOMMENDATIONS.....6

- Appendix A - Waterloo project summary
- Appendix B - Waterloo project sub-trades
- Appendix C - Kitchener project summary
- Appendix D - Kitchener project sub-trades
- Appendix E - St. Catharine's project summary
- Appendix F - St. Catharine's project sub-trades
- Appendix G - Newcastle project summary
- Appendix H - Newcastle project sub-trades
- Appendix I - Guelph project summary
- Appendix J - Guelph project sub-trades
- Appendix K - Huron Crossing sub-trades
- Appendix L - Hilton Hills sub-trade
- Appendix M - University Heights sub-trade
- Appendix N - Wilson St. sub-trade
- Appendix O - Elora Bridge sub-trade

## **1.0 INTRODUCTION AND PURPOSE**

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- 1.1 BDO Canada Limited was appointed as the trustee in Bankruptcy (“BDO” or the “Trustee”) of the property of Sirius Concrete Inc. (the “Company” or “Sirius”) and filed its first report to the Court (the “First Report”) dated March 11, 2018. All terms not otherwise defined shall be as defined in First Report.
- 1.2 This report is a supplement to the First Report (the “First Supplement”). The purpose of this First Supplement is to provide the information necessary to support the Trustee’s recommended Claims Administration Procedure. Specifically, this report encompasses the following:
- the benefits of the Claims Administration Procedure;
  - the details of the billings on each of Sirius’ ongoing projects; and,
  - a listing of all known sub-trades on each project and the amount owing to each.

## **2.0 CLAIMS ADMINISTRATION PROCEDURE BENEFITS**

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### **2.1.1 The benefits associated with the proposed Claims Administration Procedure include:**

- (i) As a result of its involvement with the Debtor's estate since its appointment and through a review of the Debtor's books and records which are in its possession, the Trustee has gained substantial knowledge related to amounts due to the Debtor from Customers and is in a position to negotiate with those Customers for the benefit of the Claimants;**
- (ii) Through discussions with Customers and the Debtor and from the books and records, the Trustee has gained substantial knowledge related to lien and trust claims and certain associated issues and is in a position to review lien claims to ensure the quantum and the registration of certain liens are proper;**
- (iii) The Trustee is in a position to distribute funds in an equitable manner and with consideration to the various priorities and classes of creditors;**
- (iv) The Trustee is knowledgeable in establishing and administering claims processes and can establish an efficient system for dealing with each claim and a methodology for liens to be released;**
- (v) This process centralizes the negotiation, review and resolution of lien and trust claims rather than the Trustee being appointed in the construction lien actions commenced relating to each project. This should streamline the process and reduce court attendances thereby reducing costs which is to the benefit of the creditors; and,**
- (vi) Any distribution by the Trustee from the Claims Administration Procedure will be pursuant to an Order from this Court.**
- (vii) The Trustee's fees and expenses will be allocated to each project on the basis of approximate time spent associated with the Claims Administration Procedure in relation to each Project and the Trustee will seek approval of any allocation.**



### 3.0 PROJECT SUMMARY AND SUB-TRADES

#### 3.1 Active Projects

3.1.1 The Company had five active projects at the time of the bankruptcy as follows:

Project Location	Engaging Party	Street Address	Appendix
Waterloo, ON	Stonerise Construction	18 Barrel Yards Blvd.	A, B
Kitchener, ON	Stonerise Construction	112 Benton St.	C, D
St. Catharines, ON	Skyrise Construction	111 Church St.	E, F
Newcastle, ON	Skyrise Construction	109 King Ave.	G, H
Guelph, ON	Ayerswood Development	45 Yarmouth Street	I, J

3.1.2 The chart below is based on the Company's internal records and details the amounts owing to Sirius on each of the active projects and the amounts owing by Sirius to the sub-trades on each project. The holdback receivable and the holdback payable do not include HST.

3.1.3 The Trustee has collected one receivable on the Guelph project as shown in the chart.

Project Location	Owing to Sirius		Funds on Deposit	Owing to Sub-trades	
	AR	Holdback on AR		AP	Holdback on AP
Waterloo	60,565.91	20,837.88	-	62,237.89	-
Kitchener	214,587.00	24,850.00	-	15,896.41	-
St. Catharines	214,702.42	106,388.86	-	420,294.11	81,945.04
Newcastle	20,405.48	132,006.22	-	227,253.52	-
Guelph	158,652.00	326,435.62	381,578.40	728,858.66	74,909.13

3.1.4 The complete details of the amounts owing on each project are included in Appendix A through Appendix J.

#### 3.2 Completed Projects

3.2.1 In addition to the five active projects noted above, the Company had six complete projects as detailed in the chart below

Project	Engaging Party	Appendix
Huron Crossing	Van-Del Construction	K
Hilton Hills	Skyrise Prefab	K
Hilton Hills	Synrg Group	L
University Heights	Skyrise Prefab	M

Wilson Street Parking	Newton Group	N
Elora Bridge	Ried & Deleye Construction	O

3.2.2 The chart below is based on the Company's internal records and details the amounts owing to Sirius on each of the completed projects and the amounts owing by Sirius to the sub-trades on each project. The holdback receivable and the holdback payable do not include HST.

Project Location	Owing to Sirius		Owing to Sub-trades		Comment
	AR	Holdback on AR	AP	Holdback on AP	
Huron Crossing	-	-	2,529.28	-	All funds collected
Hilton Hills	120,119.57	-	-	5,059.00	Holdback billed
Hilton Hills	546.91	-	-	-	Holdback billed
University Heights	-	-	9,994.90	-	All funds collected
Wilson St. Parking	11,789.79	46,635.84	2,532.33	1,249.50	Holdback to be billed in June
Elora Bridge	-	-	34,750.33	-	All funds collected

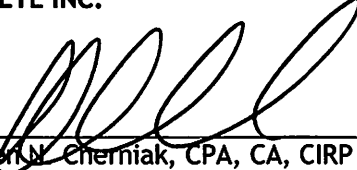
3.2.3 The complete details of the amounts owing on each project are attached in Appendix K through Appendix O.

**4.1** The Trustee recommends the following:

- i. Approval of the Claims Administration Procedure as requested in the First report and this Supplement to the First Report.

This Supplement to the First Report is respectfully submitted this 18<sup>th</sup> day of March, 2019.

**BDO CANADA LIMITED  
TRUSTEE OF  
SIRIUS CONCRETE INC.**

  
Per: \_\_\_\_\_  
Stephen N. Cherniak, CPA, CA, CIRP  
Licensed Insolvency Trustee  
Senior Vice President

## APPENDIX C

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
IN BANKRUPTCY AND INSOLVENCY**

THE HONOURABLE

JUSTICE *A.K. MITCHELL* )

TUESDAY THE <sup>2<sup>ND</sup></sup> DAY  
OF MARCH, 2019  
*APRIL*



**IN THE MATTER OF THE BANKRUPTCY OF  
SIRIUS CONCRETE INC. OF THE CITY OF  
WATERLOO, IN THE PROVINCE OF ONTARIO**

**CLAIMS PROCEDURE ORDER**

**THIS MOTION**, made by **BDO CANADA LIMITED** in its capacity as Court-  
appointed Trustee (the "Trustee") of **Sirius Concrete Inc.** ("**Sirius**" or the  
"**Company**") for, *Can.* *an.* *inter alia*, an Order establishing a claims procedure was heard this  
day at 80 Dundas Street, London, Ontario.

**ON READING** the First Report and the First Supplement of the Trustee to the  
Court and on hearing the submissions for counsel for the Trustee, and such other  
counsel as were present.

**DEFINITIONS**

1. **THIS COURT ORDERS** that for the purposes of this Order the following terms shall have the following meanings:
  - a) "**Business Day**" means a day, other than Saturday, Sunday or a statutory holiday, on which banks are generally open for business in London, Ontario;
  - b) "**Claim**" means a Lien Claim or Trust Claim collectively or individually;
  - c) "**Claims Bar Date**" means 30 days after the date of this Order;

- d) "**Claims Package**" means the document package which shall include a copy of the Instruction Letter, a Proof of Claim and such other materials as the Trustee considers necessary or appropriate;
- e) "**Claims Administration Procedure**" means the procedure as may be amended from time to time, for determining of Lien Claims and Trust Claims for distribution purposes;
- f) "**Court**" means the *Ontario* Superior Court of Justice;
- g) "**Construction Projects**" means the following construction projects which the Company was involved in up to March 4, 2019:
- 18 Barrel Yards Blvd, Waterloo, Ontario
  - 112 Benton St. Kitchener, Ontario
  - 109 King Ave, Newcastle, Ontario
  - 45 Yarmouth St., Guelph, Ontario
  - 200 Steelwell Rd. Brampton, Ontario
  - 10 Wilson St. Guelph, Ontario
- h) "**Dispute Package**" means, with respect to any Lien Claim or Trust Claim, a copy of the related Proof of Claim, Notice of Revision or Disallowance and Notice of Dispute;
- i) "**Instruction Letter**" means the Instruction letter to Lien Claimants and Trust Claimants pertaining to proving the Lien Claims and Trust Claims for distribution purposes, substantially in the form attached hereto as Schedule "A";
- j) "**Lien Claim**" means any lien claims registered and lien actions commenced pursuant to the *Construction Act*, R.S.O. 1990. Chapter c.30 (the "**Act**") with respect to the Construction Projects which the Company was involved in up to March 4, 2019;
- k) "**Lien Claimant**" means any Person having preserved a lien pursuant to the Act with respect to any of the Construction Projects;
- l) "**Notice of Dispute**" means the notice that may be delivered by a Lien Claimant or Trust Claimant who has received a Notice of Revision or Disallowance disputing such Notice of Revision or Disallowance, which notice shall be substantially in the Form attached hereto as Schedule "B";

- m) "**Notice of Revision or Disallowance**" means the notice that may be delivered to a Lien Claimant or Trust Claimant revising or rejecting such Lien Claimants' or Trust Claimants' claim as set out in the Proof of Claim in whole or in part which notice shall be substantially in the form attached hereto as Schedule "C";
- n) "**Notice to Lien Claimants and Trust Claimants**" means the notice substantially in the form attached hereto as Schedule "D";
- o) "**Person**" means any individual, partnership, firm, joint venture, trust, entity, corporation, unincorporated organization, trade union, employee or other association and any federal, provincial or municipal government or similar entity, howsoever designated or constituted;
- p) "**Proof of Claim**" means the form to be completed and filed by a Lien Claimant or Trust Claimant setting forth its purported Claim which shall be substantially in the form attached hereto as Schedule "E";
- q) "**Proven Lien Claim or Proven Trust Claim**" means the amount and status of the claim of a Lien Claimant or Trust Claimant as determined in accordance with the Claims Administration Procedure;
- r) "**Trust Claim**" means any claim for materials or services delivered to a Construction Project for which a lien has not been registered;
- s) "**Trust Claimant**" means any party who has not registered a Lien against a Construction Project but who may have a trust claim against a Construction Project under the Act by virtue of supplying materials or services to a Construction Project; and
- t) "**Trustee**" means BDO Canada Limited, in its capacity as Trustee of the Estate of Sirius Concrete Inc.

## **NOTICE OF CLAIMS**

2. **THIS COURT ORDERS** that the Trustee shall cause a Claims Package to be sent to each known Lien Claimant, Trust Claimant and/or counsel for each

Lien Claimant or Trust Claimant by regular prepaid mail or electronic mail within 7 business days of the date of this Order.

3. **THIS COURT ORDERS** that the Trustee shall cause the Notice to Lien Claimants and Trust Claimants to be placed in the local papers where the Construction Projects were situated within 15 days of the date of this Order.
4. **THIS COURT ORDERS** that the Trustee shall cause the Notice to Lien Claimants and Trust Claimants and the Claims Package to be posted on the Trustee's website as soon as reasonably practicable after the date of this Order.
5. **THIS COURT ORDERS** that the Trustee shall cause a copy of the Claims Package to be sent to any Person requesting such material as soon as practicable.

#### **PAYMENT FROM CUSTOMERS**

6. **THIS COURT ORDERS AND DECLARES** that all Sirius customers on the Construction Projects (the "**Customers**") who are indebted to Sirius for services (whether construction, or any other services) provided by Sirius for the period prior to March 4, 2019 are hereby directed to make payment of any and all such debts to the Trustee and, in that regard:
  - i. the Trustee be and is hereby directed to retain, in its bankruptcy estate trust account, the funds received by the Customers relating to the Sirius invoice(s) being paid by the Customers, which funds shall not be distributed by the Trustee to any party without further Order of this Court on notice to all Customers who have made payment to the Trustee; provided, however, that nothing in the Order nor the retention of funds referred to in this paragraph shall have the effect of giving rights to Customers or to Sirius which did not exist up to the making of this Order;



- ii. no Sirius supplier or sub-contractor with a valid Claim shall have any recourse against the Customers for having made such payment to the Trustee, and all Customers making such payment to the Trustee shall be deemed to have satisfied in full any and all obligations they may have had to Sirius to the extent of the amount of the payment made by the Customer; and
- iii. if a dispute arises between the Customer and the Trustee with respect of timing of the payment, either the Customer or the Trustee can seek direction from the Court.

**THIS COURT ORDERS** that in the event the Customer claims set-off or the amount claimed by the Trustee is not due, the Customer shall file a Proof of Claim setting out the reasons why the debt is not due or detailing the set-off claim including all supporting documents by the Claims Bar Date for consideration by the Trustee in accordance with this Order

7. **THIS COURT ORDERS** that no claim for set-off by a Customer shall act to reduce the amount of the holdback which may be available to satisfy claims of Lien Claimants pursuant to the Act; provided, however, that Customers shall retain the right to set off against any portion of holdback required to be retained pursuant to the Act over and above that which is necessary to satisfy claims of Lien Claimants provided, however, that nothing in this paragraph shall be construed to derogate from the provisions of section 30 of the *Act*.

#### **FILING OF PROOFS OF CLAIM**

8. **THIS COURT ORDERS** that Proofs of Claim shall be filed with the Trustee on or before the Claims Bar Date.
9. **THIS COURT ORDERS** that the time for filing a Proof of Claim may be extended with the Trustee's consent in writing or by further order of the Court.

10. **THIS COURT ORDERS** that each Lien Claimant and Trust Claimant shall file a separate Proof of Claim in respect of each Construction Project to which the Lien Claimant or Trust Claimant provided materials or services.
11. **THIS COURT ORDERS** that any Lien Claimant or Trust Claimant who does not deliver a Proof of Claim in respect of a Lien Claim or Trust Claim on or before the Claims Bar Date shall be forever barred from asserting such a Lien Claim or Trust Claims against Sirius, the Trustee, the Construction Projects and the "owners" of such Construction Projects under the Act and such Lien Claim or Trust Claim shall be forever discharged and extinguished and any holder of such Lien Claim or Trust Claim shall not be entitled to receive any distribution from Sirius or the Trustee on behalf of Sirius or from the proceeds of the sale of the Sirius assets.
12. **THIS COURT ORDERS** that any Lien Claimant or Trust Claimant who does not deliver a Proof of Claim in respect of a Lien Claim or Trust Claim on or before the Claims Bar Date shall not be entitled to any further notice of any Orders made or steps taken in these proceedings.

**FORM OF PROOFS OF CLAIM**

13. **THIS COURT ORDERS** that the Trustee is hereby authorized and directed to use reasonable discretion as to the adequacy of compliance with the manner in which Proofs of Claim are completed and executed and may, where it is satisfied that a Lien Claim or a Trust Claim has been adequately proven, waive strict compliance with the requirements of this Order as to the completion and execution of the Proof of Claim.

## **DETERMINATION OF CLAIMS**

14. **THIS COURT ORDERS** that the Trustee shall review each Proof of Claim received on or before the Claims Bar Date and shall, on or before 60 days from the Claims Bar Date, accept, revise or disallow the Claim. The Trustee is empowered and authorized to:
  - a. Investigate, review and verify the validity and quantum of any Lien Claims registered or delivered or given and lien actions commenced with respect to the Construction Projects;
  - b. Retain a consultant to review and assist in the review of any Claim;
  - c. do such acts as the Trustee in its sole discretion deem appropriate to facilitate the Claims Administration Procedure; and
  - d. receive payment of all monies owing and payable to the Debtor in respect of the Construction Projects, to the exclusion of all others, which funds are to be held in trust in separate accounts for each of the Construction Projects.
15. **THIS COURT ORDERS** that the Trustee may attempt to consensually resolve the amount of any Lien Claim or Trust Claim with the Lien Claimant or Trust Claimant prior to accepting, revising or disallowing such Claim.
16. **THIS COURT ORDERS** that if the Trustee accepts a Claim, the Trustee shall advise the Lien Claimant or Trust Claimant of such acceptance by ordinary mail or email to the address set out in the applicable Proof of Claim.
17. **THIS COURT ORDERS** that if the Trustee revises or disallows a Claim, the Trustee shall send a Notice of Revision or Disallowance to the Lien Claimant or Trust Claimant by ordinary mail or email to the address set out in the applicable Proof of Claim.
18. **THIS COURT ORDERS** that any Lien Claimant or Trust Claimant who disputes the amount of its Claim as set forth in a Notice of Revision or Disallowance

shall deliver a Notice of Dispute to the Trustee by 5:00 p.m. (Eastern Standard Time) on the day which is twenty calendar days after the date of the Notice of Revision or Disallowance or such later date as the Trustee and the Lien Claimant or Trust Claimant may agree in writing.

19. **THIS COURT ORDERS** that any Lien Claimant or Trust Claimant who fails to deliver a Notice of Dispute by the deadline set forth in paragraph 18 shall be deemed to accept the amount of its Claim as set out in the Notice of Revision or Disallowance and such Claim as set out in the Notice of Revision or Disallowance shall constitute a Proven Lien Claim or Proven Trust Claim.
20. **THIS COURT ORDERS** notwithstanding the foregoing but subject to paragraph 11, no acceptance, revision or disallowance of a Lien Claim by the Trustee, or action taken with respect to the investigation, review or verification of the validity and quantum of any Lien Claim shall affect the rights or obligations of any "owner" under the Act or Customer of Sirius

#### **RESOLUTION OF CLAIMS**

21. **THIS COURT ORDERS** that upon receipt of a Notice of Dispute the Trustee may:
  - i. Attempt to consensually resolve the amount or the Claim with the Lien Claimant or Trust Claimant; and/or
  - ii. Schedule a motion before a judge of the Court to resolve the Claim.

#### **TRUSTEE'S ROLE IN CLAIMS PROCESS**

22. **THIS COURT ORDERS** that the Trustee, in addition to its prescribed rights, duties, responsibilities and obligations under the *Bankruptcy and Insolvency Act*, R.S.C., 1985, c. B-3, shall implement and oversee the Claims Administration Procedure provided for herein for the benefit of the Lien

Claimants and the Trust Claimants, and is hereby directed and empowered to take such actions and fulfill such other roles as are contemplated by this Order.

23. **THIS COURT ORDERS** that the Trustee may apply to the Court for directions regarding the carrying out of the Claims Administration Procedure.

#### **FEES AND EXPENSES**

24. **THIS COURT ORDERS** that the fees and expenses incurred by the Trustee in connection with the carrying out of this Order and the Claims Administration Procedure shall form a first charge on funds collected.

#### **NO DEFAULT PROCEEDINGS OR DEFENCES**

25. **THIS COURT ORDERS** that no default or enforcement proceedings shall be commenced against any defendant in any Lien Action unless authorized by further Order of this Court.
26. **THIS COURT ORDERS** that the requirement for BDO or any defendant in any Lien Action to file a statement of defence is hereby dispensed with subject to any further Order of this Court.

#### **GENERAL PROVISIONS**

27. **THIS COURT ORDERS** that any notice or other communication to be given under this Order by a Lien Claimant or Trust Claimant to the Trustee shall be in writing in substantially the form, if any, provided for in this Order and will be sufficiently given only if delivered by facsimile transmission, personal delivery, electronic communication or prepaid mail addressed to:

BDO CANADA LIMITED  
Trustee of the Estate of Sirius Concrete Inc.

Attention: Robyn Duwyn  
51 Breithaupt Street, Suite 300  
Kitchener, ON N2H 5G5  
Tel: 519-570-4000 Ext 5881  
Fax: 519-576-5227  
Email: [rduwyn@bdo.ca](mailto:rduwyn@bdo.ca)

with a copy to:

HARRISON PENZA LLP  
Barristers & Solicitors

Attention: Melinda Vine  
450 Talbot St.  
Toronto ON M3C 3E9  
Tel: 519-661-6705  
Email: [mvine@harrisonpensa.com](mailto:mvine@harrisonpensa.com)

Any such notice or other communication delivered by a Lien Claimant or Trust Claimant shall be deemed to be received upon actual receipt by the Trustee thereof during normal business hours on a Business Day or if delivered outside of normal business hours, on the next Business Day.

28. **THIS COURT ORDERS** that any notice or other communication to be given under this Order to a Lien Claimant or Trust Claimant shall be addressed to either: (i) the last recorded address appearing in the books and records of Sirius or in any claim for lien or Proof of Claim filed by the Lien Claimant or Trust Claimant; (ii) the Lien Claimant's or Trust Claimant's legal counsel; or (iii) electronically to the email address provided by the Lien Claimant, Trust Claimant or their respective counsels.
29. **THIS COURT ORDERS** that reference to the singular shall include the plural; references to the plural shall include the singular and to any gender shall include the other gender.

30. **THIS COURT ORDERS** that if any party takes issues with a decision of the Trustee in relation to this Order they make bring a motion to the Court to seek direction.



Justice, Ontario Superior Court of Justice



**SCHEDULE "A"**  
**INSTRUCTION LETTER FOR THE CLAIMS AGAINST SIRIUS CONCRETE INC.**  
(hereinafter referred to as "Sirius")

A. – Claims Process

By order of the Honourable • Justice • dated • the "**Claims Procedure Order**") the Ontario Superior Court of Justice approved a claims procedure for determining claims against Sirius (the "**Claims Procedure**").

This letter provides instructions for responding to or completing the Proof of Claim enclosed hereto. Defined terms which are not defined herein shall have the meaning ascribed thereto in the Claims Procedure Order. A copy of the Claims Procedure Order can be obtained from the Trustee's website at <http://extranets.bdo.ca/siriusconcreteInc>.

Please note that this letter is intended as a guide only and that in the event of any inconsistency between the terms of this letter and the terms of the Claims Procedure Order, the terms of the Claims Procedure Order will govern.

The Claims Procedure is intended for any Person asserting a Lien or Trust Claim against Sirius. If you have any questions regarding the Claims Procedure, please contact BDO Canada Limited, in its capacity the Trustee of the Estate of Sirius (the "**Trustee**") at the address provided below.

All enquiries with respect to the Claims Procedure should be addressed to:

The Trustee  
c.o. BDO CANADA LIMITED  
Trustee of the Estate of Sirius Concrete Inc.

Attention: Robyn Duwyn  
51 Breithaupt Street, Suite 300  
Kitchener, ON N2H 5G5  
Tel: 519-570-4000 Ext 5881  
Fax: 519-576-5227  
Email: [rduwyn@bdo.ca](mailto:rduwyn@bdo.ca)

with a copy to:

HARRISON PENSA LLP  
Barristers & Solicitors

Attention: Melinda Vine  
450 Talbot St.  
Toronto ON M3C 3E9  
Tel: 519-661-6705



Email: [mvine@harrisonpensa.com](mailto:mvine@harrisonpensa.com)

B. – For Creditors Submitting a Proof of Claim

If you supplied materials and/or services to Sirius in respect of a the construction project Sirius was involved in prior to March 4, 2019, would you please complete the Proof of Claim enclosed and attach it to your account showing full particulars of the materials and/or services supplied. After you have had the Proof of Claim sworn, would you please return it to the undersigned at the address above or via email to [rduwyn@bdo.ca](mailto:rduwyn@bdo.ca). Please do not include your account with respect to other materials and or services that you may have rendered to Sirius on other projects, and for which you have not received payment.

The purpose of submitting a Proof of Claim is to determine whether or not you have a claim under the *Construction Act R.S.O, 1990. C. 30* ("CA") and, if you do, the extent of such claim. Please cooperate by returning your claim form promptly.

Proofs of Claim against Sirius must be received by 5:00p.m. (Eastern Standard Time) on \_\_\_\_\_, **2019** or such later date as the Trustee may consent to in writing.

Additional Proof of Claim forms can be found on the Trustee's website at [www.bdo.ca](http://www.bdo.ca) or obtained by contacting the Trustee at the address indicated above and providing particulars us to your name, address, facsimile number and email address. Once the Trustee has this information, you will receive, as soon as practicable, additional Proof of Claim forms.

**Failure to file your Proof of Claim so that it is received by the Trustee by the relevant Claims Bar Date will result in *your claim* being barred and you will be prevented from making or enforcing a Claim against Sirius. In addition. you shall not be entitled to further notice in and shall not be entitled to participate as a creditor in these proceedings.**

**SCHEDULE "B"**  
**NOTICE OF DISPUTE OF REVISION OR DISALLOWANCE OF CLAIM AGAINST SIRIUS**  
**CONCRETE INC.**  
 (hereinafter referred to as "Sirius")

NAME OF CLAIMANT: \_\_\_\_\_

NAME OF OWNER: \_\_\_\_\_

NAME OF CONSTRUCTION PROJECT: \_\_\_\_\_

Pursuant to the Order of the Honourable Justice \_\_\_\_\_, dated \_\_\_\_\_, 2019, we hereby give you notice of our intention to dispute the Notice of Revision or Disallowance dated \_\_\_\_\_ issued by BDO Canada Limited in its capacity as Claims Administrator of Sirius in respect of our Claim.

**Lien Claim**

Construction Project	Lien Claim Accepted	Lien Claim Disputed
<b>Total Lien Claim</b>		

**Trust Claim**

Construction Project	Trust Claim Accepted	Trust Claim Disputed
<b>Total Lien Claim</b>		

*Reasons for Dispute* (attach additional sheet and copies of all supporting documents if necessary):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
*Signature of Individual (I have authority to bind the Corporation)*

Date: \_\_\_\_\_

Please Print name: \_\_\_\_\_

Telephone Number: (\_\_\_\_) \_\_\_\_\_

Facsimile Number: (\_\_\_\_) \_\_\_\_\_

Email Address: \_\_\_\_\_

Full Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

**THIS FORM AND SUPPORTING DOCUMENTATION TO BE RETURNED BY FACSIMILE TRANSMISSION, PERSONAL DELIVERY, ELECTRONIC COMMUNICATION OR PREPAID MAIL TO THE ADDRESS INDICATED HEREIN AND TO BE RECEIVED BY 5:00 P.M. (EASTERN STANDARD TIME) ON THE DAY WHICH IS TWENTY (20) CALENDAR DAYS AFTER THE DATE OF THE NOTICE OF REVISION OR DISALLOWANCE, OR SUCH LATER DATE AS THE TRUSTEE AND THE CREDITOR MAY AGREE IN WRITING OR THE COURT MAY ORDER.**

*Address for Service of Dispute Notices:*

BDO CANADA LIMITED  
Trustee of the Estate of Sirius Concrete Inc.

Attention: Robyn Duwyn  
51 Breithaupt Street, Suite 300  
Kitchener, ON N2H 5G5  
Tel: 519-570-4000 Ext 5881  
Fax: 519-576-5227  
Email: [rduwyn@bdo.ca](mailto:rduwyn@bdo.ca)

**IF YOU FAIL TO TAKE ACTION WITHIN THE PRESCRIBED TIME PERIOD, THIS NOTICE OF REVISION OR DISALLOWANCE WILL BE BINDING UPON YOU.**

**SCHEDULE "C"**  
**NOTICE OF REVISION OR DISALLOWANCE OF CLAIM AGAINST SIRIUS CONCRETE INC.**  
 (hereinafter referred to as "Sirius")

NAME OF CLAIMANT: \_\_\_\_\_

NAME OF OWNER: \_\_\_\_\_

NAME OF CONSTRUCTION PROJECT: \_\_\_\_\_

Pursuant to the Order of the Honourable Justice \_\_\_\_\_, dated \_\_\_\_\_, 2019, BDO Canada Limited in its capacity as Trustee of the Estate of Sirius and Claims Administrator of Sirius in respect of the Construction Projects, hereby gives you notice that it has reviewed your Proof of Claim and has revised your Claim as follows:

**Lien Claim**

Construction Project	Lien Claim Accepted	Lien Claim Disputed
<b>Total Lien Claim</b>		

**Trust Claim**

Construction Project	Trust Claim Accepted	Trust Claim Disputed
<b>Total Lien Claim</b>		

*Reasons for Revision or Disallowance:*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If you do not agree with this Notice of Revision or Disallowance, please take notice of the following:

1. If you intend to dispute a Notice of Revision or Disallowance you must, by 5:00 p.m. (Eastern Standard Time) on the day which is twenty (20) days after the date of this Notice or Revision or Disallowance, deliver a Notice of Dispute by personal service, mail or courier to the address indicated herein. The form of Notice of Dispute k attached to this Notice.
2. If you do not deliver a Notice of Dispute, the value or your Claim shall be deemed to be as set out in this Notice or Revision or Disallowance.

*Address for Service of Dispute Notices:*

BDO CANADA LIMITED  
Trustee of the Estate of Sirius Concrete Inc.

Attention: Robyn Duwyn  
51 Breithaupt Street, Suite 300  
Kitchener, ON N2H 5G5  
Tel: 519-570-4000 Ext 5881  
Fax: 519-576-5227  
Email: [rduwyn@bdo.ca](mailto:rduwyn@bdo.ca)

**IF YOU FAIL TO RESPOND AS REQUIRED HEREIN WITHIN THE PRESCRIBED TIME PERIOD, THIS NOTICE OF REVISION OR DISALLOWANCE WILL BE BINDING UPON YOU.**

Dated at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 2019.

**BDO CANADA LIMITED**

In its capacity as Trustee of the Estate of Sirius Concrete Inc.

Per: \_\_\_\_\_

Encl.

**SCHEDULE "D"**  
**NOTICE TO LIEN AND TRUST CLAIMANTS OF SIRIUS CONCRETE INC.**  
(hereinafter referred to as "Sirius")

**RE: NOTICE OF CLAIMS PROCEDURE FOR SIRIUS**

PLEASE TAKE NOTICE that this notice is being published pursuant to an Order of the Honourable • of the *Ontario Superior Court of Justice* dated \_\_\_\_\_, 2019 (the "**Claims Procedure Order**"). Any person who believes that it has a Claim against Sirius should send a Proof of Claim to BDO Canada Limited in its capacity as Trustee of the Estate of Sirius Concrete Inc (the "Trustee") to be received by 5:00 pm (Eastern Standard Time) on \_\_\_\_\_, 2019 or such other date as the Trustee and the Claimant agree to in writing (the "**Claims Bar Date**").

**CLAIMS WHICH ARE NOT RECEIVED BY THE CLAIMS BAR DATE WILL BE FOREVER BARRED AND EXTINGUISHED.**

Claimants who require a Proof of Claim form should contact the Trustee (**Attention: Robyn Duwyn, tel: 519-570-4000x5881, fax: 519-576-5227, or Email: [rduwyn@bdo.ca](mailto:rduwyn@bdo.ca)**) to obtain a Claims Package. Additional Proof of Claim forms can be found on the Trustee's website at [www.bdo.ca](http://www.bdo.ca).

Dated at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 2019.

**SCHEDULE "E"**  
**PROOF OF CLAIM**  
**FOR THE CLAIMS AGAINST SIRIUS CONCRETE INC.**  
(hereinafter referred to as "Sirius")

**Please read the enclosed Instruction Letter carefully prior to completing this Proof of Claim.** Defined terms which are not defined herein shall have the meaning ascribed thereto in the Instruction Letter.

**A. PARTICULARS OF CLAIMANT**

1. Full legal name of the Lien or Trust Claimant \_\_\_\_\_ (the "Claimant") (*Full legal name should be the name of the Claimant against Sirius*).

2. Full Mailing address of the claimant:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Telephone Number: \_\_\_\_\_

Email address: \_\_\_\_\_

Attention (Contact Person): \_\_\_\_\_

**B. PROOF OF CLAIM**

**THE UNDERSIGNED HEREBY CERTIFIES AS FOLLOWS:**

1. That I \_\_\_\_\_ (state name, position and title) residing at the \_\_\_\_\_, in the \_\_\_\_\_, in the Province of \_\_\_\_\_, do solemnly declare and say:
2. That I am or am the authorized representative of a Lien Claimant or Trust Claimant against Sirius and have knowledge of all the circumstances connected with the debt hereinafter referred to.
3. That at the date of Bankruptcy of Sirius, by March 4, 2019, was, and still is indebted to the Claimant for materials and services supplied on the following contract or contracts in the amounts noted herein. (*specify the particular contract or contracts on which materials and services were supplied, the amounts owing and, in detail, the amount of material and services supplied to each Construction Project*).

**C. PARTICULARS OF CLAIM**

Other than as already set out herein, the particulars of the undersigned's total Lien or Trust Claim are attached hereto in relation to the project located at \_\_\_\_\_.

*(Provide all particulars of the claims and supporting documentation that you feel will assist in the determination of your Claim, including: identifying whether your claim is in respect to a Lien or Trust Claim, if a lien has been registered and provide a copy of the lien, amount of your claim, description of transaction(s) or agreement(s) giving rise to the claims; identify each project to which materials and services were provided, amount of invoices, particulars of all credits, discounts, etc.)*

**D. FILING OF CLAIM**

Proof of Claim **must be received** by 5:00pm. (Eastern Standard Time) on \_\_\_\_\_, 2019 or such later date as the Trustee may consent to in writing.

Failure to file your Proof of Claim as directed by the relevant Claims Bar Date will result in your claim being barred and you will be prohibited from making or enforcing a Claim against Sirius.

**This Proof of Claim must be delivered by facsimile transmission, personal delivery, electronic communication or prepaid mail addressed to:**

BDO Canada Limited  
Trustee of the Estate of Sirius Concrete Inc.

Attention: Robyn Duwyn  
51 Breithaupt Street, Suite 300  
Kitchener, ON N2H 5G5  
Tel: 519-570-4000 Ext 5881  
Fax: 519-576-5227  
Email: [rduwyn@bdo.ca](mailto:rduwyn@bdo.ca)

Any such notice or other communication delivered by Claimant shall be deemed to be received upon actual receipt by the Trustee thereof during normal business hours on a Business Day or, if delivered outside of normal business hours on the next Business Day.



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.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Per \_\_\_\_\_ *[Signature of Claimant]*  
*Authorized Signing Officer*

Per \_\_\_\_\_ *[Signature of Claimant]*  
*Authorized Signing Officer*

**IN THE MATTER OF THE BANKRUPTCY OF  
SIRIUS CONCRETE INC. OF THE CITY OF  
WATERLOO, IN THE PROVINCE OF ONTARIO**

**Court File No. 35-2481393**

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**ONTARIO  
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT  
LONDON, ONTARIO

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**ORDER**

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Harrison Pensa<sup>LLP</sup>  
Barristers and Solicitors  
450 Talbot Street, 1<sup>st</sup> Floor  
P.O. Box 3237  
London, Ontario N6A 4K3

Melinda Vine  
LSUC #53612R

Tel: (519) 679-9660  
Fax: (519) 667-3362

Solicitors for the Trustee,  
BDO Canada Limited

## APPENDIX D

Sirius Concrete Inc.  
 Claims Process Order Tracking  
 Waterloo

Claimant	Filed			Admitted		
	Lien Claim	Trust Claim	Total Claim	Lien Claim	Trust Claim	Total Claim
Battlefield Equipment	-	662.05	662.05	-	662.05	662.05
Cooper	6,452.30	-	6,452.30	6,452.30	-	6,452.30
Gillies	4,465.04	-	4,465.04	4,465.04	-	4,465.04
EFCO	-	100,887.84	100,887.84	-	47,584.07	47,584.07
CLAC	24,129.16	162.02	24,291.18	24,129.16	162.02	24,291.18
			136,758.41	35,046.50	48,408.14	83,454.64

Sirius Concrete Inc.  
 Claims Process Order Tracking  
 Kitchener

Claimant	Filed			Admitted		
	Lien Claim	Trust Claim	Total Claim	Lien Claim	Trust Claim	Total Claim
Gillies	4,763.18	-	4,763.18	4,763.18	-	4,763.18
Cambridge Concrete Pumping	-	19,724.15	19,724.15	-	19,724.15	19,724.15
Savoie Crane	-	10,034.40	10,034.40	-	10,034.40	10,034.40
CLAC	10,950.61	537.15	11,487.76	10,950.61	537.15	11,487.76
			46,009.49	15,713.79	30,295.70	46,009.49

Sirius Concrete Inc.  
 Claims Process Order Tracking  
 Newcastle

Claimant	Filed			Admitted		
	Lien Claim	Trust Claim	Total Claim	Lien Claim	Trust Claim	Total Claim
Doak	115,745.28	16,181.91	131,927.19	115,745.28	16,181.91	131,927.19
ROC Corp	80,559.63	-	80,559.63	80,559.63	-	80,559.63
The Rental Hub	-	7,680.66	7,680.66	-	6,105.76	6,105.76
AGF Rebar	-	15,223.93	15,223.93	-	15,223.93	15,223.93
Oslim Construction Ltd.	-	38,633.12	38,633.12	-	38,633.12	38,633.12
Stephensons Rental	-	3,791.72	3,791.72	-	3,791.72	3,791.72
CLAC	12,512.02	348.90	12,860.92	12,512.02	348.90	12,860.92
			290,677.17	208,816.93	80,285.34	289,102.27

Sirius Concrete Inc.  
 Claims Process Order Tracking  
 Guelph

Claimant	Filed			Admitted		
	Lien Claim	Trust Claim	Total Claim	Lien Claim	Trust Claim	Total Claim
Doka	309,313.49	42,475.61	351,789.10	309,313.49	42,475.61	351,789.10
CJ Pink	-	39,093.15	39,093.15	-	39,093.15	39,093.15
Cooper	14,839.96	-	14,839.96	14,839.96	-	14,839.96
Scott Forest Products	-	25,148.15	25,148.15	-	25,148.15	25,148.15
AGF Rebar	365,610.14	-	365,610.14	308,337.33	-	308,337.33
CBM- St Marys Cement	96,499.54	-	96,499.54	96,499.54	-	96,499.54
Cambridge Concrete Pumping	-	20,936.65	20,936.65	-	20,936.65	20,936.65
CLAC	138,716.18	424.88	139,141.06	138,716.18	424.88	139,141.06
Ayerswood (Skycrane)	35,572.51	1,000.00	36,572.51	25,628.51	1,000.00	26,628.51
Ayerswood (Roux)	13,011.95	-	13,011.95	13,011.95	-	13,011.95
			<u>1,102,642.21</u>	<u>906,346.96</u>	<u>129,078.44</u>	<u>1,035,425.40</u>

Sirius Concrete Inc.  
Claims Process Order Tracking  
Brampton

<u>Claimant</u>	<u>Lien Claim</u>	<u>Trust Claim</u>
No Claims Filed		



Sirius Concrete Inc.  
 Claims Process Order Tracking  
 Parking Lot

Claimant	Filed			Admitted		
	Lien Claim	Trust Claim	Total Claim	Lien Claim	Trust Claim	Total Claim
CLAC	-	4,356.96	4,356.96	-	4,356.96	4,356.96
			4,356.96	-	4,356.96	4,356.96

## APPENDIX E



**ONTARIO  
SUPERIOR COURT OF JUSTICE**

IN THE MATTER OF the *Construction Lien Act*, R.S.O. 1990, Chapter C.30, as amended

THE HONOURABLE M  
JUSTICE *RADY*

) TUESDAY, THE 28<sup>TH</sup>  
)  
) DAY OF MAY, 2019

IN THE MATTER OF A CLAIM FOR LIEN OF GILLIES LUMBER INC. DATED THE 18<sup>th</sup> DAY OF MARCH, 2019, AND REGISTERED IN THE LAND REGISTRY OFFICE FOR KITCHENER (NO. 58) ON THE 18<sup>th</sup> DAY OF MARCH, 2019, AS INSTRUMENT NUMBER WR1173899

AND IN THE MATTER OF A CLAIM FOR LIEN OF JAMES KOOPMAN AS AGENT FOR THE CHRISTIAN LABOUR ASSOCIATION OF CANADA CONSTRUCTION WORKERS' LOCAL 6 DATED THE 25<sup>th</sup> DAY OF MARCH, 2019, AND REGISTERED IN THE LAND REGISTRY OFFICE FOR KITCHENER (NO. 58) ON THE 25<sup>th</sup> DAY OF MARCH, 2019, AS INSTRUMENT NUMBER WR1175085

AND IN THE MATTER OF A CLAIM FOR LIEN OF COOPER EQUIPMENT RENTALS LIMITED DATED THE 29<sup>th</sup> DAY OF MARCH, 2019, AND REGISTERED IN THE LAND REGISTRY OFFICE FOR KITCHENER (NO. 58) ON THE 29<sup>th</sup> DAY OF MARCH, 2019, AS INSTRUMENT NUMBER WR1175877

AND IN THE MATTER OF A CLAIM FOR LIEN OF SIRIUS CONCRETE INC. DATED THE 5<sup>th</sup> DAY OF APRIL, 2019, AND REGISTERED IN THE LAND REGISTRY OFFICE FOR KITCHENER (NO. 58) ON THE 5<sup>th</sup> DAY OF APRIL, 2019, AS INSTRUMENT NUMBER WR1177274

**ORDER**

**THIS MOTION** made by the moving party, Stonerise Construction Inc., without notice, pursuant to section 44(1) of the *Construction Lien Act*, R.S.O. 1990, c. C.30, as amended, for an Order vacating the registrations of the claim for lien and certificate of action of Gillies Lumber Inc., the claim for lien of James Koopman as Agent for the Christian Labour Association of Canada Construction Workers' Local 6, the claim for lien and certificate of action of Cooper Equipment Rentals Limited,

and the claim for lien of Sirius Concrete Inc., was heard this day at the Court House, 80 Dundas Street, London, Ontario.

**ON READING** a copy of the claim for lien and certificate of action of Gillies Lumber Inc., the claim for lien of James Koopman as Agent for the Christian Labour Association of Canada Construction Workers' Local 6, the claim for lien and certificate of action of Cooper Equipment Rentals Limited, the claim for lien of Sirius Concrete Inc., and the parcel registers for the property identifiers described at Schedule "A" attached to this Order, and the affidavit of Paula Arruda-Schattin, filed, and upon it appearing that Stonerise Construction Inc. having posted cash security with the Accountant of the Superior Court of Justice in the amount of:

- (a) \$5,581.30, being the face value of the claim for lien of Gillies Lumber Inc. of \$4,465.04 plus \$1,116.26 as security for costs;
- (b) \$30,161.45, being the face value of the claim for lien of James Koopman as Agent for the Christian Labour Association of Canada Construction Workers' Local 6 of \$24,129.16 plus \$6,032.29 as security for costs;
- (c) \$8,065.38, being the face value of the claim for lien of Cooper Equipment Rentals Limited of \$6,452.30 plus \$1,613.08 as security for costs;
- (d) \$103,567.24, being the face value of the claim for lien of Sirius Concrete Inc. of \$82,853.79 plus \$20,713.45 as security for costs;

1. **THIS COURT ORDERS** that the registration of the claim for lien of Gillies Lumber Inc. dated March 18, 2019, in the amount of \$4,465.04 and registered on March 18, 2019, as Instrument Number WR1173899, in the Land Registry Office for Kitchener (No. 58) and the certificate of action of Gillies Lumber Inc. dated May 10, 2019 and registered on May 10, 2019, as Instrument Number WR1183636, in the Land Registry Office for Kitchener (No. 58), be and hereby are vacated.
  
2. **THIS COURT ORDERS** that the registration of the claim for lien of James Koopman as Agent for the Christian Labour Association of Canada Construction Workers' Local 6 dated March 25, 2019, in the amount of \$24,129.16 and registered on March 25, 2019, as Instrument Number WR1175085, in the Land Registry Office for Kitchener (No. 58), be and hereby is vacated.
  
3. **THIS COURT ORDERS** that the registration of the claim for lien of Cooper Equipment Rentals Limited dated March 29, 2019, in the amount of \$4,465.04 and registered on March 29, 2019, as Instrument Number WR1175877, in the Land Registry Office for Kitchener (No. 58) and the certificate of action of Cooper Equipment Rentals Limited dated May 13, 2019 and registered on May 13, 2019, as Instrument Number WR1183662, in the Land Registry Office for Kitchener (No. 58), be and hereby are vacated.
  
4. **THIS COURT ORDERS** that the registration of the claim for lien of Sirius Concrete Inc. dated April 5, 2019, in the amount of \$82,853.79 and registered

on April 5, 2019, as Instrument Number WR1177274, in the Land Registry Office for Kitchener (No. 58), be and hereby is vacated.

5. **THIS COURT ORDERS** that the moving party shall serve a copy of this Order by registered mail on Gillies Lumber Inc., James Koopman as Agent for the Christian Labour Association of Canada Construction Workers' Local 6, Cooper Equipment Rentals Limited, and BDO Canada as Trustee in Bankruptcy for the Estate of Sirius Concrete Inc. within 15 days of the date of this Order.
  
6. **THIS COURT ORDERS** that the land registrar accept the registration of this Order as an Application to Amend and not record it as a discharge of lien against the abstracts of title for the lands and premises described herein.



  
\_\_\_\_\_  
JUSTICE, SUPERIOR COURT OF JUSTICE

## SCHEDULE "A"

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IN THE MATTER OF A CLAIM FOR LIEN OF GILLIES LUMBER INC. DATED THE 18<sup>th</sup> DAY OF MARCH, 2019, AND REGISTERED IN THE LAND REGISTRY OFFICE FOR KITCHENER (NO. 58) ON THE 18<sup>th</sup> DAY OF MARCH, 2019, AS INSTRUMENT NUMBER WR1173899 et al.

Court File No. 1038-19

**SUPERIOR COURT OF JUSTICE**

IN THE MATTER OF the *Construction Lien Act*, R.S.O. 1990,  
Chapter C.30, as amended

PROCEEDING COMMENCED AT LONDON

**ORDER**

**BROWN BEATTIE O'DONOVAN** <sup>LLP</sup>  
Barristers & Solicitors  
1600 - 380 Wellington Street  
London ON N6A 5B5

**Jeremy A. Forrest (52105E)**  
Tel: 519-679-0400  
Fax: 519-679-6350  
Email: [jforrest@bbo.on.ca](mailto:jforrest@bbo.on.ca)

Lawyers for the moving party  
JAF:cah MAT57115



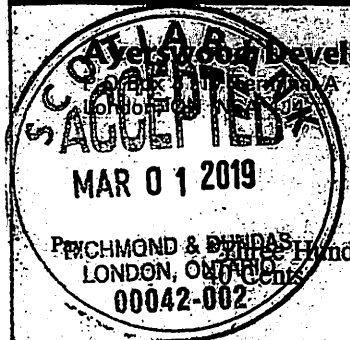
## APPENDIX F

SiriusCo Sirius Concrete  
 PO Box 25070  
 Kitchener, ON N2A 4A5

Ayers Development Corporation  
 Cheque Number ADSC-00024107  
 Cheque Date 03/01/2019

Date	Invoice	Reference	Invoice Amt	Retention	Discount	Payment	ITC
01/30/19	1510233	ONTARIO INC.	423,976.00	-37,520.00	0.00	381,578.40	43,898.40
Total Remittance			423,976.00	-37,520.00	.00	381,578.40	43,898.40

THIS CHECK IS VOID WITHOUT A BLUE BACKGROUND AND A WATERMARK - HOLD UP TO THE LIGHT TO VERIFY



SCOTIA BANK  
 420 RICHMOND STREET  
 London, ON N6A 4Y5

00024107

DATE 03-01-2019  
 M M DD YYYY

\$ 381,578.40

Hundred Eighty One Thousand Five Hundred Seventy Eight Dollars  
 00042-002

PAYABLE IN CANADIAN FUNDS

To  
 The  
 Order  
 Of  
 Sirius Concrete  
 PO Box 25070  
 Kitchener, ON N2A 4A5

Per [Signature]  
 Per x [Signature]

CHECK IS PRINTED ON SECURITY PAPER WHICH INCLUDES A MICROPRINT BORDER & FLUORESCENT FIBERS

⑈00024107⑈ ⑆000420002⑆ 02919⑈19⑈

CUSTOMER RECEIPT PAGE 01/01

ID KHL6H

TR00042

PIN \*N\*

\$381,578.40

MAR 01 2019

LONDON MAIN BRANCH

OFFICER ID: 526

Certified Cheque  
 00042 02919 19

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Thank You  
 Have an excellent day

\*\*\*\*\*

## APPENDIX G

**ONTARIO SUPERIOR COURT OF JUSTICE  
IN BANKRUPTCY AND INSOLVENCY**

**IN THE MATTER OF THE BANKRUPTCY OF  
SIRIUS CONCRETE INC. OF THE CITY OF WATERLOO  
IN THE PROVINCE OF ONTARIO**

**AFFIDAVIT OF ROBYN J. DUYWN**

**I, Robyn J. Duwyn, of the City of Burlington, in the Province of Ontario, MAKE OATH AND SAY:**

1. I am a Vice-President of BDO Canada Limited (“BDO” ), the Trustee in Bankruptcy of Sirius Concrete Inc. (“Sirius” or the “Company”) and, as such, I have knowledge of the matters hereinafter deposed to.
2. By Order dated April 2, 2019 (the “Claims Procedure Order” or the “Order”) BDO Canada Limited, in its capacity as Trustee in Bankruptcy of Sirius (the “Trustee”) was authorized to conduct a claims Process in respect of six (6) construction projects (the “Projects”) which the Company was involved in to March 4, 2019.
3. The Trustee commenced its activities on March 4, 2019, prior to the issuance of the Claims Procedure Order. Since March 4, 2019, the Trustee has been engaged in carrying out the Claims Administration Procedure in respect of the Projects.
4. In the course of performing the duties pursuant to the Order and as set out above at paragraph 3, the Trustee’s staff expended 136.1 hours for the period of March 4, 2019 through July 19, 2019 as outlined below:
  - (i) The Waterloo Project fees encompass 12.7 hours at an average hourly rate of approximately \$367.13 for a total of \$4,662.50 prior to applicable taxes.
  - (ii) The Kitchener Project fees encompass 12.9 hours at an average hourly rate of approximately \$359.50 for a total of \$4,637.50 prior to applicable taxes.

- (iii) The Newcastle Project fees encompass 20.7 hours at an average hourly rate of approximately \$365.34 for a total of \$7,562.50 prior to applicable taxes.
  - (iv) The Guelph Project fees encompass 24.2 hours at an average hourly rate of approximately \$370.87 for a total of \$8,975.00 prior to applicable taxes.
  - (v) The Brampton Project fees encompass 6.2 hours at an average hourly rate of approximately \$342.74 for a total of \$2,125.00 prior to applicable taxes.
  - (vi) The Guelph Parking Lot Project fees encompass 1.6 hours at an average hourly rate of approximately \$275.00 for a total of \$440.00 prior to applicable taxes.
  - (vii) The general claims process fees encompass 57.8 hours at an average hourly rate of approximately \$369.12 and disbursements of \$56.55 for a total of \$21,391.55 prior to applicable taxes. The general claims process invoice includes time applicable to all projects and will be split equally among the other six projects. The pro-rate share, prior to tax, for each project is \$3,565.26.
5. Attached hereto and marked as Exhibit "A" to this my Affidavit are the accounts of the Trustee together with a summary sheet.
6. To the best of my knowledge, the rates charged by the Trustee throughout the course of these proceedings are comparable to the rates charged by other insolvency practitioners in the Ontario mid-market for providing similar insolvency and restructuring services.
7. The hourly billing rates outlined in Exhibit "A" to this my Affidavit are not more than the normal hourly rates charged by BDO Canada Limited for services rendered in relation to similar proceedings.
8. I verily believe that the fees and disbursements incurred by the Trustee are fair and reasonable in the circumstances.
9. This Affidavit is sworn in support of the motion for approval of the Trustee's fees and disbursements and for no other or improper purposes.

SWORN BEFORE ME at the City of  
London in the Province of Ontario  
on the 1<sup>st</sup> day of August, 2019



Commissioner for Taking Affidavits

**David Randall Flett**  
a Commissioner, etc., Province of Ontario,  
for BDO Canada Limited and BDO Canada LLP  
Expires April 24, 2022



ROBYN J. DUWYN, CPA, CA, CIRP  
Licensed Insolvency Trustee

Attached is Exhibit A  
To the Affidavit of Robyn J. Duwyn  
Sworn the 1<sup>st</sup> day of August, 2019.



A Commissioner, Etc

**David Randall Flett**  
a Commissioner, etc., Province of Ontario,  
for BDO Canada Limited and BDO Canada LLP.  
Expires April 24, 2022

**Summary of Trustee's Accounts for the period  
March 4, 2019 through July 19, 2019**

<b>Project</b>	<b>Invoice Date</b>	<b>Hours Expended</b>	<b>Fees &amp; Disbursements</b>	<b>HST</b>	<b>Invoice Total</b>
Waterloo	July 23, 2019	12.7	\$4,662.50	\$606.12	\$5,268.62
Kitchener	July 23, 2019	12.9	4,637.50	602.87	5,240.37
Newcastle	July 23, 2019	20.7	7,562.50	983.12	8,545.62
Guelph	July 23, 2019	24.2	8,975.00	1,166.75	10,141.75
Brampton	July 23, 2019	6.2	2,125.00	276.25	2,401.25
Parking Lot	July 23, 2019	1.6	440.00	57.20	497.20
Claims Process	July 23, 2019	57.8	21,391.55	2,780.90	24,172.45
		136.1	\$49,794.05	\$6,473.21	\$56,267.26

Invoice # 05212019  
Sirius Concrete – Waterloo  
HST Reg # 101518124RT0001

Sirius Concrete

July 23, 2019

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**Re: Waterloo**

For professional services rendered for the period April 4, 2019 through July 19, 2019 as per the attached detail:

Our Fee	\$4,662.50
Disbursements	<u>0.00</u>
Sub Total	\$4,662.50
HST	606.12
Total	<u>\$5,268.62</u>

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**REMITTANCE ADVICE**

Cheque Payments to:  
BDO Canada Limited  
100-633 Colborne Street  
London, ON N6B 2V3

Invoice #	05212019
Amount	\$5,268.62



July 23, 2019

For professional services rendered

Staff	Date	Time	Narrative
Finnegan, M	04/04/2019	0.5	Claims administration
Duwyn, R	04/09/2019	0.4	Review Battlefield claim and confirm receipt. Review and respond to Cooper claim.
Duwyn, R	04/10/2019	0.2	Update tracking sheet for customer details and claims filed to date.
Duwyn, R	04/11/2019	0.3	Review Gillies claim vs. Sirius records. Compare Cooper claim to Sirius records
Duwyn, R	04/12/2019	0.6	EFCO claim- review claim and supporting documents. Review contract. Compare Sirius A/P to claim. Email to EFCO on Lien or Trust. Detailed review and accept battlefield claim.
Duwyn, R	04/25/2019	0.3	Email with Gillies Re: Trustee action on Lien claim, discuss same with counsel.
Duwyn, R	04/26/2019	0.2	Call with Gillies.
Duwyn, R	04/29/2019	0.3	Savoi Crane claim review- related to post bankruptcy work and paid by Trustee.
Duwyn, R	04/30/2019	0.1	Review emails from Gillies Re: lifting stay
Duwyn, R	05/01/2019	0.3	Review Gillies Motion Material. Discuss with counsel.
Duwyn, R	05/02/2019	0.4	Discuss extension with counsel, grant 2 week extension. Obtain CLAC claim, confirm receipt, initial review for completeness.
Duwyn, R	05/06/2019	0.4	Prepare and print material for EFCO review with former employees.
Duwyn, R	05/07/2019	0.2	Provide material to counsel to perfect lien, have invoice created.
Duwyn, R	05/09/2019	0.4	Detailed review of CLAC claim, confirm that employee hours on claim match Sirius records.
Duwyn, R	05/10/2019	0.8	Meeting with Sarah and David to review and discuss claims. Review claims of EFCO. Email results of review to EFCO.
Duwyn, R	05/15/2019	0.1	Call with counsel and obtain update on Kitchener and Waterloo project owner claim.
Duwyn, R	05/17/2019	0.8	Review Stonerise counter claim. Call with David Flett. On same. Draft response.
Duwyn, R	05/21/2019	0.6	Update call with counsel on counter claim, draft response. Email to EFCO on claim.
Finnegan, M	05/21/2019	0.5	File admin

<b>Staff</b>	<b>Date</b>	<b>Time</b>	<b>Narrative</b>
Duwyn, R	05/23/2019	0.2	Discuss response to Stonerise with counsel, finalize and send.
Duwyn, R	05/24/2019	0.3	Review email from counsel on filing statement of claim, respond with invoice and contract details.
Duwyn, R	05/27/2019	0.4	Call with counsel and discuss Stonerise vacating lien and potential payment o Trustee. Review statement of claim and certificate of action.
Duwyn, R	05/29/2019	0.3	Review order vacating Waterloo lien.
Duwyn, R	06/03/2019	0.3	Send partial disallowance to EFCO.
Duwyn, R	06/11/2019	0.1	Discuss response to counsel for Cooper with BDO counsel.
Duwyn, R	06/12/2019	0.3	Review draft email from counsel to Cooper. Obtain update and instruction to counsel to file notices of discontinuance on line.
Duwyn, R	06/18/2019	1	Discuss Stonerise claim mailed to counsel. Begin review of Stonerise claim.
Duwyn, R	06/19/2019	1.2	Stonerise review, call with D. Forbes and email questions to same. Draft and send response to Stonerise.
Duwyn, R	06/20/2019	0.3	Review Gillies statement of claim.
Duwyn, R	07/02/2019	0.1	Update with counsel on response from project owner.
Duwyn, R	07/04/2019	0.7	Review response from counsel to stone rise. Discuss with counsel.
Duwyn, R	07/05/2019	0.1	Discuss settlement with counsel.
<b>12.7 Total Time</b>			

<b>Staff</b>	<b>Position</b>	<b>Rate</b>	<b>Time</b>
Finnegan, M	Administrator	\$175	0.5
Duwyn, R	Vice President	\$375	12.2
			12.7

Invoice # 05212019  
Sirius Concrete – Kitchener  
HST Reg # 101518124RT0001

Sirius Concrete

July 23, 2019

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**RE: Kitchener**

For professional services rendered for the period April 4, 2019 through July 19, 2019 as per the attached detail:

Our Fee	\$4,637.50
Disbursements	<u>0.00</u>
Sub Total	\$4,637.50
HST	602.87
Total	<u>\$5,240.37</u>

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**REMITTANCE ADVICE**

Cheque Payments to:  
BDO Canada Limited  
100-633 Colborne Street  
London, ON N6B 2V3

Invoice #	05212019
Amount	\$5,240.37

July 23, 2019

For professional services rendered

<b>Staff</b>	<b>Date</b>	<b>Time</b>	<b>Narrative</b>
Finnegan, M	04/04/2019	0.5	Claims administration
Duwyn, R	04/10/2019	0.2	Update tracking sheet for customer details and claims filed to date
Duwyn, R	04/11/2019	0.2	Review Gillies claim vs. Sirius records.
Duwyn, R	04/17/2019	0.2	Review and enter Cambridge concrete pumping claim.
Duwyn, R	04/25/2019	0.3	Email with Gillies Re: Trustee action on Lien claim, discuss same with counsel.
Duwyn, R	04/26/2019	0.2	Call with Gillies.
Duwyn, R	04/29/2019	0.5	Savoie Crane claim review- summary of invoices and compare to records of Sirius, email to Savoie.
Duwyn, R	04/30/2019	0.1	Review emails from Gillies Re: lifting stay
Duwyn, R	05/01/2019	0.3	Review Gillies Motion Material. Discuss with counsel.
Duwyn, R	05/02/2019	0.4	Discuss extension with counsel, grant 2 week extension. Obtain clac claim, confirm receipt, initial review for completeness.
Duwyn, R	05/03/2019	0.2	Update call with Savoie crane.
Duwyn, R	05/07/2019	0.2	Provide material to counsel to perfect lien, have hb invoice created.
Duwyn, R	05/09/2019	0.4	Detailed review of CLAC claim, confirm that employee hours on claim match Sirius records.
Duwyn, R	05/10/2019	0.3	Claim review with Sarah and David of Cambridge concrete.
Duwyn, R	05/15/2019	0.1	Call with counsel and obtain update on Kitchener and Waterloo project owner claim
Duwyn, R	05/17/2019	0.8	Review Stonerise counter claim. Call with David F. On same. Draft response.
Duwyn, R	05/21/2019	0.4	Update call with counsel on counter claim, draft response.
Finnegan, M	05/21/2019	0.5	File administration.
Duwyn, R	05/23/2019	0.2	Discuss response to Stonerise with counsel, finalize and send.
Duwyn, R	05/24/2019	0.3	Review email from counsel on filing statement of claim, respond with invoice and contract details.
Duwyn, R	05/27/2019	0.4	Call with counsel and discuss Stonerise vacating lien and potential payment o Trustee. Review statement of claim and certificate of action.
Duwyn, R	06/12/2019	0.2	Review statement of claim from Gillies.
Duwyn, R	06/18/2019	1	Discuss stone rise claim mailed to counsel. Begin review of Kitchener project.
Duwyn, R	06/19/2019	1.8	Stonerise review, call with D Forbes and email questions to same, review emails provided with respect to rebar repair. Email to HP on follow up. Draft and send response to Stonerise.
Duwyn, R	06/20/2019	0.3	Review Gillies statement of claim

Staff	Date	Time	Narrative
Duwyn, R	06/24/2019	1	Update with counsel on status of response from counsel to Stonerise. Read memo from counsel on delay claim.
Duwyn, R	06/25/2019	0.2	Review memo from counsel on hold back setoff.
Duwyn, R	07/02/2019	0.1	Update with counsel on response from project owner.
Duwyn, R	07/04/2019	0.8	Review response from counsel to stone rise. Discuss with counsel.
Duwyn, R	07/05/2019	0.5	Discuss settlement with counsel. Review delay claim case law.
Duwyn, R	07/16/2019	0.3	Review position of Stone Rise. Discuss with counsel.
<b>12.9 Total Time</b>			

Staff	Position	Rate	Time
Finnegan, M	Administrator	\$175	1.0
Duwyn, R	Vice President	\$375	11.9
			12.9

Invoice # 05212019  
Sirius Concrete – Newcastle  
HST Reg # 101518124RT0001

Sirius Concrete

July 23, 2019

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**Re: Newcastle**

For professional services rendered for the period April 4, 2019 through July 19, 2019 as per the attached detail:

Our Fee	\$7,562.50
Disbursements	<u>0.00</u>
Sub Total	\$7,562.50
HST	983.12
Total	<u>\$8,545.62</u>

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**REMITTANCE ADVICE**

Cheque Payments to:  
BDO Canada Limited  
100-633 Colborne Street  
London, ON N6B 2V3

Invoice # 05212019

Amount \$8,545.62

July 23, 2019

## For professional services rendered

Staff	Date	Time	Narrative
Finnegan, M	04/04/2019	0.5	Claims administration
Duwyn, R	04/09/2019	0.3	Wuis Brother- review email question on claims process and respond.
Duwyn, R	04/10/2019	0.4	Update tracking sheet for customer details and claims filed to date. Review and enter ROC claim.
Duwyn, R	04/11/2019	0.5	Review and enter claim of Rental Hub. Summary of Doka invoices and send to Doka for reconciliation. Reconciliation of Orc Corp claim and accept claim.
Duwyn, R	04/12/2019	0.2	Obtain additional Doka invoices, review and respond.
Duwyn, R	04/15/2019	0.2	Doka Reconciliation- obtain account statements and respond Re: amending claim to match.
Duwyn, R	04/16/2019	0.6	Call with counsel to Doka. Obtain and review AGF claim. Call with counsel to Oslim, obtain claim and review.
Duwyn, R	04/17/2019	0.6	Review ROC Corp notice of Motion for lifting stay to perfect lien, discuss same with counsel.
Duwyn, R	04/18/2019	0.5	Discuss ROC motion with counsel, review and edits to draft order. Review confirmation of motion on same.
Duwyn, R	04/22/2019	0.5	Call with counsel to Doka. Review draft order from ROC on perfecting lien.
Duwyn, R	04/23/2019	0.3	Stephenson's claim- review and enter.
Duwyn, R	04/25/2019	0.2	Review ROC Order to lift stay
Duwyn, R	04/29/2019	0.4	Obtain Doka amended claim, prelim review vs. Sirius records.
Duwyn, R	05/01/2019	0.2	Review contract provided by Doka.
Duwyn, R	05/02/2019	0.3	Obtain CLAC claim, confirm receipt, initial review for completeness.
Duwyn, R	05/03/2019	0.4	Discuss lack of counter claim from project owner with counsel. Confirm project owner is not filing a claim.
Duwyn, R	05/06/2019	0.3	Prep and print material for Doka claim review.

<b>Staff</b>	<b>Date</b>	<b>Time</b>	<b>Narrative</b>
Duwyn, R	05/07/2019	0.2	Provide material to counsel to perfect lien, have hold back invoice created.
Duwyn, R	05/09/2019	0.4	Detailed review of CLAC claim, confirm that employee hours on claim match Sirius records.
Duwyn, R	05/10/2019	1.7	Meeting with Sarah and David to review and discuss claims. Review claims of Rental Hub, ROC, Oslim and Doak. Email to and from counsel to Oslim. Email to Rental Hub on claim.
Duwyn, R	05/13/2019	1.3	Review all Oslim invoices provided by counsel, reconcile account, obtain payment support, and respond to Oslim.
Duwyn, R	05/14/2019	0.4	Review response from Doka, setup call. Call with Doka on claim and timing of payments.
Duwyn, R	05/15/2019	0.5	Review response from Rental Hub. Draft and send reply.
Finnegan, M	05/21/2019	0.5	File administration
Duwyn, R	05/22/2019	0.4	Review response from Doka, examine claims and respond. Update tracking.
Duwyn, R	05/24/2019	0.5	Review email from counsel on filing statement of claim, respond with invoice and contract details. Review and enter amended claim from Doka
Duwyn, R	05/27/2019	0.3	Review statement of claim and certificate of action.
Duwyn, R	05/28/2019	0.4	Review statement of claim from ROC on project. Accept service.
Duwyn, R	05/30/2019	0.2	Call with counsel on demand letters and send backup.
Duwyn, R	05/31/2019	0.2	Review demand letter, edits to counsel
Duwyn, R	06/03/2019	0.6	Review response from Oslim and backup material, update reconciliation. Email to D. Forbes on same. Send partial disallowance to Rental Hub
Duwyn, R	06/05/2019	0.8	Call with D. Forbes on Oslim, review additional material provided, emails, texts, etc. Email to counsel Re: payment of \$22k by Sirius.
Duwyn, R	06/06/2019	0.5	Discuss payment to Oslim with counsel and impact on claim. Review correspondence with Oslim prior to bankruptcy.
Duwyn, R	06/10/2019	0.4	Follow up with Kay Law on letter to Oslim. Review Roc Corp notice of Discontinuance.
Duwyn, R	06/11/2019	0.2	Review email from Skyrise counsel Re: payment terms and timing.



Staff	Date	Time	Narrative
Duwyn, R	06/12/2019	0.3	Email to and from counsel on Oslim claim. Obtain update and instruction to counsel to file notices of discontinuance on line.
Duwyn, R	06/14/2019	0.2	Review consent to list stay from ROC.
Duwyn, R	06/20/2019	1.0	Review response and backup from Oslim on payment of \$22k. Prepare response and send to Oslim on claim in estate (invoices and payment support).
Duwyn, R	06/24/2019	1.5	Review counter claim from Skyrise. Review Sirius accounting for Feb payment, respond to Skyrise.
Duwyn, R	07/02/2019	0.1	Update with counsel on response from project owner.
Duwyn, R	07/08/2019	0.3	Response to counsel for Newcastle on payment summary.
Duwyn, R	07/18/2019	0.8	Prepare for call and participate in call with Skyrise. Update to Doak.
Duwyn, R	07/19/2019	0.6	Update call with Dave F. on payment from Skyrise to Sirius. Follow up with counsel. Email to S. Hazel for additional info.

**20.7 Total Time**

Staff	Position	Time	Rate
Finnegan, M	Administrator	1.0	\$175
Duwyn, R	Vice President	19.7	\$375
		20.7	

Invoice # 05212019  
Sirius Concrete – Guelph  
HST Reg # 101518124RT0001

Sirius Concrete

July 23, 2019

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**Re: Guelph**

For professional services rendered for the period April 4, 2019 through July 18, 2019 as per the attached detail:

Our Fee	\$8,975.00
Disbursements	<u>0.00</u>
Sub Total	\$8,975.00
HST	1,166.75
Total	<u>\$10,141.75</u>

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**REMITTANCE ADVICE**

Cheque Payments to:  
BDO Canada Limited  
100-633 Colborne Street  
London, ON N6B 2V3

Invoice #	05212019
Amount	\$10,141.75

July 23, 2019

For professional services rendered

<b>Staff</b>	<b>Date</b>	<b>Time</b>	<b>Narrative</b>
Finnegan, M	04/04/2019	0.5	Claims administration.
Duwyn, R	04/08/2019	0.3	Review email and lien documents from Skyline Group counsel.
Duwyn, R	04/09/2019	0.4	Review and respond to Cooper claim. Review claim of CJ Pink and respond.
Duwyn, R	04/10/2019	0.3	Update tracking sheet for customer details and claims filed to date.
Duwyn, R	04/11/2019	0.3	Summary of Doka invoices and send to Doka for reconciliation.
Duwyn, R	04/12/2019	0.3	Obtain additional Doka invoices, review and respond.
Duwyn, R	04/15/2019	0.6	Doka Reconciliation- obtain account statements and respond Re: amending claim to match. Complete review and accept claims for CJ Pink and Cooper.
Duwyn, R	04/16/2019	0.5	Call with counsel to Doka. Obtain and review Scott Forest Product claim. Obtain and review AGF claim.
Duwyn, R	04/17/2019	0.3	Review and enter Cambridge concrete pumping claim.
Duwyn, R	04/22/2019	0.2	Call with counsel to Doka
Duwyn, R	04/23/2019	0.5	Obtain and review CBM claim. Review bank statements to determine if payment to CBM cleared bank. Email to CBM for invoice. Claim of Scott Forest Product, confirm the letter copy is the same as the fax.
Duwyn, R	04/29/2019	0.4	Obtain amended Doka claim, preliminary review vs. Sirius records.
Duwyn, R	05/01/2019	0.2	Review contract provided by Doka
Duwyn, R	05/02/2019	0.5	Obtain CLAC claim, confirm receipt, initial review for completeness. Obtain claims from Ayerswood
Duwyn, R	05/03/2019	1.4	Detailed review of claims purchased and submitted by Ayerswood. Review of counter claim and discuss deficiencies with counsel. Assemble documents and draft response to Ayerswood.
Duwyn, R	05/06/2019	0.4	Prep and print material for Doka and AGF claim review
Duwyn, R	05/07/2019	0.2	Provide material to counsel to perfect lien,
Duwyn, R	05/09/2019	0.4	Detailed review of CLAC claim, confirm that employee hours on claim match Sirius records.

<b>Staff</b>	<b>Date</b>	<b>Time</b>	<b>Narrative</b>
Duwyn, R	05/10/2019	1.6	Meeting with Sarah and David to review and discuss claims. Review claims of AGF and Doka. Email to AGF on claim. Draft and send response to doka.
Duwyn, R	05/13/2019	0.9	Discuss AGF claim with counsel. Review AGF contract. Call with Dave F on Detailing charges, email to AGF for additional documents.
Duwyn, R	05/14/2019	0.4	Review response from Doka, setup call. Call with Doka on claim and timing of payments.
Duwyn, R	05/15/2019	0.6	Email from AGF Re: lifting stay, discuss with counsel and proceed with statement of claim. Email to Ayerswood Re: Skycrane invoice partial disallowance.
Duwyn, R	05/16/2019	0.4	Review title registry, discuss CBM lien with Counsel (BDO had no knowledge of the lien or statement of claim). Send CBM claim to counsel.
Duwyn, R	05/21/2019	0.9	Review letter from Ayerswood, discuss same with counsel. Call with Dave Flett to discuss progress on Guelph job.
Finnegan, M	05/21/2019	0.5	File administration
Duwyn, R	05/22/2019	1.4	Draft email to Counsel Re: full report on the % completion with backup and supporting pictures. Amend response to go to Ayerswood. Email to and from Skycrane Re: claim. Review response from Doka, examine claims and respond. Update tracking. Review draft of counsel letter to Ayerswood, provide comments.
Duwyn, R	05/23/2019	0.3	Review response from Doka Re: reconciliation. Respond to same.
Duwyn, R	05/24/2019	0.7	Discuss response to Ayerswood letter of May 23. Provide deadline of May 31 for report on completion, review draft letter. Review email from counsel on filing statement of claim, respond with invoice and contract details. Review and enter amended claim from Doka.
Duwyn, R	05/27/2019	0.3	Review statement of claim and certificate of action.
Duwyn, R	05/27/2019	0.2	Discuss CBM claim with counsel and steps to validate statement of claim as stay was not lifted.
Duwyn, R	05/28/2019	0.4	Review notice from counsel to CBM Re: trust vs. Lien claim and lifting stay. Review CBM claim and accept service.
Duwyn, R	05/29/2019	0.3	Review statement of claim from Cooper. Discuss with counsel to have Cooper lift stay.
Duwyn, R	05/31/2019	0.2	Review and enter amended claim from CBM

Staff	Date	Time	Narrative
Duwyn, R	06/03/2019	0.5	Discuss letter from Turton with counsel. Discuss plan for response and next steps in collection. Partial disallowance to Skycrane.
Duwyn, R	06/11/2019	0.3	Discuss response to counsel for Cooper with BDO counsel. Discuss letter form counsel to Ayerswood Re: Statement of Claim
Duwyn, R	06/12/2019	0.4	Review draft email from counsel to Cooper. Review AGF documents, email to AGF.
Duwyn, R	06/13/2019	0.4	Update from counsel on Ayerswood, send summary of Guelph claims. Email from AGF, send partial disallowance.
Duwyn, R	06/14/2019	0.4	Review consent to list stay from ROC. Review email form Skyline and respond to counsel
Duwyn, R	06/21/2019	3.3	Review quantitative surveyor report, discuss with counsel. Send to D. Forbes and walk through report and deficiency list. Create excel sheet of counter claim and Sirius response. Research quantity surveyor for possible peer review.
Duwyn, R	06/24/2019	0.3	Discuss Ayerswood counter claim with counsel. Email to Dave F to obtain payment backup for payment of \$381k.
Duwyn, R	06/25/2019	0.4	Call with counsel to discuss response to Ayerswood and BDO position on holdback. Review counsel research on setoff of hold back.
Duwyn, R	06/26/2019	0.6	Review draft response to Ayerswood, confirm numbers are correct.
Duwyn, R	07/10/2019	0.4	Emails to and from counsel for Ayerswood. Discuss with counsel to BDO
Duwyn, R	07/16/2019	0.3	Review emails with counsel to Ayerswood. Discuss file with counsel.
Duwyn, R	07/18/2019	0.1	Update to Doka.
<b>24.2 Total Time</b>			

Staff	Position	Rate	Time
Finnegan, M	Administrator	\$175	0.5
Duwyn, R	Vice President	\$375	23.7
			24.2

Sirius Concrete

July 23, 2019

**Re: Brampton**

For professional services rendered for the period April 4, 2019 through July 19, 2019 as per the attached detail:

Staff	Date	Time	Narrative
Finnegan, M	April 4, 2019	0.5	File administration
Duwyn, R	April 10, 2019	0.1	Update tracking sheet for customer details
Duwyn, R	May 5, 2019	0.2	Confirm project owner is not filing a claim.
Finnegan, M	May 21, 2019	0.5	File administration
Duwyn, R	May 24, 2019	0.5	Review of invoices with D. Forbes re credits issued for CDS and forms that were not delivered and holdback invoice.
Duwyn, R	May 30, 2019	0.2	Call with counsel on demand letters
Duwyn, R	May 31, 2019	0.2	Review of demand letter, edits to counsel
Duwyn, R	June 11, 2019	0.2	Review email from Skyrise counsel re payment terms and timing.
Duwyn, R	June 24, 2019	1.4	Initial review counter claim from Skyrise. Summary of current findings to counsel.
Duwyn, R	June 25, 2019	1.1	Email to Sarah and Dave on response from Skyrise. Call with Dave and discuss payments on account and forms. Email to counsel with draft response to Skyrise. Call with counsel on same.
Duwyn, R	July 2, 2019	0.1	Update with counsel on response from project owner.
Duwyn, R	July 18, 2019	0.7	Prepare for call and participate in call with Skyrise.
Duwyn, R	July 19, 2019	0.5	Call with Dave F on forms. Update to counsel and book time to go to Skyrise.
		<b>6.2</b>	<b>Total Time</b>

Staff	Position	Rate	Time
Finnegan, M	Administrator	\$175	1.0
Duwyn, R	Vice President	\$375	5.2
			<b>6.2</b>

Our Fee	\$2,125.00
HST	276.25
<b>Total</b>	<b>\$2,401.25</b>

**REMITTANCE ADVICE**

Cheque Payments to:  
 BDO Canada Limited  
 100-633 Colborne Street  
 London, ON N6B 2V3

Invoice # 05212019  
 Amount \$2,401.25

Sirius Concrete

July 23, 2019

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**Re: Parking Lot**

For professional services rendered for the period April 4, 2019 through July 19, 2019 as per the detail:

<b>Staff</b>	<b>Date</b>	<b>Time</b>	<b>Narrative</b>
Finnegan, M	April 4, 2019	0.8	File administration
Duwyn, R	April 10, 2019	0.1	Update tracking sheet for customer details.
Duwyn, R	May 2, 2019	0.3	Obtain CLAC claim, confirm receipt, and review.
Duwyn, R	May 9, 2019	0.4	Detailed review of CLAC claim, confirm that employee hours on claim match Sirius records.
		<b>1.6</b>	<b>Total Time</b>

Our Fee	\$440.00
Disbursements	<u>0.00</u>
Sub Total	440.00
HST	57.20
Total	<u>\$497.20</u>

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**REMITTANCE ADVICE**

Cheque Payments to:  
BDO Canada Limited  
100-633 Colborne Street  
London, ON N6B 2V3

Invoice # 05212019

Amount \$497.20

Invoice # 05212019  
Sirius Concrete – Claims Process  
HST Reg # 101518124RT0001

Sirius Concrete

July 23, 2019

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**RE: Claims Process**

For professional services rendered for the period April 4, 2019 through July 19, 2019 as per the attached detail:

Our Fee	\$21,335.00
Disbursements (postage)	<u>56.55</u>
Sub Total	\$21,391.55
HST	2,780.90
Total	<u>\$24,172.45</u>

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**REMITTANCE ADVICE**

Cheque Payments to:  
BDO Canada Limited  
100-633 Colborne Street  
London, ON N6B 2V3

Invoice # 05212019

Amount \$24,172.45



July 23, 2019

For professional services rendered

**RE: Sirius Claims Process**

<b>Staff</b>	<b>Date</b>	<b>Time</b>	<b>Narrative</b>
Duwyn, R	03/06/2019	2.5	Draft report to court for claims order.
Cherniak, S	03/07/2019	0.5	Review and edits to report. Call with R. Duwyn.
Duwyn, R	03/07/2019	2.1	Complete first report and appendix. Multiple calls re: obtaining assets from customers. Call with Wilkinson construction re: Newcastle. Call with counsel re: edits to report and draft order.
Duwyn, R	03/08/2019	0.9	Edits to court report. Review comments from legal counsel. Final review of report, notice of motion and draft order, send comments to M. Vine and S. Cherniak
Cherniak, S	03/11/2019	1.1	Review of report, Notice of Motion and Service Order. Make edits and send to R. Duwyn. Send executed report to Harrison Pensa.
Duwyn, R	03/11/2019	0.7	Review court documents with S. Cherniak. Call with creditors Re: claims. Update call with D. Forbes. Call with Harrison Pensa Re: registering Liens. Review and enter POC.
Finnegan, M	03/11/2019	0.3	Edits to various court reports
Finnegan, M	03/12/2019	1.0	Send notice of Claims Administration Procedure Order to all creditors.
Duwyn, R	03/13/2019	1.7	Call with counsel Re: Service Order and serving employees. Update website for Service Order. Email with Doka Re: claim. Review response from various counsel Re: claims process. Review case law on CLA and compare to the Claims Process proposed by Trustee.
Duwyn, R	03/14/2019	0.5	Review CLA trust on funds revived prior to bankruptcy. Draft prelim report. Review Church St. Project details.
Duwyn, R	03/15/2019	0.7	Call with Counsel on Claims Process Motion and issues raised by counsel for other parties, discuss form of distribution.
Duwyn, R	03/17/2019	0.7	Draft of supplement to First report
Cherniak, S	03/18/2019	0.9	Review of supplemental report. Discussions with R. Duwyn re file. Call from Suchard re file. Review of email to BMO and response.
Duwyn, R	03/18/2019	3.0	Review and input claims. Email with creditors. Draft supplement to first report.
Cherniak, S	03/19/2019	0.4	Edits to report. Discuss with R. Duwyn.
Duwyn, R	03/19/2019	0.5	Discuss supplementary report with BDO staff.
Duwyn, R	03/21/2019	0.4	Review draft order.
Duwyn, R	03.25.2019	0.5	Discuss charges to report with counsel. Adjourn motion by one week.
Duwyn, R	03/27/2019	0.4	Review amended draft order.
Cherniak, S	03/29/2019	0.9	Call with Harrison Pensa. Review of edits to draft order. Email response. Review and sign docs.

Sirius Claims Process

Staff	Date	Time	Narrative
Cherniak, S	04/01/2019	0.4	Review of revised draft order. Call with M. Vine.
Duwyn, R	04/02/2019	0.9	Review issued Orders.
Cherniak, S	04/03/2019	0.4	Review of ad and claims procedures.
Duwyn, R	04/03/2019	1.2	Prepare claims procedure documents and send to creditors. Prepare Ad and place in paper. Review and authorize bonding off of liens.
Cherniak, S	04/04/2019	0.2	Discussion re mailout
Duwyn, R	04/04/2019	1.3	Review notice for Construction claims process. Email to Union on claims process notice. Update website for claims process. Receive claims from Doka. Setup tracking system for claims received. Email with Gillies Limber Re: requirement to perfect lien claim, review order and respond.
Finnegan, M	04/04/2019	0.8	Claims process administration
Finnegan, M	04/05/2019	1.5	Mail out of construction liens claims process to creditors
Duwyn, R	04/08/2019	0.4	Call with Battlefield Re: claims process in general. Email claims form to Union. Send claim to counsel.
Duwyn, R	04/10/2019	0.6	Discuss collection from customers with counsel and send notice of payment to all customers. Review of claims filed for projects that are not part of the claims procedure.
Duwyn, R	04/10/2019	0.5	Email with counsel to AGF Re: definition of the projects in the Order. Design claim tracking spreadsheet for all projects.
Duwyn, R	04/11/2019	0.3	Meeting with David Forbes Re: update on replacement contractors on projects.
Duwyn, R	04/12/2019	0.3	Call from creditor of filing claim in multiple projects.
Duwyn, R	04/17/2019	0.3	Call with counsel on claim date for rental companies.
Duwyn, R	04/22/2019	0.3	Call with Harrison Pensa Re: Perfection of liens in claims process and lifting stay. Email with Northfield Auto on eligibility to file claim.
Duwyn, R	04/23/2019	0.8	Review Centerline Sanitation claim- non project related. Review and summary of all claims that are not related to a project in the Claim Order. Stephenson's claim- non project portion review and tracking.
Duwyn, R	04/24/2019	0.3	Email to and from creditor on filing claim
Duwyn, R	04/25/2019	0.2	Update to D. Forbes on timing of claims process.
Duwyn, R	04/26/2019	0.2	Call with creditor Re: Claims Process vs. Bankruptcy claim.
Duwyn, R	04/29/2019	0.3	Review claim from nextsys- not project related.
Duwyn, R	05/01/2019	0.3	Reminder email to all customers of the claims bar date. Follow up with union on claim.
Duwyn, R	05/02/2019	0.3	Review claim from country tool shed- claim is for equipment and not project related.
Duwyn, R	05/03/2019	0.3	Update call with D Forbes on claims bar date results.
Duwyn, R	05/06/2019	0.4	Setup time for claim review with former Sirius employees.

Sirius Claims Process

<b>Staff</b>	<b>Date</b>	<b>Time</b>	<b>Narrative</b>
Duwyn, R	05/08/2019	0.8	Letter from counsel to Cotton, discuss same with counsel, review letter from Skyrise to Cotton for impact on collections on other skyrise jobs.
Duwyn, R	05/09/2019	1.0	Email from CLAC counsel Re: update on claims process, respond to same. Review union claim with respect to WEPP claims and subrogation of the claim to WEPP, call to counsel on same. Review response to counsel to cotton, edit and send back to BDO counsel.
Duwyn, R	05/10/2019	0.6	Meeting with Sarah and D. Forbes to review and discuss claims. Review claims received to date and update on process. Review CLAC claims on all jobs.
Duwyn, R	05/13/2019	0.8	Process payments to consulting staff. Discuss union claim with counsel, discuss union claim with union counsel. Review invoice for advertisements, approve for payment.
Duwyn, R	05/14/2019	0.1	Email to and from CLAC
Duwyn, R	05/15/2019	0.5	Update to claims tracking
Finnegan, M	05/21/2019	0.5	File administration.
Duwyn, R	05/23/2019	1.2	Send project invoices to counsel. Review all non project claims to be disallowed, update summary and provide instruction to staff.
Finnegan, M	05/23/2019	1.0	Prepare disallowance notices and mail out.
Duwyn, R	05/24/2019	0.9	Discuss hold back invoices with Dave F. Review holdback invoices, updated invoices and summary created Sirius staff for each of the 6 projects. Call with Dave F. On edits to same. Review changes.
Duwyn, R	05/27/2019	0.1	Call with non project creditor Re disallowance.
Duwyn, R	05/31/2019	0.2	Call with counsel on timing up update report- hold off until more responses from project owners.
Duwyn, R	06/05/2019	0.2	Update with counsel. Discuss update to all creditors.
Duwyn, R	06/11/2019	0.3	Update call with counsel. Discuss timing of payments and timing of update report.
Duwyn, R	06/12/2019	2.6	Draft of second report to Court on claims process, create charts and appendix.
Duwyn, R	06/13/2019	1.6	Update call with counsel, discuss timing of payment from all customers. Discuss need to file statement of defense to lien claims. Draft update letter to creditors on the claims process.
Duwyn, R	06/17/2019	0.4	Edits to claims update, send you counsel for review.
Duwyn, R	06/18/2019	0.2	Discuss edits to update on claims process with counsel.
Duwyn, R	06/19/2019	0.4	Final edits and upload update to website.
Duwyn, R	06/26/2019	0.8	Email with counsel to the union Re: union claim and support for amount of claim. Review union agreement on same.
Duwyn, R	06/27/2019	0.5	Review WEPP issue Re: payment of CLAC lien and repayment of WEPP.
Duwyn, R	06/28/2019	1.4	Update call with creditor on multiple projects. Review backup from union that impacts all union claims. Review email from union on priority and wepp issues. Review wepp act and construction act, email to counsel.

Sirius Claims Process

Staff	Date	Time	Narrative
Finnegan, M	07/02/2019	0.1	Update weppa info.
Duwyn, R	07/03/2019	1.0	Discussion with counsel on priority of employee lien under the CA, review memo from counsel. Follow up on same Re: rung of the 'ladder' the employees are on. Respond to union on WEPP issue and priority of claim.
Finnegan, M	07/03/2019	0.1	Call from ex employee re weppa claim status
Duwyn, R	07/04/2019	0.6	Research on classes under the CLA and determine class of union employees. Determine distribution priority for employee claims. Email to and discuss with counsel.
Duwyn, R	07/05/2019	0.5	Email to Union counsel Re: proposed distribution. Email to union on settlement progress and payments.
Duwyn, R	07/11/2019	2.3	Update call with counsel on the status of all claims and the timing of a motion. Prepare and send summary of collections on all jobs to counsel and bdo staff. Create tracking sheet for union distribution re: tracking repayment to wepp vs employee by project.
Duwyn, R	07/17/2019	0.1	Schedule motion time.
Duwyn, R	07/18/2019	1.5	Draft Second report
Duwyn, R	07/19/2019	3.3	Draft report- update on all customer collections and distribution.
<b>57.8 Total Time</b>			

Staff	Position	Rate	Time
Cherniak, S	Sr. Vice President	\$525	4.8
Duwyn, R	Vice President	\$375	47.7
Finnegan, M	Administrator	\$175	5.3
			<b>57.8</b>

Invoice # 05212019  
Sirius Concrete – Newcastle  
HST Reg # 101518124RT0001

Sirius Concrete

July 23, 2019

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**Re: Newcastle**

For professional services rendered for the period April 4, 2019 through July 19, 2019 as per the attached detail:

Our Fee	\$7,562.50
Disbursements	<u>0.00</u>
Sub Total	\$7,562.50
HST	983.12
Total	<u>\$8,545.62</u>

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**REMITTANCE ADVICE**

Cheque Payments to:  
BDO Canada Limited  
100-633 Colborne Street  
London, ON N6B 2V3

Invoice # 05212019

Amount \$8,545.62

July 23, 2019

For professional services rendered

<b>Staff</b>	<b>Date</b>	<b>Time</b>	<b>Narrative</b>
Finnegan, M	04/04/2019	0.5	Claims administration
Duwyn, R	04/09/2019	0.3	Wuis Brother- review email question on claims process and respond.
Duwyn, R	04/10/2019	0.4	Update tracking sheet for customer details and claims filed to date. Review and enter ROC claim.
Duwyn, R	04/11/2019	0.5	Review and enter claim of Rental Hub. Summary of Doka invoices and send to Doka for reconciliation. Reconciliation of Orc Corp claim and accept claim.
Duwyn, R	04/12/2019	0.2	Obtain additional Doka invoices, review and respond.
Duwyn, R	04/15/2019	0.2	Doka Reconciliation- obtain account statements and respond Re: amending claim to match.
Duwyn, R	04/16/2019	0.6	Call with counsel to Doka. Obtain and review AGF claim. Call with counsel to Oslim, obtain claim and review.
Duwyn, R	04/17/2019	0.6	Review ROC Corp notice of Motion for lifting stay to perfect lien, discuss same with counsel.
Duwyn, R	04/18/2019	0.5	Discuss ROC motion with counsel, review and edits to draft order. Review confirmation of motion on same.
Duwyn, R	04/22/2019	0.5	Call with counsel to Doka. Review draft order from ROC on perfecting lien.
Duwyn, R	04/23/2019	0.3	Stephenson's claim- review and enter.
Duwyn, R	04/25/2019	0.2	Review ROC Order to lift stay
Duwyn, R	04/29/2019	0.4	Obtain Doka amended claim, prelim review vs. Sirius records.
Duwyn, R	05/01/2019	0.2	Review contract provided by Doka.
Duwyn, R	05/02/2019	0.3	Obtain CLAC claim, confirm receipt, initial review for completeness.
Duwyn, R	05/03/2019	0.4	Discuss lack of counter claim from project owner with counsel. Confirm project owner is not filing a claim.
Duwyn, R	05/06/2019	0.3	Prep and print material for Doka claim review.

<b>Staff</b>	<b>Date</b>	<b>Time</b>	<b>Narrative</b>
Duwyn, R	05/07/2019	0.2	Provide material to counsel to perfect lien, have hold back invoice created.
Duwyn, R	05/09/2019	0.4	Detailed review of CLAC claim, confirm that employee hours on claim match Sirius records.
Duwyn, R	05/10/2019	1.7	Meeting with Sarah and David to review and discuss claims. Review claims of Rental Hub, ROC, Oslim and Doak. Email to and from counsel to Oslim. Email to Rental Hub on claim.
Duwyn, R	05/13/2019	1.3	Review all Oslim invoices provided by counsel, reconcile account, obtain payment support, and respond to Oslim.
Duwyn, R	05/14/2019	0.4	Review response from Doka, setup call. Call with Doka on claim and timing of payments.
Duwyn, R	05/15/2019	0.5	Review response from Rental Hub. Draft and send reply.
Finnegan, M	05/21/2019	0.5	File administration
Duwyn, R	05/22/2019	0.4	Review response from Doka, examine claims and respond. Update tracking.
Duwyn, R	05/24/2019	0.5	Review email from counsel on filing statement of claim, respond with invoice and contract details. Review and enter amended claim from Doka
Duwyn, R	05/27/2019	0.3	Review statement of claim and certificate of action.
Duwyn, R	05/28/2019	0.4	Review statement of claim from ROC on project. Accept service.
Duwyn, R	05/30/2019	0.2	Call with counsel on demand letters and send backup.
Duwyn, R	05/31/2019	0.2	Review demand letter, edits to counsel
Duwyn, R	06/03/2019	0.6	Review response from Oslim and backup material, update reconciliation. Email to D. Forbes on same. Send partial disallowance to Rental Hub
Duwyn, R	06/05/2019	0.8	Call with D. Forbes on Oslim, review additional material provided, emails, texts, etc. Email to counsel Re: payment of \$22k by Sirius.
Duwyn, R	06/06/2019	0.5	Discuss payment to Oslim with counsel and impact on claim. Review correspondence with Oslim prior to bankruptcy.
Duwyn, R	06/10/2019	0.4	Follow up with Kay Law on letter to Oslim. Review Roc Corp notice of Discontinuance.
Duwyn, R	06/11/2019	0.2	Review email from Skyrise counsel Re: payment terms and timing.

Staff	Date	Time	Narrative
Duwyn, R	06/12/2019	0.3	Email to and from counsel on Oslim claim. Obtain update and instruction to counsel to file notices of discontinuance on line.
Duwyn, R	06/14/2019	0.2	Review consent to list stay from ROC.
Duwyn, R	06/20/2019	1.0	Review response and backup from Oslim on payment of \$22k. Prepare response and send to Oslim on claim in estate (invoices and payment support).
Duwyn, R	06/24/2019	1.5	Review counter claim from Skyrise. Review Sirius accounting for Feb payment, respond to Skyrise.
Duwyn, R	07/02/2019	0.1	Update with counsel on response from project owner.
Duwyn, R	07/08/2019	0.3	Response to counsel for Newcastle on payment summary.
Duwyn, R	07/18/2019	0.8	Prepare for call and participate in call with Skyrise. Update to Doak.
Duwyn, R	07/19/2019	0.6	Update call with Dave F. on payment from Skyrise to Sirius. Follow up with counsel. Email to S. Hazel for additional info.

**20.7 Total Time**

Staff	Position	Time	Rate
Finnegan, M	Administrator	1.0	\$175
Duwyn, R	Vice President	19.7	\$375
		20.7	



## APPENDIX H

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
IN THE BANKRUPTCY AND INSOLVENCY**

IN THE MATTER OF THE BANKRUPTCY OF  
SIRIUS CONCRETE INC. OF THE CITY OF WATERLOO,  
IN THE PROVINCE OF ONTARIO


AND IN THE MATTER OF THE  
*CONSTRUCTION LIEN ACT*, R.S.O. 1990, c. C.30, as amended


**AFFIDAVIT OF ROBERT DANTER  
(Sworn August 1, 2019)**

I, **ROBERT DANTER**, of the City of London, in the Province of Ontario, **MAKE OATH AND SAY:**

1. I am a solicitor qualified to practice law in the Province of Ontario and I am a lawyer with Harrison Pensa <sup>LLP</sup>, who acts as counsel for BDO Canada Limited as the Insolvency Trustee for the Estate of Sirius Concrete Inc. (the "**Trustee**") in the within proceeding and as such I have knowledge of the matters to which I hereinafter depose except for those matters based expressly upon information and belief.
2. Attached hereto and marked as Exhibit "A" is a summary of the time incurred by professionals at Harrison Pensa <sup>LLP</sup>, the hourly rate and fees associated with such and disbursements for the period of March 4, 2019 to July 22, 2019.
3. Attached hereto and marked as Exhibit "B" are particulars of time spent by professionals at Harrison Pensa <sup>LLP</sup> in connection with this matter for the period of March 4, 2019 to July 22, 2019 and an account statement detailing the services provided dated August 1, 2019.
4. The hourly billing rates set out in the Exhibits are comparable to the hourly rates charged by Harrison Pensa <sup>LLP</sup> for services rendered in relation to similar proceedings.
5. The fees and disbursements of Harrison Pensa in this matter are as follows:

- a. Total Billed Fees and Disbursements from March 4, 2019 to July 22, 2019-  
\$68,510.32;
- 6. The weighted average hourly rate charged by professionals at Harrison Pensa is  
\$263.70.
- 7. I make this Affidavit in support of among other things, approval of fees and  
disbursements of the counsel for the Receiver.

**SWORN BEFORE ME** at the City )  
 of London, in the Province of )  
 )  
 Ontario this 1<sup>st</sup> day of )  
 August, 2019. )  
 )  
 A Commissioner, etc. )

  
 \_\_\_\_\_  
**ROBERT DANTER**

Elizabeth Ruth Pawley, a Commissioner, etc.,  
 Province of Ontario, for Harrison Pensa LLP,  
 Barristers and Solicitors.  
 Expires April 18, 2020.

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
IN THE BANKRUPTCY AND INSOLVENCY**

IN THE MATTER OF THE BANKRUPTCY OF  
SIRIUS CONCRETE INC. OF THE CITY OF WATERLOO,  
IN THE PROVINCE OF ONTARIO

AND IN THE MATTER OF THE  
*CONSTRUCTION LIEN ACT*, R.S.O. 1990, c. C.30, as amended

EXHIBITS

TABS "A" TO "B" ARE THE  
EXHIBITS TO THE AFFIDAVIT OF  
ROBERT DANTER  
SWORN THIS 1<sup>st</sup> DAY OF AUGUST, 2019



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A Commissioner for taking Affidavits

Elizabeth Ruth Pawley, a Commissioner, etc.,  
Province of Ontario, for Harrison Pensa LLP,  
Barristers and Solicitors.  
Expires April 18, 2020.

EXHIBIT A

(From March 4, 2019 to July 22, 2019)

	NAME	YEAR OF CALL	ACTUAL HOURS	HOURLY RATE	TOTAL
<b>Partners</b>	Melinda Vine	2007	98.50	\$350.00	\$34,475.00
<b>Associate</b>	Rob Danter	2015	27.7	\$225.00	12,442.50
<b>Clerks</b>	Lindsay Provost		11.30	\$165.00	\$1,864.50
	Kelly Bryant		7.20	\$165.00	\$1,188.00
	Jana Streith		1.10	\$175.00	\$192.50
<b>Students</b>	Annie Legate-Wolfe		0.40	\$100.00	\$40.00
	Logan Burnett		11.40	\$100.00	\$1,140.00
	Thomas Masterson		0.50	\$100.00	\$50.00
	Hayden Trbizan		4.00	\$100.00	\$400.00
	Jason DiFruscia		10.30	\$100.00	\$1,030.00
<b>TOTAL FEES</b>					<b>\$52,822.50</b>
<b>HST ON FEES</b>					<b>\$6,866.93</b>
<b>TOTAL TAXABLE DISBURSEMENTS</b>					<b>\$5,004.15</b>
<b>TOTAL NON TAXABLE DISBURSEMENTS</b>					<b>\$3,166.20</b>
<b>HST DISBURSEMENTS</b>					<b>\$650.54</b>
<b>TOTAL FEES, DISBURSEMENTS AND HST</b>					<b>\$68,510.32</b>
<b>Allocation to Construction Projects</b>					<b>\$41,791.30</b>
<b>Allocation to Bankrupt Estate</b>					<b>\$26,719.02</b>

EXHIBIT B



HARRISON PENSA  
 450 Talbot Street  
 P.O. Box 3237  
 LONDON ON N6A 4K3

Telephone: (519) 679 9660  
 Facsimile: (519) 667 3362

BDO Canada Limited  
 51 Breithaupt Street, Unit 300  
 Kitchener, ON N2H 5G5

August 1, 2019  
 Invoice #: \*\*\*\*\*

File #: 177459/Melinda Vine  
 RE: Sirius Concrete Inc.

TO ALL PROFESSIONAL SERVICES RENDERED in connection with the above-noted matter, including:

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
4-Mar-19	Research re CLA trustee	1.50	\$337.50	RDA
5-Mar-19	Research re BIA, CLA interaction, holdback obligations for trustee, deemed trusts, etc	3.00	\$675.00	RDA
5-Mar-19	Research re deemed trust priority	2.20	\$495.00	RDA
5-Mar-19	To review questions from BDO;	.30	\$105.00	MVI
5-Mar-19	To conference client;	.20	\$70.00	MVI
6-Mar-19	To review CLA law, construction trustee and Construction Claims Process;	2.00	\$700.00	MVI
6-Mar-19	To various conferences with client;	.30	\$105.00	MVI
6-Mar-19	To conference Forrest;	.30	\$105.00	MVI
6-Mar-19	Research re CLA/ITA/BIA priority/trusts finalized, sent	2.60	\$585.00	RDA
6-Mar-19	Follow-up research re trusts priority	1.00	\$225.00	RDA
7-Mar-19	To conference Robyn;	.20	\$70.00	MVI
7-Mar-19	To correspondence with court re: scheduling;	.20	\$70.00	MVI
8-Mar-19	To draft Notice of Motion;	1.00	\$350.00	MVI
8-Mar-19	To draft Service Order;	.70	\$245.00	MVI
8-Mar-19	To Claims Process Order and all appendices including, Notice of Dispute, Notice of Disallowance, Proof of Claim and Letter;	2.00	\$700.00	MVI
8-Mar-19	To various correspondence with client;	.30	\$105.00	MVI
8-Mar-19	To review PPSA;	.20	\$70.00	MVI
8-Mar-19	To review and amend report;	.80	\$280.00	MVI

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
8-Mar-19	To amend notice and orders;	.50	\$175.00	MVI
8-Mar-19	Review/revise claims for lien, consult with client, review parcel registers	.80	\$180.00	RDA
8-Mar-19	To draft service order	4.30	\$430.00	lob
8-Mar-19	To Order	1.10	\$181.50	KBU
11-Mar-19	To email to court	.20	\$33.00	KBU
11-Mar-19	To instructions re: motion	.20	\$33.00	KBU
11-Mar-19	To motion record	.50	\$82.50	KBU
11-Mar-19	To motion record	.40	\$66.00	KBU
11-Mar-19	To motion	.30	\$49.50	KBU
11-Mar-19	To attend court house to file motion record.	1.40	\$140.00	lob
11-Mar-19	To various correspondence with client;	.30	\$105.00	MVI
11-Mar-19	To finalize motion materials and record;	.50	\$175.00	MVI
11-Mar-19	To various issues re: filing;	.20	\$70.00	MVI
11-Mar-19	To various correspondence with trial coordinator;	.20	\$70.00	MVI
11-Mar-19	To Service Order;	.20	\$70.00	MVI
11-Mar-19	Research re registering lien against condo (registered vs unregistered condo), call with client	.90	\$202.50	RDA
12-Mar-19	Draft/proof lien claims	2.20	\$495.00	RDA
12-Mar-19	To attendance at court for subservice order;	1.50	\$525.00	MVI
12-Mar-19	To correspondence with client;	.20	\$70.00	MVI
12-Mar-19	To draft Notice Letter;	.50	\$175.00	MVI
12-Mar-19	To various correspondence with client;	.20	\$70.00	MVI
12-Mar-19	To Order; to Rules of Civil Procedure; to motion	.70	\$115.50	KBU
13-Mar-19	To correspondence with client;	.20	\$70.00	MVI
13-Mar-19	To correspondence from counsel for AGF;	.20	\$70.00	MVI
13-Mar-19	To conference counsel for Cotton;	.20	\$70.00	MVI
13-Mar-19	To conference Mahoney;	.20	\$70.00	MVI
13-Mar-19	To various correspondence and conference with BDO;	.30	\$105.00	MVI
13-Mar-19	Research re employee trust claims under CA	1.70	\$382.50	RDA
13-Mar-19	Research re: subcontractor claims on money paid into court, lien procedure vs claims procedure	2.10	\$472.50	RDA
14-Mar-19	Research re: affect of collection before/after bankruptcy on trust claim, response to client	.80	\$180.00	RDA
14-Mar-19	To correspondence with O'Connor;	.20	\$70.00	MVI



DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
15-Mar-19	To conference O'Connor;	.40	\$140.00	MVI
15-Mar-19	To correspondence with client;	.20	\$70.00	MVI
15-Mar-19	To correspondence from counsel for Cotton;	.20	\$70.00	MVI
15-Mar-19	To conference Robyn;	.20	\$70.00	MVI
16-Mar-19	To review Cotton Correspondence;	.20	\$70.00	MVI
18-Mar-19	To conference Robyn;	.20	\$70.00	MVI
18-Mar-19	To various correspondence from Sullivan Mahoney;	.30	\$105.00	MVI
18-Mar-19	To conference Gotti;	.20	\$70.00	MVI
18-Mar-19	To review lien act;	.20	\$70.00	MVI
18-Mar-19	To correspondence from Turton;	.20	\$70.00	MVI
18-Mar-19	To receipt and filing of Affidavit of Service;	.20	\$70.00	MVI
18-Mar-19	To review storage issue;	.20	\$70.00	MVI
18-Mar-19	To correspondence to O'Connor;	.20	\$70.00	MVI
18-Mar-19	To review supplemental report; to correspondence to client;	.50	\$175.00	MVI
18-Mar-19	To Claims procedure order	.80	\$132.00	KBU
19-Mar-19	To email to BDO	.20	\$33.00	KBU
19-Mar-19	To obtaining corporate and/or business name report(s)	.40	\$70.00	JST
19-Mar-19	To review comments from O'Connor re: Order; to correspondence with client;	.50	\$175.00	MVI
19-Mar-19	To various correspondence with client; to review CA and Order; to conference Forrest; to various conference with BDO;	1.00	\$350.00	MVI
19-Mar-19	To correspondence from Turton;	.20	\$70.00	MVI
19-Mar-19	To correspondence with client re: service Order and Report;	.20	\$70.00	MVI
19-Mar-19	To correspondence with client;	.20	\$70.00	MVI
19-Mar-19	To conference with Skyrise Counsel;	.30	\$105.00	MVI
19-Mar-19	To various correspondence and conferences re: storage and access;	.50	\$175.00	MVI
19-Mar-19	To call to Mahoney;	.10	\$35.00	MVI
19-Mar-19	Research re priorities	2.00	\$450.00	RDA
19-Mar-19	Finalized lien claims, send to be registered (Guelph, Kitchener, Newcastle, St, Catharines)	2.50	\$562.50	RDA
19-Mar-19	Review letter re mortgage priorities	.40	\$90.00	RDA
20-Mar-19	Research and memo to MVI re: set-off & Holdbacks	1.20	\$270.00	RDA

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
20-Mar-19	To call to Mahoney; to conference with BDO;	.20	\$70.00	MVI
20-Mar-19	To conference Mahoney;	.20	\$70.00	MVI
20-Mar-19	To correspondence with client;	.20	\$70.00	MVI
20-Mar-19	To motion confirmation;	.10	\$35.00	MVI
20-Mar-19	To correspondence with Forrest; to correspondence BDO;	.20	\$70.00	MVI
20-Mar-19	To amend order;	.60	\$210.00	MVI
20-Mar-19	To instructions re: motion confirmation; to motion confirmation; to confirm motion	.40	\$66.00	KBU
20-Mar-19	To Affidavit of service of service Order; to memo to court	.20	\$33.00	KBU
21-Mar-19	To final amendments to Order; to correspondence with client;	.30	\$105.00	MVI
21-Mar-19	To conference client;	.20	\$70.00	MVI
21-Mar-19	To draft correspondence with Scott; to correspondence with client;	.30	\$105.00	MVI
21-Mar-19	To various correspondence with client re: service of amended order; to correspondence to counsel;	.30	\$105.00	MVI
21-Mar-19	To correspondence to service list;	.20	\$70.00	MVI
21-Mar-19	To correspondence with client;	.30	\$105.00	MVI
21-Mar-19	To various correspondence with Scott;	.20	\$70.00	MVI
21-Mar-19	To correspondence from Mahoney;	.20	\$70.00	MVI
21-Mar-19	To draft correspondence to Scott;	.20	\$70.00	MVI
21-Mar-19	To conference O'Connor;	.20	\$70.00	MVI
21-Mar-19	Review/revise claims process order	.90	\$202.50	RDA
22-Mar-19	To various correspondence with client; to correspondence to Statham; to correspondence with Turton;	.50	\$175.00	MVI
22-Mar-19	To conference client;	.20	\$70.00	MVI
22-Mar-19	To various calls to Statham; to call to Mahoney;	.20	\$70.00	MVI
22-Mar-19	To correspondence with Turton;	.20	\$70.00	MVI
22-Mar-19	To conference Statham;	.30	\$105.00	MVI
22-Mar-19	To conference client;	.20	\$70.00	MVI
24-Mar-19	To research memo re ONLRB for MVI.	3.50	\$350.00	lob
25-Mar-19	To research claims procedure and labour relations board procedures.	2.10	\$210.00	lob
25-Mar-19	To motion materials	.10	\$16.50	KBU
25-Mar-19	To correspondence to Union and OLB	.50	\$82.50	KBU

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
25-Mar-19	To correspondence with BDO;	.20	\$70.00	MVI
25-Mar-19	To correspondence with Chris;	.10	\$35.00	MVI
25-Mar-19	To correspondence to Scott;	.10	\$35.00	MVI
25-Mar-19	To conference Robyn;	.20	\$70.00	MVI
25-Mar-19	To correspondence with Scott re: assets;	.20	\$70.00	MVI
25-Mar-19	To various correspondence re: OLB hearing;	.20	\$70.00	MVI
25-Mar-19	To review Man-Shield case; to various correspondence with Statham; to various conference with client; to review OLB grievance; to review OLB form; to review Statham changes;	.90	\$315.00	MVI
25-Mar-19	To draft letter to OLB; to conference Scott; to correspondence and conference BDO;	.80	\$280.00	MVI
25-Mar-19	To conference Scott; to correspondence with Chad; to conference Chris; to conference client;	.70	\$245.00	MVI
25-Mar-19	Research re: claims procedure sections of BIA	.60	\$135.00	RDA
26-Mar-19	To various correspondence re: union;	.30	\$105.00	MVI
26-Mar-19	To attend at court;	1.00	\$350.00	MVI
26-Mar-19	To amend Order; to correspondence with client;	.30	\$105.00	MVI
26-Mar-19	To review OLB decision; to report to client;	.30	\$105.00	MVI
26-Mar-19	To liens from Union;	.20	\$70.00	MVI
26-Mar-19	To letter to OLB and Union	.20	\$33.00	KBU
26-Mar-19	To motion adjournment	.10	\$16.50	KBU
26-Mar-19	To send correspondence to ONLRB	.10	\$10.00	lob
27-Mar-19	To correspondence with client;	.20	\$70.00	MVI
27-Mar-19	To conference client; to correspondence to Statham;	.20	\$70.00	MVI
27-Mar-19	To correspondence from Chris; to conference Chad; to correspondence to Scott; to correspondence with Chris; to correspondence with Trustee; to review CLAC correspondence; to conference CLAC; to conference client; to conference Chris;	1.40	\$490.00	MVI
28-Mar-19	To correspondence from and to Gottli;	.30	\$105.00	MVI
28-Mar-19	To review order; to correspondence with Mahoney;	.30	\$105.00	MVI
28-Mar-19	To letter to CLAC;	.30	\$105.00	MVI
28-Mar-19	To call to Scott;	.10	\$35.00	MVI
28-Mar-19	To motion confirmation;	.10	\$35.00	MVI
28-Mar-19	To conference client;	.20	\$70.00	MVI
28-Mar-19	To correspondence with Shawn;	.20	\$70.00	MVI

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
28-Mar-19	To correspondence with Forrest;	.20	\$70.00	MVI
28-Mar-19	To letter to OLB	.20	\$33.00	KBU
28-Mar-19	To motion confirmation	.20	\$33.00	KBU
29-Mar-19	To follow with Gottli and O'Connor;	.20	\$70.00	MVI
29-Mar-19	To various correspondence with O'Connor;	.20	\$70.00	MVI
29-Mar-19	To various correspondence and conference with Shawn; to call to Chris;	.40	\$140.00	MVI
29-Mar-19	To review OLB decisions;	.50	\$175.00	MVI
29-Mar-19	To various correspondence and discussion with counsel re: order;	.50	\$175.00	MVI
29-Mar-19	To correspondence with Chris;	.20	\$70.00	MVI
29-Mar-19	To correspondence from Gottli;	.20	\$70.00	MVI
29-Mar-19	To amend order;	.30	\$105.00	MVI
29-Mar-19	To conference Cherniak;	.20	\$70.00	MVI
1-Apr-19	To conference Cherniak; to correspondence with Peter; to service list; to BIA sections; to various correspondence with Statham;	1.20	\$420.00	MVI
1-Apr-19	To service list	.20	\$33.00	KBU
2-Apr-19	To get order issued and entered	.50	\$50.00	thm
2-Apr-19	To Order	.30	\$49.50	KBU
2-Apr-19	To issued Orders	.20	\$33.00	KBU
2-Apr-19	To review correspondence from Statham; to conference BDO; to correspondence with Statham;	.40	\$140.00	MVI
2-Apr-19	To various correspondence with o/c and client re: vacating liens;	.50	\$175.00	MVI
2-Apr-19	To prepare for an attend court to obtain order;	2.00	\$700.00	MVI
3-Apr-19	To conference client; to service of order;	.20	\$70.00	MVI
3-Apr-19	Draft/send S.39 letter re barrel yards, to drafting barrel yards claim for lien	.80	\$180.00	RDA
3-Apr-19	To instructions re: Order; to service list	.20	\$33.00	KBU
4-Apr-19	To obtaining corporate and/or business name report(s)	.20	\$35.00	JST
4-Apr-19	Barrel Yards - review liens already filed on lands, review block map, review PINs pulled	.50	\$112.50	RDA
4-Apr-19	Revise claim for lien re new PINS	.50	\$112.50	RDA
4-Apr-19	Review Claim for lien;	.40	\$40.00	ALE
4-Apr-19	To correspondence with Forrest;	.20	\$70.00	MVI

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
4-Apr-19	To conference client;	.20	\$70.00	MVI
4-Apr-19	To conference Forest;	.30	\$105.00	MVI
4-Apr-19	To correspondence with client and Statham;	.40	\$140.00	MVI
5-Apr-19	To correspondence with Forest;	.20	\$70.00	MVI
5-Apr-19	To correspondence with client;	.20	\$70.00	MVI
5-Apr-19	Claim for lien revised to include four (4) new PINS (0413, 0415, 0416, 0417), finalized, A&D sent to client.	2.00	\$450.00	RDA
5-Apr-19	Copy of lien sent to OC (counsel for Contractor)	.10	\$22.50	RDA
8-Apr-19	To correspondence from counsel for Skyline;	.20	\$70.00	MVI
8-Apr-19	To correspondence with Dentons;	.20	\$70.00	MVI
8-Apr-19	To correspondence with Forrest; to correspondence with client;	.20	\$70.00	MVI
9-Apr-19	To correspondence to Skyline;	.20	\$70.00	MVI
9-Apr-19	To correspondence from Cooper;	.10	\$35.00	MVI
9-Apr-19	To correspondence with Trustee and counsel for Wuis brothers; to correspondence from Statum;	.50	\$175.00	MVI
10-Apr-19	To correspondence with client;	.20	\$70.00	MVI
10-Apr-19	To conference Trustee; to draft email to Customers;	.30	\$105.00	MVI
10-Apr-19	To O'Connor Correspondence;	.20	\$70.00	MVI
10-Apr-19	To correspondence with client;	.20	\$70.00	MVI
10-Apr-19	To review RCOP claim and correspondence; to conference client; to call to Miller Thomson;	.30	\$105.00	MVI
17-Apr-19	To conference Trustee;	.30	\$105.00	MVI
17-Apr-19	To call with Miller Thompson;	.20	\$70.00	MVI
17-Apr-19	To conference with Miller Thompson;	.20	\$70.00	MVI
17-Apr-19	To review motion record;	.30	\$105.00	MVI
17-Apr-19	To conference with client; to correspondence with Miller Thomson;	.30	\$105.00	MVI
17-Apr-19	To correspondence from O'Connor; to conference O'Connor; to conference client;	.50	\$175.00	MVI
18-Apr-19	To correspondence with Statham; to review order; to correspondence to Trustee;	.30	\$105.00	MVI
22-Apr-19	To correspondence with Durst;	.20	\$70.00	MVI
22-Apr-19	To draft letter to O'Connor and Mahoney re: Church Street Property;	.30	\$105.00	MVI
22-Apr-19	To call to Fuda;	.10	\$35.00	MVI

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
22-Apr-19	To general conference with client;	.10	\$35.00	MVI
22-Apr-19	To conference counsel for Doka (Guelph/Newcastle);	.20	\$70.00	MVI
22-Apr-19	To review changes to Order from Dentons; to call to client; to conference Dentons (x2); to report to client; (new Castle)	.60	\$210.00	MVI
22-Apr-19	Telephone call with DOKA solicitor re: Guelph liens	.30	\$67.50	RDA
23-Apr-19	To various correspondence with counsel for ROC; to receipt of motion record (Newcastle);	.30	\$105.00	MVI
24-Apr-19	To correspondence with and conference with Zana from Gilles Lumbar (Barrel Yards & Waterloo);	.30	\$105.00	MVI
24-Apr-19	To receipt of order from ROC; (Newcastle)	.20	\$70.00	MVI
25-Apr-19	To conference client;	.20	\$70.00	MVI
30-Apr-19	To correspondence with Gilles Lumber (Kitchener/Barrel Yards);	.20	\$70.00	MVI
30-Apr-19	To review order and correspondence with Gillies (Kitchener/Barrel Yards);	.20	\$70.00	MVI
1-May-19	To review motion Gilles materials; to correspondence with o/c; to consent order; to correspondence with client; to various scheduling emails;	1.40	\$490.00	MVI
1-May-19	To correspondence with service list;	.20	\$70.00	MVI
1-May-19	To correspondence with Copach;	.20	\$70.00	MVI
1-May-19	To correspondence from Forrest;	.20	\$70.00	MVI
2-May-19	To correspondence from Copach;	.20	\$70.00	MVI
2-May-19	To conference client;	.20	\$70.00	MVI
2-May-19	To correspondence to Forrest;	.20	\$70.00	MVI
2-May-19	To correspondence from Copach;	.10	\$35.00	MVI
3-May-19	To review Turton claim; to conference client; to conference Turton; to conference Statham;	1.00	\$350.00	MVI
3-May-19	To draft letter to Turton; (Yarmouth, Guelph);	.50	\$175.00	MVI
3-May-19	To review claim and correspondence from Cotton;	.30	\$105.00	MVI
3-May-19	To correspondence with client;	.20	\$70.00	MVI
3-May-19	To e-mail correspondence with Melinda Vine; To draft letter to Counsel;	.40	\$66.00	LFE
3-May-19	To e-mail correspondence with Counsel and Melinda Vine;	.10	\$16.50	LFE
6-May-19	Waterloo - Draft Statement of Claim	.40	\$90.00	RDA
6-May-19	St Catharines - Draft Statement of Claim	.40	\$90.00	RDA

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
6-May-19	Newcastle - Draft Statement of Claim	.40	\$90.00	RDA
6-May-19	Kitchener - Draft Statement of Claim	.40	\$90.00	RDA
7-May-19	To e-mail correspondence with Melinda Vine; To instructions;	.10	\$16.50	LFE
7-May-19	To correspondence with client; to acceptance of service of Cotton's claim;	.40	\$140.00	MVI
7-May-19	To conference client;	.20	\$70.00	MVI
7-May-19	To correspondence with client;	.20	\$70.00	MVI
7-May-19	To correspondence with client re: a/r and demands;	.20	\$70.00	MVI
9-May-19	To conference client; to correspondence from Copach;	.30	\$105.00	MVI
9-May-19	To correspondence with Mahoney;	.20	\$70.00	MVI
10-May-19	To correspondence from counsel for Doka; to correspondence with client;	.20	\$70.00	MVI
10-May-19	To conference client;	.20	\$70.00	MVI
10-May-19	To correspondence with Turton;	.20	\$70.00	MVI
10-May-19	To correspondence with Quigley;	.20	\$70.00	MVI
10-May-19	To e-mail correspondence with Melinda Vine and Counsel;	.10	\$16.50	LFE
13-May-19	To conference client re: WEPP and rebar claim;	.30	\$105.00	MVI
14-May-19	To review correspondence from Doka;	.20	\$70.00	MVI
14-May-19	To conference with counsel for Doka;	.50	\$175.00	MVI
15-May-19	To correspondence with client;	.20	\$70.00	MVI
15-May-19	To correspondence with O'Connor;	.20	\$70.00	MVI
15-May-19	To correspondence with Forrest;	.20	\$70.00	MVI
16-May-19	To correspondence with Turton;	.20	\$70.00	MVI
16-May-19	To conference with O'Connor and Myers; to order to O'Connor and Myers; to review Yarmouth PIN; to correspondence to BDO;	.70	\$245.00	MVI
16-May-19	To conference client; to review Canadian Concrete Claim;	.30	\$105.00	MVI
16-May-19	To call to Rita on Canadian Concrete;	.10	\$35.00	MVI
16-May-19	To correspondence with Forrest;	.20	\$70.00	MVI
17-May-19	To correspondence with client;	.20	\$70.00	MVI
17-May-19	To receipt and review of Skyrise Set Off claim;	.50	\$175.00	MVI
21-May-19	To review Skyrise claim and conference client; To review Duwyn's response;	.50	\$175.00	MVI
21-May-19	To correspondence with Rita re: listing stay;	.20	\$70.00	MVI

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
21-May-19	To review correspondence from Turton;	.20	\$70.00	MVI
21-May-19	To conference client;	.20	\$70.00	MVI
21-May-19	To review holdback;	.20	\$70.00	MVI
22-May-19	To correspondence with client;	.20	\$70.00	MVI
22-May-19	To review response from Robyn; to draft response re: holdback (Ayerswood);	.50	\$175.00	MVI
22-May-19	To various correspondence with client;	.20	\$70.00	MVI
23-May-19	To correspondence with client;	.20	\$70.00	MVI
23-May-19	To correspondence from and call to Canadian Concrete;	.20	\$70.00	MVI
23-May-19	To conference with client;	.20	\$70.00	MVI
23-May-19	To correspondence to Turton; to conference client;	.40	\$140.00	MVI
23-May-19	To instructions;	.20	\$33.00	LFE
23-May-19	Review invoices	.40	\$90.00	RDA
23-May-19	To drafting statement of claim (Guelph)	.30	\$67.50	RDA
23-May-19	To drafting statement of claim (Kitchener)	.50	\$112.50	RDA
23-May-19	To drafting statement of claim (waterloo)	.40	\$90.00	RDA
23-May-19	Draft/revise statements of claim (x4, Kitchener, waterloo, Newcastle, Guelph)	3.90	\$877.50	RDA
23-May-19	Draft/send email to client re: claim/lien numbers	.30	\$67.50	RDA
24-May-19	Draft certificates of action, requisitions, information for court use forms (all claims)	1.00	\$225.00	RDA
24-May-19	Review holdback invoices, summaries	.40	\$90.00	RDA
24-May-19	Revise waterloo claim re invoices, corrected indebtedness	.60	\$135.00	RDA
24-May-19	To conference BDO;	.20	\$70.00	MVI
24-May-19	To draft letter to Turton;	.30	\$105.00	MVI
24-May-19	To various correspondence re: Statement of Claims;	.20	\$70.00	MVI
24-May-19	To call to Canadian Cement;	.20	\$70.00	MVI
24-May-19	To conference client;	.20	\$70.00	MVI
27-May-19	To correspondence with Canadian Concrete counsel;	.20	\$70.00	MVI
27-May-19	To correspondence with client; to correspondence from Forest; to conference client; to conference Forest; to correspondence from Fuda;	.60	\$210.00	MVI
27-May-19	To various issues re: issuance of Claims;	.50	\$175.00	MVI
27-May-19	To conference lawyer for Canadian Concrete; to correspondence to counsel; to call to client;	.40	\$140.00	MVI



DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
27-May-19	To Instructions; To correspondence with process server and Rob Danter; To prepare courier; To draft memo to process server;	1.20	\$198.00	LFE
28-May-19	Revise claims re mortgagees	2.00	\$450.00	RDA
28-May-19	To correspondence with O'Connor and Myers; to correspondence with counsel for Canadian Concrete;	.40	\$140.00	MVI
28-May-19	To receipt and review of Statement of Claim from Canadian Concrete;	.30	\$105.00	MVI
28-May-19	To receipt and review of claim from ROC; to correspondence with client; to acceptance of service;	.50	\$175.00	MVI
28-May-19	To request form;	.20	\$70.00	MVI
28-May-19	To draft letter to counsel;	.20	\$33.00	LFE
28-May-19	To cert of action; To draft letter to process server;	.70	\$115.50	LFE
28-May-19	To e-mail correspondence with process server;	.10	\$16.50	LFE
29-May-19	To e-mail correspondence with process server and Rob Danter; To review voicemail from court clerk staff;	.10	\$16.50	LFE
29-May-19	To review correspondence and Order from Forrest; to correspondence with client;	.30	\$105.00	MVI
29-May-19	To correspondence with client; to correspondence to Forrest;	.30	\$105.00	MVI
29-May-19	To conference counsel for Cooper and correspondence to counsel for Cooper;	.30	\$105.00	MVI
29-May-19	Claims/certificates finalized re mortgagees, sent to server for issuance	1.10	\$247.50	RDA
30-May-19	Communications with process server re certificates of action	.30	\$67.50	RDA
30-May-19	Review certificates of action/registrations in preparation	.60	\$135.00	RDA
30-May-19	To message from registry; to correspondence with BDO;	.20	\$70.00	MVI
30-May-19	To conference client;	.20	\$70.00	MVI
30-May-19	To review bonds; to review registrations; to call with Statam; to correspondence to Turton; to draft Skyrise demand;	1.30	\$455.00	MVI
30-May-19	To correspondence with St. Mary's cement;	.20	\$70.00	MVI
31-May-19	To correspondence with client;	.20	\$70.00	MVI
31-May-19	To correspondence to skyline;	.20	\$70.00	MVI
31-May-19	To correspondence with ROC;	.20	\$70.00	MVI
31-May-19	To amend demand letters to Skyrise;	.20	\$70.00	MVI
31-May-19	To correspondence for Forrest;	.20	\$70.00	MVI

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
31-May-19	To update file;	.10	\$16.50	LFE
3-Jun-19	To instructions; To Certificate of Action and Statement of Claim package;	.30	\$49.50	LFE
3-Jun-19	To review correspondence from Turton;	.20	\$70.00	MVI
3-Jun-19	To correspondence with BDO;	.20	\$70.00	MVI
6-Jun-19	To review Doka Claim; to conference client re: trust funds;	.30	\$105.00	MVI
6-Jun-19	To prepare claims for service; To e-mail correspondence with process server; To draft memo to process server;	1.80	\$297.00	LFE
6-Jun-19	To obtaining corporate and/or business name report(s)	.50	\$87.50	JST
7-Jun-19	To e-mail correspondence with process server;	.10	\$16.50	LFE
7-Jun-19	To follow with Forrest;	.20	\$70.00	MVI
7-Jun-19	To Notice of Discontinuance from ROC;	.20	\$70.00	MVI
10-Jun-19	To correspondence with client;	.20	\$70.00	MVI
10-Jun-19	To instructions to student re: funds held in a lawyers trust account;	.20	\$70.00	MVI
10-Jun-19	Conducted research on Solicitor Trust Accounts for fees and whether or not they form part of the bankruptcy estate.	4.00	\$400.00	htr
11-Jun-19	To correspondence with client;	.20	\$70.00	MVI
11-Jun-19	To correspondence with Statham;	.20	\$70.00	MVI
11-Jun-19	To correspondence from Turton to correspondence with Statham;	.40	\$140.00	MVI
11-Jun-19	To review Oslim letter;	.20	\$70.00	MVI
11-Jun-19	To correspondence with Forrest;	.20	\$70.00	MVI
11-Jun-19	To draft response to Minden Gross;	.20	\$70.00	MVI
12-Jun-19	To correspondence to Turton;	.20	\$70.00	MVI
12-Jun-19	To correspondence with client;	.20	\$70.00	MVI
12-Jun-19	To various issues re: discontinuance;	.30	\$105.00	MVI
12-Jun-19	To correspondence with client re: funds with Weir Fould;	.20	\$70.00	MVI
12-Jun-19	To correspondence with Turton;	.20	\$70.00	MVI
12-Jun-19	To e-mail correspondence with counsel;	.10	\$16.50	LFE
12-Jun-19	To draft letter to Weir Foulds;	.30	\$49.50	LFE
12-Jun-19	Confirm issue re discontinue action against owner/mtgee when vacated	.60	\$135.00	RDA
12-Jun-19	Draft notices of discontinuance	.40	\$90.00	RDA

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
12-Jun-19	Email to client re discontinue action	.20	\$45.00	RDA
13-Jun-19	Finalize/compile notices and cover letters for discontinuance	.80	\$180.00	RDA
13-Jun-19	To arrange for service of Notice of Discontinuances; To serve Notices of Discontinuance; To e-mail correspondence with counsel; To draft Affidavit of Service;	1.60	\$264.00	LFE
13-Jun-19	To conference BDO;	.40	\$140.00	MVI
13-Jun-19	To conference Statum;	.20	\$70.00	MVI
13-Jun-19	To review Rebar disallowance;	.20	\$70.00	MVI
13-Jun-19	To draft response to Turton;	.20	\$70.00	MVI
13-Jun-19	To review Order of Doka to lift the stay; to correspondence with client;	.30	\$105.00	MVI
14-Jun-19	To correspondence from Jeremy;	.20	\$70.00	MVI
14-Jun-19	To correspondence with Turton and client; to approval of content of order and correspondence to Myers re: lifting of stay;	.50	\$175.00	MVI
14-Jun-19	To correspondence from Forrest;	.20	\$70.00	MVI
14-Jun-19	To correspondence with Turton and Skyline;	.20	\$70.00	MVI
14-Jun-19	To update file; To e-mail correspondence with process server; To edit Affidavit of Service;	.50	\$82.50	LFE
17-Jun-19	To arrange for filing of Notices of Discontinuance; To draft memos to process server; To update file re Statements of Claim; To e-mail correspondence with process server; To draft Notices of Discontinuance; To review correspondence from counsel;	1.70	\$280.50	LFE
18-Jun-19	To update file;	.40	\$66.00	LFE
18-Jun-19	To correspondence with CIBC;	.20	\$70.00	MVI
18-Jun-19	To conference client;	.20	\$70.00	MVI
18-Jun-19	To correspondence with client;	.20	\$70.00	MVI
19-Jun-19	To review report from client;	.50	\$175.00	MVI
19-Jun-19	To review response from Stonerise;	.70	\$245.00	MVI
19-Jun-19	To various conferences with client;	.60	\$210.00	MVI
19-Jun-19	To correspondence with Forrest;	.20	\$70.00	MVI
19-Jun-19	To review response to Stonerise;	.20	\$70.00	MVI
19-Jun-19	To conference Weird Foulds;	.20	\$70.00	MVI
20-Jun-19	To review Stonerise contracts and delay claims;	1.00	\$350.00	MVI

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
20-Jun-19	To review correspondence re: Oslim; to correspondence with client; to conference client;	.40	\$140.00	MVI
20-Jun-19	To review Turton report;	.50	\$175.00	MVI
20-Jun-19	Researching the test for delay claims in construction actions	2.50	\$250.00	jdi
21-Jun-19	Research and preparing memo on what is required to prove a delay claim	3.50	\$350.00	jdi
21-Jun-19	To conference client;	.20	\$70.00	MVI
21-Jun-19	To correspondence with client;	.20	\$70.00	MVI
24-Jun-19	To review Statum response;	.50	\$175.00	MVI
24-Jun-19	To conference client;	.40	\$140.00	MVI
24-Jun-19	To review invoice payment on Ayerswood;	.20	\$70.00	MVI
24-Jun-19	To review law on delay;	.30	\$105.00	MVI
24-Jun-19	To review response from BDO to Statum;	.20	\$70.00	MVI
24-Jun-19	Research/draft memo to MVI re release of holdback.	5.90	\$1,327.50	RDA
25-Jun-19	To conference client;	.20	\$70.00	MVI
25-Jun-19	To correspondence with client;	.20	\$70.00	MVI
25-Jun-19	To review summary re: skyrise; to conference client; to correspondence to Statum;	.40	\$140.00	MVI
25-Jun-19	Reviewing construction contracts for notice provisions and summarizing them	3.00	\$300.00	jdi
26-Jun-19	To draft response to Turton;	.50	\$175.00	MVI
26-Jun-19	To conference with Forrest;	.20	\$70.00	MVI
26-Jun-19	To conference BDO;	.10	\$35.00	MVI
26-Jun-19	To correspondence with client;	.20	\$70.00	MVI
26-Jun-19	To correspondence with client and Turton;	.20	\$70.00	MVI
26-Jun-19	To conference client re: Turton;	.20	\$70.00	MVI
27-Jun-19	To conference with Statham; to correspondence with client;	.50	\$175.00	MVI
27-Jun-19	To call to Turton;	.20	\$70.00	MVI
27-Jun-19	To correspondence with Forrest;	.20	\$70.00	MVI
27-Jun-19	To update file re service of Statement of Claim;	.70	\$115.50	LFE
2-Jul-19	Research re WEPPA, CA priorities	1.50	\$337.50	RDA
2-Jul-19	To correspondence with Statham; to call to Turton;	.30	\$105.00	MVI
2-Jul-19	To correspondence with client;	.20	\$70.00	MVI

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
2-Jul-19	Reviewing and summarizing construction contracts	1.30	\$130.00	jdi
3-Jul-19	To correspondence with Forrest;	.20	\$70.00	MVI
3-Jul-19	To review law on WEPP;	.20	\$70.00	MVI
3-Jul-19	Research and draft response re WEPP/CA priority	.60	\$135.00	RDA
4-Jul-19	To e-mail correspondence with Robyn Duwyn;	.10	\$16.50	LFE
4-Jul-19	To update file;	.30	\$49.50	LFE
4-Jul-19	To correspondence from Statham;	.20	\$70.00	MVI
4-Jul-19	To correspondence with client;	.20	\$70.00	MVI
5-Jul-19	To review Forrest documents and claim; to conference BDO;	.50	\$175.00	MVI
5-Jul-19	To review delay memo on Contracts;	.20	\$70.00	MVI
5-Jul-19	Research/draft opinion to client re: lien/trust priorities, workers' priority	1.30	\$292.50	RDA
8-Jul-19	To update file re Affidavit of Service;	.10	\$16.50	LFE
8-Jul-19	To correspondence with Statham and BDO re: payment application; to review appendices;	.40	\$140.00	MVI
8-Jul-19	To email from Statham; to correspondence to client;	.20	\$70.00	MVI
8-Jul-19	To correspondence with client;	.20	\$70.00	MVI
10-Jul-19	To conference Statham;	.20	\$70.00	MVI
10-Jul-19	To correspondence from Turton; to call to Turton; to correspondence with client; to correspondence to Turton;	.50	\$175.00	MVI
11-Jul-19	To conference with client; to call to Forest; to correspondence with Turton; to review correspondence from client; to correspondence with Statham; to correspondence to Statham re: forms and telephone conference;	1.00	\$350.00	MVI
11-Jul-19	To conference Statham;	.20	\$70.00	MVI
12-Jul-19	To correspondence with Statham and client;	.20	\$70.00	MVI
15-Jul-19	To conference Forrest;	.20	\$70.00	MVI
15-Jul-19	To correspondence with client;	.20	\$70.00	MVI
15-Jul-19	To review project set off;	.20	\$70.00	MVI
15-Jul-19	To correspondence with Turton;	.20	\$70.00	MVI
16-Jul-19	To correspondence with Turton and client;	.20	\$70.00	MVI
16-Jul-19	To conference client;	.30	\$105.00	MVI
16-Jul-19	To correspondence to Turton;	.20	\$70.00	MVI
17-Jul-19	To correspondence with Turton;	.20	\$70.00	MVI

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
18-Jul-19	To correspondence with client;	.20	\$70.00	MVI
18-Jul-19	To call with Skyrise;	.50	\$175.00	MVI
18-Jul-19	To conference client;	.10	\$35.00	MVI
18-Jul-19	To correspondence with client;	.20	\$70.00	MVI
19-Jul-19	To conference client;	.20	\$70.00	MVI
19-Jul-19	To correspondence with Statham re: viewing forms;	.20	\$70.00	MVI
22-Jul-19	To recipe and review of Second Report;	1.00	\$350.00	MVI
	Total Fees:		\$ 52,822.50	
	Plus GST:		0.00	
	Plus HST:		<u>6,866.93</u>	
	<b>Total Fees (INCL TAX)</b>			<b><u>\$ 59,689.43</u></b>

**FEE SUMMARY:**

LAWYER	HOURS	RATE	AMOUNT
Melinda Vine	98.50	\$350.00	\$34,475.00
Logan Burnett	11.40	\$100.00	\$1,140.00
Annie Legate-Wolfe	.40	\$100.00	\$40.00
Thomas Masterson	.50	\$100.00	\$50.00
Danter Rob	55.30	\$225.00	\$12,442.50
Kelly Bryant	7.20	\$165.00	\$1,188.00
Lindsay Ferguson	11.30	\$165.00	\$1,864.50
Jana Streith	1.10	\$175.00	\$192.50
Jason DiFruscia	10.30	\$100.00	\$1,030.00
Hayden Trbizan	4.00	\$100.00	\$400.00

**NON-TAXABLE DISBURSEMENTS**

Government Filing Fees	\$88.00
File Motion Record	\$50.00
Issue Claim	\$916.00
Issue Statement of Claim	\$687.00
Issue Certificate of Action	\$910.00
Register Application	\$515.20
Total Non-Taxable Disbursements:	<u>3,166.20</u>

**TAXABLE DISBURSEMENTS**

Cyberbahn - Corporate Profile	143.00
MPAC - Assessment Search	5.00
Cyberbahn - PPSA	21.50
Court Filings (Wilson's)	998.35
Teranet Search	559.05
Register Mail	93.33
Courier	89.52

B&W Photocopies/Printing	287.50	
Colour Photocopies/Printing	191.00	
Postage	10.55	
Westlaw	109.35	
Service of Documents	1,300.00	
Teranet Registration Fee	86.00	
Title Services	450.00	
Registration Services	80.00	
Document Preparation/Review	580.00	
Total Taxable Disbursements:	\$ 5,004.15	
Plus GST:	0.00	
Plus HST:	<u>650.54</u>	
<b>Total Disbursements (INCL TAX)</b>		<b>\$ <u>8,820.89</u></b>

**TOTAL DUE & OWING** **\$ 68,510.32**

**THIS IS OUR ACCOUNT HEREIN**

***HARRISON PENSA LLP***

Per: \_\_\_\_\_  
    Melinda Vine

E. & O.E.

GST \ HST REGISTRATION NO: R867630543  
Interest of 2 % is charged based on the Courts of Justice Act at time of billing on all invoices over 30 days.

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TERMS: DUE UPON RECEIPT - Mastercard and Visa Accepted  
HARRISON PENSA LLP, 450 Talbot Street, P.O. Box 3237, London ON N6A 4K3

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IN THE MATTER OF THE BANKRUPTCY OF  
SIRIUS CONCRETE INC. OF THE CITY OF  
WATERLOO, IN THE PROVINCE OF ONTARIO

AND IN THE MATTER OF THE *CONSTRUCTION LIEN ACT*, R.S.O. 1990, c. C.30, as amended

Court File No. 35-2481393  
Estate File No. 35-2481393

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**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at  
London, Ontario

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**AFFIDAVIT OF ROB DANTER**

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**Harrison Pensa**<sup>LLP</sup>  
Barristers and Solicitors  
450 Talbot Street, P.O. Box 3237  
London, Ontario N6A 4K3

**Melinda Vine (LSUC #53612R)**  
Tel: (519) 679-9660  
Fax: (519) 667-3362

Solicitors for the Trustee,  
BDO Canada Limited



IN THE MATTER OF THE BANKRUPTCY OF  
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**ONTARIO  
SUPERIOR COURT OF JUSTICE**

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**SECOND REPORT**

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**Harrison Pensa**<sup>LLP</sup>  
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**MOTION RECORD**

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