

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 5th
)
MADAM JUSTICE BROWN) DAY OF SEPTEMBER, 2014

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, Counsel for G. Powroznik Group Inc., the Proposal Trustee of the Trust Claim Settlement Program ("TCSP"), David McKenzie, Counsel for Tyam Construction Ltd. and no one else appearing although duly served;

THIS COURT ORDERS that:

DISTRIBUTIONS TO LIEN AND TRUST CLAIMANTS:

1. The Proposal Trustee of the TCSP is authorized to make the following final distributions:
 - (a) the aggregate sum of \$331,447.85 to those lien claimants and trust claimants listed, and in the amounts referenced, in Schedule "A" hereto, with respect to claims arising from the FTG Contract (as defined in the Final Report);

- (b) the aggregate sum of \$61,190.50 to those lien claimants and trust claimants, and in the amounts referenced, in Schedule “B” hereto, with respect to the Metro-Can Contract (as defined in the Final Report);
- (c) the aggregate sum of \$3,473.33 to those lien claimants and trust claimants, and in the amounts referenced, in Schedule “C” hereto, with respect to the BPP McGavin Field Contract (as defined in the Final Report);
- (d) the aggregate sum of \$19,330.83 to those lien claimants and trust claimants, and in the amounts referenced, in Schedule “D” hereto, with respect to the BPP Cypress Bowl Contract (as defined in the Final Report);
- (e) the aggregate sum of \$23,063.71 to those lien claimants and trust claimants, and in the amounts referenced, in Schedule “E” with respect to the Amacon Civil Works Contract (as defined in the Final Report);
- (f) the aggregate sum of \$45,209.37 to those lien claimants and trust claimants, and in the amounts referenced, in Schedule “F” hereto, with respect to the Polygon Red Maple Contract (as defined in the Final Report); and
- (g) the aggregate sum of \$37,441.36 to those lien claimants and trust claimants, and in the amounts referenced, in Schedule “G” hereto, with respect to the Polygon Mayfair Contract (as defined in the Final Report).

APPROVAL AND TAXATION OF ACCOUNTS

2. The fees of the Proposal Trustee with respect to the TCSP from and after March 16, 2012 to and including February 28, 2014 in the amount of \$428,244.67 plus disbursements of \$15,972.48 and HST of \$52,107.41 for an aggregate sum of \$496,324.56 are hereby approved;
3. The fees of Lawson Lundell LLP (“Lawson”), counsel for the Proposal Trustee from and after May 9, 2012 to and including February 28, 2014, in the amount of \$119,755.50, plus disbursements of \$1,940.36 and HST of \$14,059.72 for an aggregate sum of \$135,755.57, are hereby approved; and
4. The fees of Borden Ladner Gervais LLP (“BLG”) for legal services provided for the benefit of the Proposal Trustee with respect to the TCSP from and after April 2, 2012 to

and including February 28, 2014 in the amount of \$193,549.51 plus disbursements of \$2,471.02 and HST of \$22,761.34 for an aggregate sum of \$218,781.87 are hereby approved.

CLOSING FUND

5. The Proposal Trustee is authorized to retain a fund of \$95,997.60 ("Closing Fund") arising from proceeds recovered with respect to the Amacon Civil Works Contract for the purpose of paying the professional costs of the Proposal Trustee and its counsel with respect to completion of the administration of the TCSP to a maximum sum as follows:
 - (a) The fees of the Proposal Trustee for the period from and after March 1, 2014 to the completion of the TCSP in the amount of \$50,000, plus disbursements of \$500 and GST of \$2,525 for a total of \$53,025;
 - (b) The fees of Lawson for the period from and after March 1, 2014 to the completion of the TCSP in the amount of \$27,691.07, plus disbursements of \$1,081.70 and GST of \$1,348.07 for a total of \$30,120.84; and
 - (c) The fees of BLG for the period from and after March 1, 2014 to the completion of the TCSP in the amount of \$11,768.93, plus disbursements of \$507.50 and GST of \$575.33 for a total of \$12,851.76.

6. The fees, disbursements and taxes of the Proposal Trustee, Lawson and BLG with respect to services provided with respect to completion of the administration of the TCSP are hereby approved provided such costs do not exceed the Closing Fund.

SURPLUS FUNDS

7. 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*:
 - (a) \$33,256.94 remaining as surplus funds with respect to the SNC Contract;
 - (b) \$2,225.65 remaining as surplus funds with respect to the City of Surrey Contract;

- (c) \$73,647.85 remaining as surplus funds with respect to the Amacon Raintanks Contract;
- (d) \$55,038.13 remaining as surplus funds with respect to the Amacon Bio Swale Contract; and
- (e) the balance, if any, of the Closing Fund after the Proposal Trustee completes its administration of the TCSP.

DISCHARGE

8. Upon issuance of the dividends and payment of the amounts set out in schedules "A" to "G" hereto, G. Powroznik Group Inc., in its capacity as the Proposal Trustee of the TCSP shall be discharged as the Proposal Trustee of the TCSP provided that notwithstanding its discharge herein: (a) the Proposal Trustee shall remain Proposal Trustee with respect to the TCSP for the performance of such incidental duties as may be required to complete the administration of the TCSP herein; and (b) the Proposal Trustee shall continue to have the benefit of the provisions of all Orders made in this proceeding, including all approvals, and protections in favour of the Proposal Trustee of the TCSP; and

9. The following provision of the notice of application filed by the Proposal Trustee of the TCSP on August 19, 2014 is hereby adjourned until such time as the Bankruptcy Trustee of the estate of Tyam Civil Constructors Ltd. seeks its discharge:

The Proposal Trustee of the TCSP is hereby released and discharged from any and all liability that it now has or may hereafter have by reason of, or in any way arising out of, the acts or omissions of the Proposal Trustee while acting in its capacity as Proposal Trustee of the TCSP herein. Without limiting the generality of the foregoing, the Proposal Trustee of the TCSP is hereby forever released and discharged from any and all liability relating to matters that were raised, or which could have been raised, in the within proceedings

10. No legal proceedings may be commenced against the Proposal Trustee of TCSP without prior leave of the court and on notice to the Proposal Trustee of the TCSP.

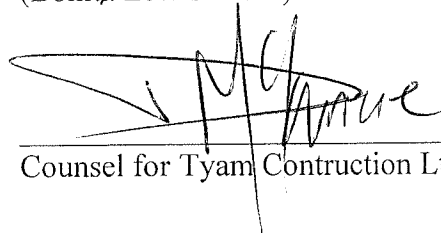
11. The Proposal Trustee of the TCSP be and is hereby discharged.

BY THE COURT

APPROVED AS TO FORM:



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



Counsel for Tyam Contruction Ltd. (David McKenzie)

 ~~DEPUTY DISTRICT REGISTRAR~~ IN BANKRUPTCY 

Schedule "A"

Trust and Lien Claims and Final Distributions for FTG Contract

In the matter of the Proposal of Tyam Civil Constructors Ltd.
Trust and Lien Claims and Final Distributions
For 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) | - |
| REMPEL 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) Final Distributions

Amount available for final distribution

\$ 1,087,501.31 notes 2, 3

| Creditor Name | Trust Claims admitted (from section a) | Final distribution amount | Less: amounts already advanced | |
|---------------------------------|--|---------------------------|--------------------------------|-------------------|
| BASALITE CONCRETE PRODUCTS | 549.64 | 136.52 | - | 136.52 |
| BROCK WHITE CANADA COMPANY | 1,930.44 | 479.47 | - | 479.47 |
| CANADIAN DEWATERING LTD. | 49.28 | 12.24 | - | 12.24 |
| DIRECT EQUIPMENT WEST LTD. | 1,353.45 | 336.16 | - | 336.16 |
| GIENOW LOG SERVICES INC. | 20,272.00 | 5,035.02 | - | 5,035.02 |
| LANGLEY CONCRETE LT PARTNERSHIP | 231.39 | 57.47 | - | 57.47 |
| MCRAE'S ENVIRONMENTAL SERVICES | 985.60 | 244.80 | - | 244.80 |
| SITECH WESTERN CANADA | 672.00 | 166.91 | - | 166.91 |
| SPECTRA TEC SERVICES GROUP | 319.20 | 79.28 | - | 79.28 |
| SUPER SAVE DISPOSAL INC. | 3,364.94 | 835.76 | - | 835.76 |
| SUPER SAVE FENCE RENTALS INC. | 519.27 | 128.97 | - | 128.97 |
| SUPER SAVE TOILET RENTALS INC | 217.41 | 54.00 | - | 54.00 |
| TYAM CONSTRUCTION LTD. | 4,348,036.13 | 1,079,934.72 | 756,053.46 | 323,881.26 |
| Totals | 4,378,500.75 | 1,087,501.31 | 756,053.46 | 331,447.85 note 1 |

Note 1 - Below is a reconciliation of the final amounts to be distributed to trust claimants on the FTG Contract:

| | |
|--|--------------|
| Balance of cash remaining after Interim distributions and professional costs | 1,087,501.31 |
| Less: amounts advanced to TCL since Nov. 30, 2012 | 756,053.46 |
| Remaining cash to distribute to trust claimants (note 2) | 331,447.85 |

Note 2 - See section (c) of Schedule "2" for a reconciliation of remaining funds available for distribution on this Contract.

Note 3 - Included in the amount available for distribution is the \$141,916.25 in HST collected post-Bankruptcy by the Proposal Trustee. Also see Note 7 of Schedule "2".

Schedule "B"

Trust and Lien Claims and Final Distributions for Metro-Can Urban Village Contract

In the matter of the Proposal of Tyam Civil Constructors Ltd.
Trust and Lien Claims and Final Distributions
For 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 |
| | <u>158,678.56</u> |

b) Final Distributions

Amount available for final distribution

\$ 61,191.50

note 1

| Creditor Name | Trust Claim admitted (from section a) | Interim Distribution amount \$ | Final distribution amount |
|--------------------------------------|---------------------------------------|--------------------------------|---------------------------|
| ABC PIPE CLEANING SERVICES LTD | 6,249.60 | 963.87 | 2,410.04 |
| ADVANCE TESTING LTD. | 3,567.20 | 550.17 | 1,375.63 |
| BAYHILL CONTRACTING LTD. | 2,839.20 | 437.89 | 1,094.89 |
| BCD HOLDINGS LTD. | 918.09 | 141.60 | 354.04 |
| BURNCO ROCK PRODUCTS LTD. | 3,988.99 | 615.22 | 1,538.28 |
| CAMERON LAND SURVEYING LTD. | 13,131.44 | 2,025.25 | 5,063.90 |
| CANADIAN DEWATERING LTD. | 812.00 | 125.23 | 313.13 |
| DIRECT EQUIPMENT WEST LTD. | 1,662.45 | 256.40 | 641.09 |
| FIVE POINTS HOLDING LTD | 8,979.88 | 1,384.96 | 3,462.93 |
| G.W.G RENTALS LTD | 50.40 | 7.77 | 19.44 |
| IMPERIAL PAVING LTD | 251.48 | 38.79 | 96.98 |
| J. THOMPSON TRUCKING LTD | 1,653.12 | 254.96 | 637.50 |
| LAFARGE CANADA INC. | 675.76 | 104.22 | 260.59 |
| PINELAND PEAT FARMS LTD | 1,439.20 | 221.97 | 555.00 |
| PHILLIPS ENGINEERING LTD | 1,176.00 | 181.37 | 453.50 |
| PROQUIP | 120.73 | 18.62 | 46.56 |
| REG AST TRUCKING LTD | 13,856.64 | 2,137.10 | 5,343.56 |
| SPECTRA TEC SERVICES GROUP | 638.40 | 98.46 | 246.19 |
| SUPER SAVE DISPOSAL INC. | 688.80 | 106.23 | 265.62 |
| SUPER SAVE FENCE RENTALS INC. | 498.39 | 76.87 | 192.20 |
| SUPERIOR CITY SERVICES LTD. | 1,020.91 | 157.45 | 393.70 |
| URBAN SAWING & GROOVING COMPANY LTD. | 1,018.64 | 157.10 | 392.82 |
| VALLEY TRAFFIC SYSTEMS INC. | 527.52 | 81.36 | 203.43 |
| WILD CATS EXCAVATING LTD. | 5,612.32 | 865.58 | 2,164.29 |
| WINVAN PAVING LTD. | 41,192.12 | 6,353.02 | 15,884.99 |
| TYAM CONSTRUCTION LTD. | 46,109.28 | 7,111.39 | 17,781.21 |
| | <u>158,678.56</u> | <u>24,472.84</u> | <u>61,191.50</u> |

Note 1 - See section (c) of Schedule "2" for a reconciliation of remaining funds available for distribution on this Contract.

Schedule "C"

Trust and Lien Claims and Final Distributions for BPP McGavin Field Contract

**In the matter of the Proposal of Tyam Civil Constructors Ltd.
Trust and Lien Claims and Final Distributions
For 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 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) Final Distributions

Amount Available for final distribution

\$ 3,473.33

note 1

| Creditor Name | Lien Claim admitted (from section a) | Interim Distribution amount | Final Distribution Amount |
|----------------------------------|---|--------------------------------|------------------------------|
| KAN RETAIN - IT CONTRACTING LTD. | 34,274.24 | 2,787.86 | 1,207.92 |
| LEHIGH MATERIALS | 3,980.85 | 323.80 | 140.30 |
| MACCAFERRI CANADA LTD. | 36,299.20 | 2,952.57 | 1,279.28 |
| PROQUIP | 4,222.63 | 343.47 | 148.82 |
| TYAM CONSTRUCTION LTD. | 19,777.52 | 1,608.70 | 697.01 |
| | <u>98,554.44</u> | <u>8,016.41</u> | <u>3,473.33</u> |

Note 1 - See section (c) of Schedule "2" for a reconciliation of remaining funds available for distribution on this Contract.

Schedule "D"

Trust and Lien Claims and Final Distributions for BPP Cypress Bowl Contract

**In the matter of the Proposal of Tyam Civil Constructors Ltd.
Trust and Lien Claims and Final Distributions
For BPP Cypress Bowl Contract**

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

a) Trust claims admitted

| Creditor Name | Trust 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) Final Distributions

Amount available for final distribution \$ 19,330.83 note 1

| Creditor Name | Trust Claims admitted (from section a) | Interim Distribution amount \$ | Final distribution amount \$ |
|--------------------------------------|--|--------------------------------|------------------------------|
| ALLIED WATER SERVICES | 450.60 | 95.28 | 15.89 |
| BCD HOLDINGS LTD. | 127.01 | 26.86 | 4.48 |
| BROCK WHITE CANADA COMPANY | 619.76 | 131.05 | 21.86 |
| SUPER SAVE DISPOSAL INC. | 688.80 | 145.65 | 24.29 |
| BAYHILL CONTRACTING LTD. | 1,912.96 | 404.49 | 67.47 |
| SUPERIOR CITY SERVICES LTD. | 852.11 | 180.18 | 30.05 |
| URBAN SAWING & GROOVING COMPANY LTD. | 4,380.32 | 926.21 | 154.49 |
| TYAM CONSTRUCTION LTD. | 539,063.07 | 113,983.65 | 19,012.30 |
| | <u>548,094.63</u> | <u>115,893.35</u> | <u>19,330.83</u> |

Note 1 - See section (c) of Schedule "2" for a reconciliation of remaining funds available for distribution on this Contract.

Schedule "E"

Trust and Lien Claims and Final Distributions for Amacon Civil Works Contract

**In the matter of the Proposal of Tyam Civil Constructors Ltd.
Trust and Lien Claims and Final Distributions
For 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) Final Distributions

Amount available for final distribution \$ 119,889.47 note 1

| Creditor Name | Trust and lien claim admitted (from section a) | 10% Holdback (note 1) | Interim Distribution | |
|--------------------------|--|-----------------------|----------------------|------------------------------------|
| | | | Amount (note 4) | Final Distribution amount (note 2) |
| Bayhill Contracting Ltd. | 9,325.96 | 932.60 | 8,393.36 | 932.60 |
| Winvan Paving Ltd. | 171,311.17 | 22,131.12 | 149,180.05 | 22,131.12 |
| Tyam Construction Ltd. | 50,000.00 | - | 50,000.00 | - |
| Totals | 230,637.13 | 23,063.71 | 207,573.42 | 23,063.71 |

Note 1 - a sum of \$60,000 is being retained by the Proposal Trustee from this contract to satisfy the Estimated Final Costs, as explained in the main body of this Report. Below is a reconciliation of distribution of funds on this contract:

| | | |
|---|------------------|----------|
| Balance of cash remaining after interim distributions and professional costs (note 3) | 119,889.47 | |
| Less: amounts distributed for 10% Holdback | - 23,063.71 | (note 2) |
| Surplus Funds before Estimated Final Costs | 96,825.76 | |
| Funds earmarked to satisfy Estimated Final Costs | - 60,000.00 | |
| Surplus Funds to distribute to Bankruptcy Trustee | <u>36,825.76</u> | (note 2) |

To the extent the Estimated Final Costs are less than a sum of \$60,000, the excess will be distributed to the Bankruptcy Trustee consistent with the distribution of other Surplus Funds.

Note 2 - See section (c) of Schedule "2" for a reconciliation of remaining funds available for distribution on this Contract.

Note 3 - For this contract, included in the \$119,889.47 available for distribution is the \$39,871.75 in HST collected post-Bankruptcy by the Proposal Trustee but not previously recorded by TCC. The Proposal Trustee is seeking authorization of the Court to distribute this sum to the Trust and Lien Claimants on the contract with the residual amount being distributed either to the Bankruptcy Trustee or held for Estimated Final Costs.

Note 4 - See Schedule "1".

Schedule "F"

Trust and Lien Claims and Final Distributions for Polygon Red Maple Contract

**In the matter of the Proposal of Tyam Civil Constructors Ltd.
Trust and Lien Claims and Final Distributions
For Polygon Red Maple Contract**

Description of work:

Work at a residential townhouse development at 8207 – 208th Street Langley, B.C.

a) Trust and lien claims admitted

| Creditor Name | Trust and lien claims admitted \$ |
|---------------------------------|--------------------------------------|
| PINELAND PEAT FARMS LTD | 50.40 |
| SPECTRA TEC SERVICES GROUP | 224.00 |
| VALLEY TRAFFIC SYSTEMS INC. | 318.08 |
| ADVANCE TESTING LTD. | 1,556.80 |
| BROCK WHITE CANADA COMPANY | 85.12 |
| FIVE POINTS HOLDING LTD | 3,756.48 |
| FRASER VALLEY AGGREGATES | 21,952.00 |
| H.K.S. MANAGEMENT INC. | 65,497.06 |
| LANGLEY CONCRETE LT PARTNERSHIP | 506.24 |
| LEHIGH MATERIALS | 143.71 |
| NILEX INC. | 523.33 |
| PROQUIP | 2,430.51 |
| WESTVIEW SALES LTD. | 226.80 |
| WINVAN PAVING LTD. | 30,051.15 |
| TYAM CONSTRUCTION LTD. | 41,795.20 |
| | <u>169,116.88</u> |

b) Final Distributions

Amount available for final distribution

45,209.37

note 1

| Creditor Name | Trust Claims admitted (from section a) | Final Distribution amount \$ |
|---------------------------------|---|---------------------------------|
| PINELAND PEAT FARMS LTD | 50.40 | 13.47 |
| SPECTRA TEC SERVICES GROUP | 224.00 | 59.88 |
| VALLEY TRAFFIC SYSTEMS INC. | 318.08 | 85.03 |
| ADVANCE TESTING LTD. | 1,556.80 | 416.17 |
| BROCK WHITE CANADA COMPANY | 85.12 | 22.75 |
| FIVE POINTS HOLDING LTD | 3,756.48 | 1,004.21 |
| FRASER VALLEY AGGREGATES | 21,952.00 | 5,868.34 |
| H.K.S. MANAGEMENT INC. | 65,497.06 | 17,509.08 |
| LANGLEY CONCRETE LT PARTNERSHIP | 506.24 | 135.33 |
| LEHIGH MATERIALS | 143.71 | 38.42 |
| NILEX INC. | 523.33 | 139.90 |
| PROQUIP | 2,430.51 | 649.74 |
| WESTVIEW SALES LTD. | 226.80 | 60.63 |
| WINVAN PAVING LTD. | 30,051.15 | 8,033.46 |
| TYAM CONSTRUCTION LTD. | 41,795.20 | 11,172.95 |
| | <u>169,116.88</u> | <u>45,209.37</u> |

Note 1 - See section (c) of Schedule "2" for a reconciliation of remaining funds available for distribution on this Contract.

Schedule "G"

Trust and Lien Claims and Final Distributions for Polygon Mayfair Place Contract

In the matter of the Proposal of Tyam Civil Constructors Ltd.
Trust and Lien Claims and Final Distributions
For Polygon Mayfair Place Contract

Description of work:

Work at a residential townhouse development at 9399 Odlin Rd. in Richmond, B.C.

a) Trust and lien claims admitted

| Creditor Name | Trust and lien claim admitted \$ |
|--------------------------------------|-------------------------------------|
| BCD HOLDINGS LTD. | 1,336.00 |
| FIVE POINTS HOLDING LTD | 39,021.36 |
| PHOENIX TRUCK & CRANE SERV. | 2,924.98 |
| PINELAND PEAT FARMS LTD | 25,110.40 |
| SPECTRA TEC SERVICES GROUP | 599.20 |
| SUPERIOR CITY SERVICES LTD. | 12,064.80 |
| UNDER CONSTRUCTION TRAFFIC CONTROL | 8,114.40 |
| URBAN SAWING & GROOVING COMPANY LTD. | 386.40 |
| VALLEY TRAFFIC SYSTEMS INC. | 8,237.32 |
| OCEAN PIPE | 522.60 |
| A-POWER LINE CONTRACTING | 8,890.00 |
| CANADIAN DEWATERING LTD. | 1,063.55 |
| CORETECH INDUSTRIES LTD. | 1,622.32 |
| CORIX UTILITIES INC | 1,573.60 |
| CORIX WATER PRODUCTS | 7,776.89 |
| DIRECT EQUIPMENT WEST LTD. | 7,515.90 |
| EMCO LIMITED | 25,446.00 |
| G.W.G RENTALS LTD | 1,453.02 |
| LAFARGE CANADA INC. | 28,049.89 |
| LANGLEY CONCRETE LT PARTNERSHIP | 70,700.54 |
| MAINLAND SAND & GRAVEL LTD. | 10,984.84 |
| PROQUIP | 12,080.48 |
| REMPEL BROS CONCRETE LTD. | 1,190.22 |
| RICHVAN HOLDINGS LTD. | 4,312.98 |
| UNITED RENTALS CANADA, INC. | 1,010.76 |
| WESTERN LINE LTD. | 616.00 |
| WESTVIEW SALES LTD. | 6,836.48 |
| WILD CATS EXCAVATING LTD. | 2,655.52 |
| TYAM CONSTRUCTION LTD. | 8,466.64 |
| | <u>300,563.09</u> |

b) Final Distributions

Amount available for final distribution

37,441.36

note 1

| Creditor name | Trust claims admitted (from section a) | Final Distribution amount |
|--------------------------------------|---|------------------------------|
| BCD HOLDINGS LTD. | 1,336.00 | 166.43 |
| FIVE POINTS HOLDING LTD | 39,021.36 | 4,860.92 |
| PHOENIX TRUCK & CRANE SERV. | 2,924.98 | 364.37 |
| PINELAND PEAT FARMS LTD | 25,110.40 | 3,128.02 |
| SPECTRA TEC SERVICES GROUP | 599.20 | 74.64 |
| SUPERIOR CITY SERVICES LTD. | 12,064.80 | 1,502.92 |
| UNDER CONSTRUCTION TRAFFIC CONTROL | 8,114.40 | 1,010.82 |
| URBAN SAWING & GROOVING COMPANY LTD. | 386.40 | 48.13 |
| VALLEY TRAFFIC SYSTEMS INC. | 8,237.32 | 1,026.13 |
| OCEAN PIPE | 522.60 | 65.10 |
| A-POWER LINE CONTRACTING | 8,890.00 | 1,107.43 |
| CANADIAN DEWATERING LTD. | 1,063.55 | 132.49 |
| CORETECH INDUSTRIES LTD. | 1,622.32 | 202.09 |
| CORIX UTILITIES INC | 1,573.60 | 196.02 |
| CORIX WATER PRODUCTS | 7,776.89 | 968.77 |
| DIRECT EQUIPMENT WEST LTD. | 7,515.90 | 936.26 |
| EMCO LIMITED | 25,446.00 | 3,169.83 |
| G.W.G RENTALS LTD | 1,453.02 | 181.00 |
| LAFARGE CANADA INC. | 28,049.89 | 3,494.20 |
| LANGLEY CONCRETE LT PARTNERSHIP | 70,700.54 | 8,807.22 |
| MAINLAND SAND & GRAVEL LTD. | 10,984.84 | 1,368.39 |
| PROQUIP | 12,080.48 | 1,504.87 |
| REMPEL BROS CONCRETE LTD. | 1,190.22 | 148.27 |
| RICHVAN HOLDINGS LTD. | 4,312.98 | 537.27 |
| UNITED RENTALS CANADA, INC. | 1,010.76 | 125.91 |
| WESTERN LINE LTD. | 616.00 | 76.74 |
| WESTVIEW SALES LTD. | 6,836.48 | 851.63 |
| WILD CATS EXCAVATING LTD. | 2,655.52 | 330.80 |
| TYAM CONSTRUCTION LTD. | 8,466.64 | 1,054.70 |
| | <u>300,563.09</u> | <u>37,441.36</u> |

Note 1 - See section (c) of Schedule "2" for a reconciliation of remaining funds available for distribution on this Contract.

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
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Vancouver, British Columbia
V6C 3L2
Phone: (604) 685-3456
Attention: Bonita Lewis-Hand