



ESTATE No. 11-1602931
NO. B-120334
VANCOUVER REGISTRY

**IN THE SUPREME COURT OF BRITISH COLUMBIA
IN BANKRUPTCY**

**IN THE MATTER OF THE PROPOSAL OF
TYAM CIVIL CONSTRUCTORS LTD.**

ORDER

BEFORE THE HONOURABLE) FRIDAY, THE 30TH
)
MADAM JUSTICE BROWN) DAY OF NOVEMBER, 2012

THE APPLICATION of the G. Powroznik Group Inc. of G-Force Group (the "Proposal Trustee") coming on for a hearing at 800 Smithe Street, Vancouver, B.C. on this day; AND ON READING the materials filed herein; AND ON HEARING Bonita Lewis-Hand and Michael Morgan, Counsel for the Proposal Trustee, and those counsel as listed on Schedule "A" hereto, and no other parties appearing although duly served;

THIS COURT ORDERS that:

1. The Proposal Trustee is authorized to make an interim distribution in the aggregate sum of \$2,790,953.41 to those lien claimants and trust claimants listed, and in the amounts referenced, in Schedule "A" hereto, with respect to claims arising from the contract between Fraser Transportation Group ("FTG") and TCC for the project known as the South Fraser Perimeter Road dated July 26, 2011 ("FTG Contract");
2. The Proposal Trustee is authorized to make future distributions to those lien claimants and trust claimants listed in Schedule "A" hereto, in the same percentages as indicated therein with respect to funds that may be received by the Proposal Trustee in the future

arising from the FTG Contract without further order of the court subject to whatever holdbacks the Proposal Trustee, in its sole direction, considers to be reasonable;

3. The Proposal Trustee is authorized to make an interim distribution in the aggregate sum of \$24,472.84 to those lien claimants and trust claimants listed, and in the amounts referenced, in Schedule "B" hereto, with respect to their claims arising from the contract between Metro-Can Construction (UW) Ltd. and Tyam Civil Constructors Ltd. ("TCC") for the project known as The Urban Village - Phase 3 - Ultra Project made on June 27, 2011;
4. The Proposal Trustee is authorized to make an interim distribution in the aggregate sum of \$115,893.35 to those lien claimants and trust claimants listed, and in the amounts referenced, in Schedule "C" hereto with respect to their claims arising from the contract between British Pacific Properties Limited ("BPP") and TCC dated July 27, 2011 for the project known as Rodgers Creek Development RC-11 - Chippendale Road Intersection at Cypress Bowl Road;
5. The Proposal Trustee is authorized to make an interim distribution in the aggregate sum of \$8,016.41 to those lien claimants and trust claimants listed, and in the amounts referenced, in Schedule "D" hereto, with respect to their claims arising from the contract between BPP and TCC dated October 1, 2011 for the project known as McGavin Field Retaining Wall;
6. The Proposal Trustee is authorized to make an interim distribution in the aggregate sum of \$13,428.84 to those lien claimants and trust claimants listed, and in the amounts referenced, in Schedule "E" hereto, with respect to their claims arising from the contract between SNC Lavalin ("SNC") and TCC for the work performed to concrete forms in SNC's Maple Ridge storage yard, the installation of hoarding at Canada Line Station, and maintenance repairs on the Canada Line (collectively the "SNC Contracts");
7. The Proposal Trustee is authorized to make an interim distribution in the aggregate sum of \$12,479.18 to those lien claimants and trust claimants listed, and in the amounts referenced, in Schedule "E" hereto, with respect to their claims arising from the contract between Trailer Wizards Ltd. and TCC for site fill work at 10221 Swenson Way, Delta, British Columbia ("Wizard Contract");

8. The Proposal Trustee is authorized to make an interim distribution in the aggregate sum of \$28,074.35 to those lien claimants and trust claimants, and in the amounts referenced, in Schedule "F" hereto, with respect to the Amacon Earthworks Contract (as defined in the Report) at 8500 Glenlyon Parkway, Burnaby.
9. The Proposal Trustee is authorized to make an interim distribution in the aggregate sum of \$291,017.06 to those lien claimants and trust claimants, and in the amounts referenced, in Schedule "G" hereto, with respect to the Amacon RainTanks Contract (as defined in the Report) at 8500 Glenlyon Parkway, Burnaby.
10. The Proposal Trustee is authorized to make an interim distribution in the aggregate sum of \$117,226.60 to those lien claimants and trust claimants, and in the amounts referenced, in Schedule "H" with respect to the Amacon Bio Swale Contract (as defined in the Report) at 8500 Glenlyon Parkway, Burnaby.
11. The Proposal Trustee is authorized to make an interim distribution in the aggregate sum of \$207,573.42 to those lien claimants and trust claimants, and in the amounts referenced, in Schedule "I" with respect to the Amacon Civil Works Contract (as defined in the Report) at 4250 Marine Drive, Burnaby/8545 New Haven Close, Burnaby.
12. The Proposal Trustee is directed to:
 - (a) bring an application for determination of whether the lien and trust claimants with respect to the Amacon Earthworks Contract are entitled to a portion of the proceeds received by the Proposal Trustee with respect to the Amacon Rain Tanks Contract and Amacon Bio Swale Contract up to a maximum of \$96,564.33; and
 - (b) retain from the proceeds it has received with respect to the Amacon Rain Tanks Contract and the Amacon Bio Swale Contract, the aggregate sum of \$96,564.33 to be held in trust pending determination of the application referred to in paragraph 12(a) of this Order (the "Earthworks Trust Fund") or pending a settlement with the trust and lien claimants who have filed claims with respect to the Amacon Earthworks Contract which claims were allowed by the Proposal Trustee. The Proposal Trustee be and is hereby authorized to distribute the Earthworks Trust Fund in accordance with any such settlement without further order of the Court.

13. The Proposal Trustee be and is hereby authorized to pay the following sums ("Surplus Funds") to the Bankruptcy Trustee of TCC, for the benefit of TCC's bankruptcy estate, and for distribution in accordance with the provisions of the *Bankruptcy & Insolvency Act* ("BIA"):

- (a) \$166,468.04 remaining as surplus funds after payment of the interim distribution in paragraph 6 of this Order with respect to the SNC Contracts;
- (b) \$241.24 remaining as surplus funds after payment of the interim distribution in paragraph 7 of this Order with respect to the Wizard Contract;
- (c) \$133,815.24 remaining as surplus funds with respect to the Amacon Raintanks Contract after payment of the interim distribution provided for in paragraph 9 of this Order, and the establishment of the Earthworks Trust Fund provided for in paragraph 11(b) of this Order;
- (d) \$100,227.44 remaining as surplus funds with respect to the Amacon Bio Swale Contract after payment of the interim distribution after payment of the interim distribution provided for in paragraph 10 of this Order, and the establishment of the Earthworks Trust Fund provided for in paragraph 11(b) of this Order;
- (e) \$1,344.33 with respect to the contract between TCC and JJM Construction Ltd. for rental of excavator attachments, for which no trust or lien claims were filed with the Proposal Trustee;
- (f) \$13,443.34 with respect to the contract between TTC and Prism Construction Ltd. for capping a sanitary line at Sea Island Way and River Road, Richmond, for which no lien claims or trust claims were filed with the Proposal Trustee; and
- (g) \$18,447.73 with respect to construction services provided by TCC to the City of Surrey.

14. The Order pronounced May 30, 2012, shall be varied as follows:

- (a) To add the following paragraphs, immediately following paragraph 33:

34: The Proposal Trustee is hereby authorized to take whatever steps it considers necessary to collect accounts receivable of TCC, including without limitation the commencement of legal proceedings, in any situation where the

Proposal Trustee believes the steps taken to collect such receivables will potentially result in a net benefit (after all professional fees and costs) to lien and/or trust claimants, and where the proceeds expected to be recovered with respect to such steps are anticipated to be administered as part of the Trust Claim Settlement Program;

35: The Proposal Trustee is hereby authorized to negotiate and enter into settlements or compromises with any Owner or Contractor, any debtor of TCC, or any creditor of TCC, that the Proposal Trustee, in its sole discretion, believes is in the best interest of the lien and trust claimants that may be affected by such a settlement or compromise, and such settlements or compromises will be binding on TCC and all affected trust and lien claimants, without further order of the court;

(b) To replace paragraph 26 with the following paragraph:

“The Proposal Trustee, its legal counsel, and Borden Ladner Gervais LLP to the limited extent that it provided legal services with respect to the Trust Claim Settlement Program, shall be entitled to and are hereby granted a charge (“Proposal Trustee’s Charge) on the Potential Trust Funds and the Holdback, as security for their reasonable legal fees and disbursements incurred, both before and after the making of this Order, in respect of the Trust Claim Settlement Program, and the Proposal Trustee’s Charge shall form a first charge on the Potential Trust Funds and Holdback in priority to all security interests, trusts, liens, charges and encumbrances, statutory or otherwise, in favour of any creditor of TCC, Trust Claimant or Lien Claimant, but subject to Section 14.06(7) of the BIA *nunc pro tunc*;

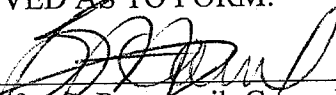
15. The Proposal Trustee’s application for approval and interim taxation of its account, and the accounts of each of Lawson Lundell LLP and Borden Ladner Gervais LLP be and are hereby adjourned generally;
16. Notwithstanding paragraph 14(a) of this Order as it relates to paragraph 34 of the May 30, 2012 Order, the Proposal Trustee shall, in its sole discretion, determine whether to pursue collection of accounts receivable or other amounts that may be owing to TCC, the proceeds of which the Proposal Trustee believes will be the subject to claims of lien and holdback and accordingly would be administered pursuant to the Trust Claim Settlement Program. The Proposal Trustee shall consult with Mr. Rob Barker of Tyam Construction Ltd. (“TCL”) prior to making its decision. If Mr. Barker does not agree with the proposed decision of the Proposal Trustee then the Proposal Trustee shall postpone taking any

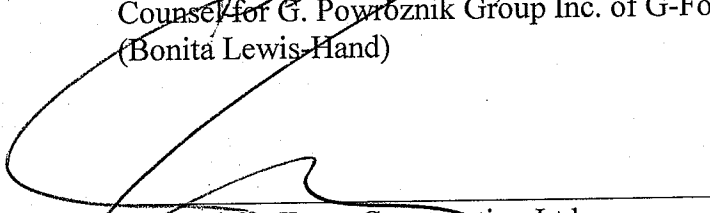
collection action for one (1) week to allow TCL to consider whether to bring an application with respect to the matter.

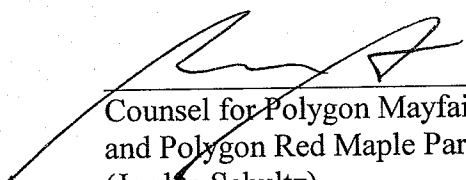
BY THE COURT


DEPUTY DISTRICT REGISTRAR

APPROVED AS TO FORM:


Counsel for G. Powroznik Group Inc. of G-Force Group
(Bonita Lewis-Hand)


Counsel for Tyam Construction Ltd.
(John Grieve)


Counsel for Polygon Mayfair Place Homes Ltd.
and Polygon Red Maple Park Homes Ltd.
(Jordan Schultz)



SCHEDULE "A"

In the matter of the Proposal of Tyam Civil Constructors Ltd.
Schedule of Trust and Lien Claims and Amended Interim Distributions
FTG Contract

Description of work:

Contract for earthworks, walls, sanitary and drainage work on the Fraser Transportation Group Constructors South Perimeter Road project. The overall project is a 40 kilometre, four-lane route along the south side of the Fraser River from southwest Delta, B.C. to 176th Street in Surrey, B.C. The Proposal Trustee has received independent legal advice from its counsel that, at law, no holdback obligations apply to the FTG project and therefore there can be no lien claim against the holdback. Accordingly, there are no lien claims for this project.

a) Trust claims admitted

Creditor Name	Trust Claims admitted	Lien Claims - not applicable	Claims assigned to TCL (Y/N)	Amount assigned to TCL \$	Total Claim for distribution \$
ADVANCE TESTING LTD.	5,187.28	-	Y	(5,187.28)	-
BASALITE CONCRETE PRODUCTS	549.64	-	N	-	549.64
BRAIN RALSTON BULLDOZING LTD	21,907.20	-	Y	(21,907.20)	-
BROCK WHITE CANADA COMPANY	1,930.44	-	N	-	1,930.44
CANADIAN DEWATERING LTD.	78,672.15	-	Y	(78,622.87)	49.28
DIRECT EQUIPMENT WEST LTD.	1,353.45	-	N	-	1,353.45
EMCO LIMITED	53,061.01	-	Y	(53,061.01)	-
GIENOW LOG SERVICES INC.	20,272.00	-	N	-	20,272.00
G.W.G RENTALS LTD	6,590.88	-	Y	(6,590.88)	-
GREENBELT EXCAVATING	98,235.20	-	Y	(98,235.20)	-
KRS EXCAVATING LTD.	58,189.60	-	Y	(58,189.60)	-
LAFARGE CANADA INC.	6,050.69	-	Y	(6,050.69)	-
LANGLEY CONCRETE LT PARTNERSHIP	58,317.09	-	Y	(58,085.70)	231.39
MAINLAND L. CONT. LTD.	231,410.42	-	Y	(231,410.42)	-
MAINLAND SAND & GRAVEL LTD.	5,598.83	-	Y	(5,598.83)	-
MCRAE'S ENVIRONMENTAL SERVICES	985.60	-	N	-	985.60
NILEX INC.	55,305.71	-	Y	(55,305.71)	-
PSP Consulting	8,377.60	-	Y	(8,377.60)	-
PROQUIP	147,463.25	-	Y	(147,463.25)	-
RAINWATER MANAGEMENT	25,536.00	-	Y	(25,536.00)	-
REMPPEL BROS CONCRETE LTD.	78,162.85	-	Y	(78,162.85)	-
SITECH WESTERN CANADA	672.00	-	N	-	672.00
SPECTRA TEC SERVICES GROUP	319.20	-	N	-	319.20
SUPER SAVE DISPOSAL INC.	3,364.94	-	N	-	3,364.94
SUPER SAVE FENCE RENTALS INC.	519.27	-	N	-	519.27
SUPER SAVE TOILET RENTALS INC	2,740.02	-	Y	(2,522.61)	217.41
UNITED RENTALS CANADA, INC.	8,394.65	-	Y	(8,394.65)	-
VIC'S CUSTOM WELDING	8,316.00	-	Y	(8,316.00)	-
WESTERN LINE LTD.	1,904.00	-	Y	(1,904.00)	-
WESTVIEW SALES LTD.	16,684.64	-	Y	(16,684.64)	-
WETDOWN WATER SERVICES INC.	3,981.60	-	Y	(3,981.60)	-
TYAM CONSTRUCTION LTD.	4,348,036.13	-	n/a	-	4,348,036.13
Totals	5,358,089.34	-	-	(979,588.59)	4,378,500.75

b) Amended Interim Distributions

Amount available for interim distribution

\$ 2,790,953.41

Creditor Name	Trust Claim admitted (from section a)	Distribution amount \$	Percentage entitlement of Claimant %
BASALITE CONCRETE PRODUCTS	549.64	350.35	0.01255%
BROCK WHITE CANADA COMPANY	1,930.44	1,230.51	0.04409%
CANADIAN DEWATERING LTD.	49.28	31.41	0.00113%
DIRECT EQUIPMENT WEST LTD.	1,353.45	862.72	0.03091%
GIENOW LOG SERVICES INC.	20,272.00	12,921.82	0.46299%
LANGLEY CONCRETE LT PARTNERSHIP	231.39	147.49	0.00528%
MCRAE'S ENVIRONMENTAL SERVICES	985.60	628.24	0.02251%
SITECH WESTERN CANADA	672.00	428.35	0.01535%
SPECTRA TEC SERVICES GROUP	319.20	203.47	0.00729%
SUPER SAVE DISPOSAL INC.	3,364.94	2,144.89	0.07685%
SUPER SAVE FENCE RENTALS INC.	519.27	330.99	0.01186%
SUPER SAVE TOILET RENTALS INC	217.41	138.58	0.00497%
TYAM CONSTRUCTION LTD.	4,348,036.13	2,771,534.59	99.30422%
Totals	4,378,500.75	2,790,953.41	100%

Note - To date, the Proposal Trustee has received \$3,504,893.03 (including interest) in trust funds and contractual holdbacks relating to the FTG Contract. The proposed interim distribution above has increased from the amount set forth in the First Report as follows:

Original proposed interim distribution (from First Report)	\$ 2,051,779.98
Add: funds received subsequent to Oct. 31, 2012	827,874.25
Less: HST on funds received subsequent to Oct. 31, 2012	(88,700.82)
Revised proposed Interim distribution	2,790,953.41

The Proposal Trustee will retain the HST on the additional collections pending confirmation from CRA of the balance due from HST collections by TCC.

SCHEDULE "B"

In the matter of the Proposal of Tyam Civil Constructors Ltd.
 Schedule of Trust and Lien Claims and Interim Distributions
 Metro-Can Contract

Description of work:

Offsite utilities and road works for the Urban Ultra Highrise project at 133rd St. and 104 Ave. in Surrey, B.C.

a) Trust and lien claims admitted

Creditor Name	Trust and lien claims admitted \$
ABC PIPE CLEANING SERVICES LTD	6,249.60
ADVANCE TESTING LTD.	3,567.20
BAYHILL CONTRACTING LTD.	2,839.20
BCD HOLDINGS LTD.	918.09
BURNCO ROCK PRODUCTS LTD.	3,988.99
CAMERON LAND SURVEYING LTD.	13,131.44
CANADIAN DEWATERING LTD.	812.00
DIRECT EQUIPMENT WEST LTD.	1,662.45
FIVE POINTS HOLDING LTD	8,979.88
G.W.G RENTALS LTD	50.40
IMPERIAL PAVING LTD	251.48
J. THOMPSON TRUCKING LTD	1,653.12
LAFARGE CANADA INC.	675.76
PINELAND PEAT FARMS LTD	1,439.20
PHILLIPS ENGINEERING LTD.	1,176.00
PROQUIP	120.73
REG AST TRUCKING LTD	13,856.64
SPECTRA TEC SERVICES GROUP	638.40
SUPER SAVE DISPOSAL INC.	688.80
SUPER SAVE FENCE RENTALS INC.	498.39
SUPERIOR CITY SERVICES LTD.	-1,020.91
URBAN SAWING & GROOVING COMPANY LTD.	1,018.64
VALLEY TRAFFIC SYSTEMS INC.	527.52
WILD CATS EXCAVATING LTD.	5,612.32
WINVAN PAVING LTD.	41,192.12
TYAM CONSTRUCTION LTD.	46,109.28
	158,678.56

b) Interim Distributions

Amount available for interim distribution

\$ 24,472.84

see note

Creditor Name	Trust and lien claim admitted (from section a)	Distribution amount \$
ABC PIPE CLEANING SERVICES LTD	6,249.60	963.87
ADVANCE TESTING LTD.	3,567.20	550.17
BAYHILL CONTRACTING LTD.	2,839.20	437.89
BCD HOLDINGS LTD.	918.09	141.60
BURNCO ROCK PRODUCTS LTD.	3,988.99	615.22
CAMERON LAND SURVEYING LTD.	13,131.44	2,025.25
CANADIAN DEWATERING LTD.	812.00	125.23
DIRECT EQUIPMENT WEST LTD.	1,662.45	256.40
FIVE POINTS HOLDING LTD	8,979.88	1,384.96
G.W.G RENTALS LTD	50.40	7.77
IMPERIAL PAVING LTD	251.48	38.79
J. THOMPSON TRUCKING LTD	1,653.12	254.96
LAFARGE CANADA INC.	675.76	104.22
PINELAND PEAT FARMS LTD	1,439.20	221.97
PHILLIPS ENGINEERING LTD	1,176.00	181.37
PROQUIP	120.73	18.62
REG AST TRUCKING LTD	13,856.64	2,137.10
SPECTRA TEC SERVICES GROUP	638.40	98.46
SUPER SAVE DISPOSAL INC.	688.80	106.23
SUPER SAVE FENCE RENTALS INC.	498.39	76.87
SUPERIOR CITY SERVICES LTD.	1,020.91	157.45
URBAN SAWING & GROOVING COMPANY LTD.	1,018.64	157.10
VALLEY TRAFFIC SYSTEMS INC.	527.52	81.36
WILD CATS EXCAVATING LTD.	5,612.32	865.58
WINVAN PAVING LTD.	41,192.12	6,353.02
TYAM CONSTRUCTION LTD.	46,109.28	7,111.39
	<u>158,678.56</u>	<u>24,472.84</u>

Note - no Holdbacks have been received by the Proposal Trustee on account of this contract as of the date of this Report. Total funds received on account of this contract are Potential Trust Funds of \$38,691.63. Whether funds that have been received to date are Potential Trust Funds or Holdbacks, all trust claimants also have made a lien claim against the Holdback for an equal amount to the trust claims (so all funds will be distributed on the same pro-rata basis to all claimants regardless of the nature of funds received).

SCHEDULE "C"

In the matter of the Proposal of Tyam Civil Constructors Ltd.
 Schedule of Trust and Lien Claims and Interim Distributions
 BPP Cypress Bowl Contract

Description of work:
 Road works and utility upgrades at the intersection of Cypress Bowl Road and Highview Place.

a) Trust and lien claims admitted

Creditor Name	Trust and lien claims admitted \$	Claims assigned to TCL (Y/N)	Total claim for distribution \$
KING KUBOTA SERVICES LTD.	87,795.51	Y	-
ALLIED WATER SERVICES	450.60	N	450.60
BA BLACKTOP LTD	52,567.54	Y	-
BCD HOLDINGS LTD.	127.01	N	127.01
BROCK WHITE CANADA COMPANY	619.76	N	619.76
BURNCO ROCK PRODUCTS LTD.	6,730.41	Y	-
CARL PENNER CUSTOM GRADING LTD	2,195.20	Y	-
DIRECT EQUIPMENT WEST LTD.	9,828.46	Y	-
HOWE SOUND DRILLING	19,099.36	Y	-
LEHIGH MATERIALS	125,808.29	Y	-
PHOENIX TRUCK & CRANE SERV.	1,017.58	Y	-
REELS HOSE FIX	1,504.80	Y	-
REMPEL BROS CONCRETE LTD.	1,165.36	Y	-
SCOTTISH LINE PAINTING LTD.	1,848.00	Y	-
SUPER SAVE DISPOSAL INC.	688.80	N	688.80
WILD CATS EXCAVATING LTD.	9,954.56	Y	-
BAYHILL CONTRACTING LTD.	1,912.96	N	1,912.96
SUPERIOR CITY SERVICES LTD.	852.11	N	852.11
URBAN SAWING & GROOVING COMPANY LTD.	4,380.32	N	4,380.32
WESTVIEW SALES LTD.	1,570.24	Y	-
TYAM CONSTRUCTION LTD.	539,063.07	n/a	539,063.07
			<u>548,094.63</u>

b) Interim Distributions

Amount Available for interim distribution \$ 115,893.35 see note

Creditor Name	Trust and lien claim admitted (from section a)	Distribution amount \$
ALLIED WATER SERVICES	450.60	95.28
BCD HOLDINGS LTD.	127.01	26.86
BROCK WHITE CANADA COMPANY	619.76	131.05
SUPER SAVE DISPOSAL INC.	688.80	145.65
BAYHILL CONTRACTING LTD.	1,912.96	404.49
SUPERIOR CITY SERVICES LTD.	852.11	180.18
URBAN SAWING & GROOVING COMPANY LTD.	4,380.32	926.21
TYAM CONSTRUCTION LTD.	539,063.07	113,983.64
	<u>548,094.63</u>	<u>115,893.35</u>

Note - For this Contract, receipts (including interest) are Potential Trust Funds of \$62,128.70 and Holdbacks of \$109,350.97. The distribution above includes Potential Trust Funds and Holdbacks. On this project, all trust claimants have also filed a lien claim against the Holdback for an equal amount to the trust claims. Accordingly, all funds will be distributed on the same pro-rata basis to all claimants.

SCHEDULE "D"

In the matter of the Proposal of Tyam Civil Constructors Ltd.
 Schedule of Trust and Lien Claims and Interim Distributions
 BPP McGavin Field Contract

Description of work:
 Construction of a Mechanically Stabilized Earth (MSE) Wall for a Sports Field located at the first switchback of Cypress Bowl Road.

a) Trust and lien claims admitted

Creditor Name	Trust and lien claims admitted \$	Claims assigned to TCL (Y/N)	Total claim for distribution
KAN RETAIN - IT CONTRACTING LTD.	34,274.24	N	34,274.24
KING KUBOTA SERVICES LTD.	1,540.00	Y	
LEHIGH MATERIALS	3,980.85	N	3,980.85
MACCAFERRI CANADA LTD.	36,299.20	N	36,299.20
PROQUIP	4,222.63	N	4,222.63
TYAM CONSTRUCTION LTD.	19,777.52	n/a	19,777.52
			<u>98,554.44</u>

b) Interim Distributions

Amount Available for interim distribution

\$ 8,016.41

see note

Creditor Name	Trust and lien claim admitted (from section a)	Distribution amount
KAN RETAIN - IT CONTRACTING LTD.	34,274.24	2,787.86
LEHIGH MATERIALS	3,980.85	323.80
MACCAFERRI CANADA LTD.	36,299.20	2,952.57
PROQUIP	4,222.63	343.47
TYAM CONSTRUCTION LTD.	19,777.52	1,608.70
	<u>98,554.44</u>	<u>8,016.41</u>

Note - no Potential Trust Funds have been received by the Proposal Trustee on account of this contract as of the date of this Report. Total funds received on account of this contract are Holdbacks of \$18,011.54. Whether funds that have been received to date are Potential Trust Funds or Holdbacks, all lien claimants also have made a trust claim against the Holdback for an equal amount to the lien claims (so all funds will be distributed on the same pro-rata basis to all claimants regardless of the nature of funds received).

SCHEDULE "E"

In the matter of the Proposal of Tyam Civil Constructors Ltd
 Schedule of Trust and Lien Claims and Interim Distributions
 FCC Small Jobs - Various contracts

a) Trust claims admitted

Creditor name	Contract	Trust claims admitted \$	Potential Trust Funds Exist (Y/N)
BCD HOLDINGS LTD.	Haulage	3,907.47	N
PHOENIX TRUCK & CRANE SERV.	Haulage	4,372.71	N
LEHIGH MATERIALS (revised)	Marguerite	546.17	N
STONEHOUSE ENTERPRISES	Marguerite	10,790.64	N
URBAN SAWING & GROOVING COMPANY LTD.	Marguerite	553.62	N
WILD CATS EXCAVATING LTD.	Marguerite	1,626.24	N
TYAM CONSTRUCTION LTD.	SFPR	30,405.76	N
Subtotal other		<u>52,202.61</u>	
UNITED RENTALS CANADA, INC.	SNC	10,439.00	Y
OCEAN CONCRETE	SNC	880.32	Y
PHOENIX TRUCK & CRANE SERV.	SNC	408.24	Y
PINELAND PEAT FARMS LTD	SNC	330.40	Y
TYAM CONSTRUCTION LTD.	SNC	1,370.88	Y
Subtotal SNC		<u>13,428.84</u>	
PROQUIP	Trailer Wizards	1,122.38	Y
WINVAN PAVING LTD.	Trailer Wizards	11,356.80	Y
Subtotal Trailer Wizards		<u>12,479.18</u>	
TOTAL ALL CLAIMS - SMALL JOBS		<u>78,110.63</u>	

b) Interim Distributions (for Contracts where Potential Trust Funds exist)

i) SNC

Description of work: Miscellaneous small construction works in Vancouver, BC.

Amount available for interim distribution

\$ 13,428.84

Creditor Name	Trust Claim admitted (from section a)	Distribution amount \$
UNITED RENTALS CANADA, INC.	10,439.00	10,439.00
OCEAN CONCRETE	880.32	880.32
PHOENIX TRUCK & CRANE SERV.	408.24	408.24
PINELAND PEAT FARMS LTD	330.40	330.40
TYAM CONSTRUCTION LTD.	1,370.88	1,370.88
	<u>13,428.84</u>	<u>13,428.84</u>

Note - Only Potential Trust Funds of \$182,202.51 (including interest) was received for the above Contract. There were no Holdbacks received.

ii) Trailer Wizards

Description of work: Site fill work at Swenson Way in Delta, BC.

Amount available for interim distribution

\$ 12,479.18

Creditor Name	Trust Claim admitted (from section a)	Distribution amount \$
PROQUIP	1,122.38	1,122.38
WINVAN PAVING LTD.	11,356.80	11,356.80
	<u>12,479.18</u>	<u>12,479.18</u>

Note - Only Potential Trust Funds of \$13,107.25 (including interest) was received for the above Contract. There were no Holdbacks received.

SCHEDULE "F"

In the matter of the Proposal of Tyam Civil Constructors Ltd.
 Schedule of Trust and Lien Claims and Interim Distributions
 Amacon Earthworks Contract

Description of work:
 Pre-load/earthworks on a portion of Lot 3 (Amacon Earthworks Contract).

a) Trust and lien claims admitted

Creditor Name	Trust and lien claims admitted \$
EX-CEL PIPE INC.	14,968.00
FIVE POINTS HOLDING LTD	28,014.00
MISSION CONTRACTORS LTD.	7,100.80
STICKS & STONES CONTRACTING LTD.	21,033.60
WALTER'S BULLDOZING 1994 LTD.	21,453.60
TYAM CONSTRUCTION LTD.	32,068.68
	124,638.68

b) Interim Distributions

SCENARIO I: Interim distribution made on basis of current claims and funds received.

Amount available for interim distribution \$ 28,074.35 see note

Creditor Name	Trust and lien claim admitted (from section a)	Distribution amount \$
EX-CEL PIPE INC.	14,968.00	3,371.48
FIVE POINTS HOLDING LTD	28,014.00	6,310.04
MISSION CONTRACTORS LTD.	7,100.80	1,599.43
STICKS & STONES CONTRACTING LTD.	21,033.60	4,737.73
WALTER'S BULLDOZING 1994 LTD.	21,453.60	4,832.34
TYAM CONSTRUCTION LTD.	32,068.68	7,223.34
	124,638.68	28,074.35

Note - For this Contract, a total of \$56,084.57 of Potential Trust Funds and Holdbacks have been received as at Oct. 31/12. The distribution above includes Potential Trust Funds and Holdbacks. On this project, all trust claimants have also filed a lien claim against the Holdback for an equal amount to the trust claims. Accordingly, all funds will be distributed on the same pro-rata basis to all claimants.

SCENARIO II: Interim distribution made on basis of TCL Offer

Amount available for interim distribution \$ 35,297.69 see note

Creditor Name	Trust and lien claim admitted (from section a)	Distribution amount \$
EX-CEL PIPE INC.	14,968.00	5,707.42
FIVE POINTS HOLDING LTD	28,014.00	10,681.96
MISSION CONTRACTORS LTD.	7,100.80	2,707.59
STICKS & STONES CONTRACTING LTD.	21,033.60	8,020.28
WALTER'S BULLDOZING 1994 LTD.	21,453.60	8,180.43
TYAM CONSTRUCTION LTD.	32,068.68	-
	124,638.68	35,297.69

Note - For this Contract, a total of \$56,084.57 of Potential Trust Funds and Holdbacks have been received as at Oct. 31/12. The distribution above includes Potential Trust Funds and Holdbacks. On this project, all trust claimants have also filed a lien claim against the Holdback for an equal amount to the trust claims. Accordingly, all funds will be distributed on the same pro-rata basis to all claimants, except for TCL who in this Scenario has offered to forego its distribution as explained in the body of this Report.

SCHEDULE "G"

In the matter of the Proposal of Tyam Civil Constructors Ltd.
 Schedule of Trust and Lien Claims and Interim Distributions
 Amacon Raintanks Contract

Description of work:
 Construction of a separate system of rain tanks (drainage) located under a portion of the commercial parking lot (Lot 3).
 (Amacon Raintanks Contract)

a) Trust and lien claims admitted

Creditor Name	Trust and lien claims admitted	Claims assigned to TCL (Y/N)	Total claim for distribution \$
SPECTRA TEC SERVICES GROUP	336.00	N	336.00
BRAIN RALSTON BULLDOZING LTD	38,644.76	N	38,644.76
DOBNEY FOUNDRY LTD.	1,253.00	N	1,253.00
EMCO LIMITED	188,076.20	N	188,076.20
FIVE POINTS HOLDING LTD	7,117.60	N	7,117.60
LANGLEY CONCRETE LT PARTNERSHIP	6,598.19	Y	-
PHILLIPS ENGINEERING LTD.	924.00	N	924.00
PROQUIP	24,839.57	N	24,839.57
RICHVAN HOLDINGS LTD.	6,624.51	Y	-
STICKS & STONES CONTRACTING LTD.	4,390.40	N	4,390.40
SUPER SAVE DISPOSAL INC.	688.80	N	688.80
SUPER SAVE TOILET RENTALS INC	101.24	N	101.24
WILD CATS EXCAVATING LTD.	1,817.76	N	1,817.76
TYAM CONSTRUCTION LTD.	22,827.73	n/a	22,827.73
			291,017.06

b) Interim Distributions

Amount available for interim distribution

see Note 2

Creditor Name	Trust and lien claim admitted (from section a)	Distribution amount \$
SPECTRA TEC SERVICES GROUP	336.00	336.00
BRAIN RALSTON BULLDOZING LTD	38,644.76	38,644.76
DOBNEY FOUNDRY LTD.	1,253.00	1,253.00
EMCO LIMITED	188,076.20	188,076.20
FIVE POINTS HOLDING LTD	7,117.60	7,117.60
PHILLIPS ENGINEERING LTD.	924.00	924.00
PROQUIP	24,839.57	24,839.57
STICKS & STONES CONTRACTING LTD.	4,390.40	4,390.40
SUPER SAVE DISPOSAL INC.	688.80	688.80
SUPER SAVE TOILET RENTALS INC	101.24	101.24
WILD CATS EXCAVATING LTD.	1,817.76	1,817.76
TYAM CONSTRUCTION LTD.	22,827.73	22,827.73
	291,017.06	291,017.06

Note 1 - The distribution above includes Potential Trust Funds and Holdbacks. On this project, all trust claimants have also filed a lien claim against the Holdback for an equal amount to the trust claims. Accordingly, all funds will be distributed on the same pro-rata basis to all claimants.

Note 2 - A total of \$554,895 of Potential Trust Funds and Holdbacks have been received by the Proposal Trustee as of October 31, 2012. Accordingly, there is a surplus of funds on account of this project and, notwithstanding the calculation of Reserve Funds, all claimants will be paid in full in this interim distribution:

Total funds received	\$ 554,894.73	
Less: Payments to all trust and lien claimants	-	291,017.06
Surplus to be distributed to Bankruptcy Trustee	-	133,815.24
Amount retained by Proposal Trustee	130,062.43	<i>see Schedule 14</i>

SCHEDULE "H"

In the matter of the Proposal of Tyam Civil Constructors Ltd.
 Schedule of Trust and Lien Claims and Interim Distributions
 Amacon Bio Swale Contract

Description of work:
 Construction of a bioswale system (drainage) located under the north portion of the commercial parking lot (Lot 3).
 (Amacon Bio Swale Contract)

a) Trust and lien claims admitted

Creditor Name	Trust and lien claims admitted	Claims assigned to TCL (Y/N)	Total claim for distribution \$
SPECTRA TEC SERVICES GROUP	224.00	N	224.00
CORIX WATER PRODUCTS	269.47	N	269.47
DOBNEY FOUNDRY LTD.	2,238.04	N	2,238.04
EMCO LIMITED	4,832.31	N	4,832.31
FIVE POINTS HOLDING LTD	5,740.00	N	5,740.00
G.W.G RENTALS LTD	912.80	N	912.80
LAFARGE CANADA INC.	5,158.06	N	5,158.06
LANGLEY CONCRETE LT PARTNERSHIP	6,697.60	Y	-
MAINLAND SAND & GRAVEL LTD.	47,025.66	N	47,025.66
NILEX INC.	5,445.66	Y	-
PROQUIP	8,582.78	N	8,582.78
TYAM CONSTRUCTION LTD.	42,243.48	n/a	42,243.48
			117,226.60

b) Interim Distributions

Amount available for interim distribution

see Note 2

Creditor Name	Trust and lien claim admitted (from section a)	Distribution amount \$
SPECTRA TEC SERVICES GROUP	224.00	224.00
CORIX WATER PRODUCTS	269.47	269.47
DOBNEY FOUNDRY LTD.	2,238.04	2,238.04
EMCO LIMITED	4,832.31	4,832.31
FIVE POINTS HOLDING LTD	5,740.00	5,740.00
G.W.G RENTALS LTD	912.80	912.80
LAFARGE CANADA INC.	5,158.06	5,158.06
MAINLAND SAND & GRAVEL LTD.	47,025.66	47,025.66
PROQUIP	8,582.78	8,582.78
TCL	42,243.48	42,243.48
	117,226.60	117,226.60

Note 1 - The distribution above includes Potential Trust Funds and Holdbacks. On this project, all trust claimants have also filed a lien claim against the Holdback for an equal amount to the trust claims. Accordingly, all funds will be distributed on the same pro-rata basis to all claimants.

Note 2 - A total of \$275,773 of Potential Trust Funds and Holdbacks have been received by the Proposal Trustee as of October 31, 2012. Accordingly, there is a surplus of funds on account of this project and, notwithstanding the calculation of Reserve Funds, all claimants will be paid in full in this interim distribution, as follows:

Total funds received	\$ 275,773.18	
Less: Payments to all trust and lien claimants	117,226.60	
Surplus to be distributed to Bankruptcy Trustee	100,227.44	
Amount retained by Proposal Trustee	58,319.14	see Schedule 14

SCHEDULE "I"

In the matter of the Proposal of Tyam Civil Constructors Ltd.
Schedule of Revised Trust and Lien Claims and Interim Distributions
Amacon Civil Works Contract

Description of work:
To complete the civil works at 4250 Marine Drive, Burnaby/8485 New Haven Close, Burnaby

a) Trust and lien claims admitted

Creditor Name	Original Trust and lien claims admitted \$	Amount assigned to TCL	Total claims for distribution \$
Bayhill Contracting Ltd.	9,325.96	-	9,325.96
Winvan Paving Ltd.	221,311.17	50,000.00	171,311.17
Tyam Construction Ltd.	-	50,000.00	50,000.00
Totals	230,637.13	-	230,637.13

b) Interim Distributions

Amount available for interim distribution \$ 207,573.42 *see notes*

Creditor Name	Trust and lien claim admitted (from section a)	10% Holdback (note 1)	Interim Distribution Amount
Bayhill Contracting Ltd.	9,325.96	932.60	8,393.36
Winvan Paving Ltd.	171,311.17	22,131.12	149,180.05
Tyam Construction Ltd.	50,000.00	-	50,000.00
Totals	230,637.13	23,063.71	207,573.42

Note 1 - Amacon issued substantial completion for the Civil Works Contract on November 6, 2012. Accordingly, the 55 day holdback period pursuant to the BLA has not expired. Therefore, the Proposal Trustee has retained 10% of the total claims by Bayhill Contracting and Winvan Paving, the contractors who did the work, and will distribute the retained amounts after the expiry of the holdback period provided no other lien claims are made against the holdback.

Note 2 - The Proposal Trustee will retain the HST of \$32,076.00 on the total amount collected of \$299,376.00 pending confirmation from CRA on the balance due for HST collections by TCC.

Note 3 - Amacon has retained a holdback of \$29,700 (before HST) until the expiry of the holdback period.

ESTATE No. 11-1602931
NO. B-120334

VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN BANKRUPTCY

IN THE MATTER OF THE PROPOSAL OF
TYAM CIVIL CONSTRUCTORS LTD.

ORDER



Barristers and Solicitors
1600 Cathedral Place
925 West Georgia Street
Vancouver, British Columbia
V6C 3L2
Phone: (604) 685-3456
Attention: Bonita Lewis-Hand

MLC