



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

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

**IN THE MATTER OF THE PROPOSAL OF**

**TYAM CIVIL CONSTRUCTORS LTD.**

**PROPOSAL TRUSTEE'S FIRST REPORT TO THE COURT  
ON THE TRUST CLAIM SETTLEMENT PROGRAM**

**November 19, 2012**

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## Introduction

1. Tyam Civil Constructors Ltd. ("TCC") was in the construction business and acted as a contractor on a number of construction projects.
2. On March 15, 2012, TCC filed a Notice of Intention to make a proposal to creditors (the "NOI") under the *Bankruptcy and Insolvency Act* ("BIA") and G. Powroznik Group Inc. of G-Force Group was appointed as Proposal Trustee (the "**Proposal Trustee**"). As at that date, TCC had a number of construction contracts still being performed.
3. From and after the filing of the NOI through the summer of 2012, TCC continued with all but two of its construction projects.
4. Pursuant to the BIA, TCC applied to Court for, and received, several extensions of the NOI while it continued to finish the outstanding construction projects. Throughout the NOI period, the Proposal Trustee continued to monitor the affairs and cash flows of TCC and whether it could recover sufficient proceeds from its contracts to make a meaningful proposal to its creditors and stay in business in a reduced state.
5. On September 14, 2012, TCC was deemed to have made an assignment into bankruptcy because it was unable to make a proposal to its creditors. G. Powroznik Group Inc. of G-Force Group was appointed as trustee in bankruptcy for the estate of TCC (the "**Bankruptcy Trustee**").

## TCC Contracts

6. Below is a table that summarizes the significant construction contracts of TCC where Potential Trust Funds or Holdbacks were received or are expected to be received by the Proposal Trustee:

Owner/Contractor	Contract Date	Brief Description of Contract
Fraser Transportation Group ("FTG")	July 26, 2011	for the project known as the South Fraser Perimeter Road (segment 8) (the " <b>FTG Contract</b> ")
British Pacific Properties Limited ("BPP")	July 27, 2011	for the project known as Rodgers Creek Development RC-11 - Chippendale Road Intersection at Cypress Bowl Road (the " <b>BPP Cypress Bowl Contract</b> ")
BPP	October 1, 2011	for the project known as McGavin Field Retaining Wall (the " <b>BPP McGavin Field Contract</b> ")
Polygon Mayfair Place Homes Ltd.	December 13, 2011	for the project known as Mayfair Place (Offsite) (the " <b>Polygon Mayfair Contract</b> ")
Polygon Red Maple Park Homes Ltd.	May 12, 2011	for the project known as Red Maple Park 2 (Project A) (Contract #7002); contract dated June 21, 2011 for the project known as Red Maple park 3 (Project A) (Contract #7038); contract dated November 2, 2011 for the project

		known as Red Maple Park 3 (Project A) (Contract #7260); and contract dated June 21, 2011 for the project known as Red Maple Park 4 (Project A) (Contract #7039) (collectively, the " <b>Polygon Red Maple Contract</b> ")
Amacon Construction Ltd. (" <b>Amacon</b> ")	December 21, 2011	for the Rain Tank Storm System Project at 8500 Glenlyon Parkway, Burnaby (" <b>Glenlyon</b> ") (the " <b>Amacon Raintanks Contract</b> ")
Amacon	Verbal contract	to move preload from lot 3 at Glenlyon to another lot (the " <b>Amacon Earthworks Contract</b> ")
Amacon	February 7, 2011	to construct and complete the installation of a bio swale detection system at Glenlyon (the " <b>Amacon Bio Swale Contract</b> ")
Amacon	January 11, 2012	to complete the civil works at 4250 Marine Drive, Burnaby/8485 New Haven Close, Burnaby (the " <b>Amacon Civil Works Contract</b> ")
Metro-Can Construction (UW) Ltd.	July 14, 2011	for site servicing for the project known as Ultra Urban Village at 133 St. & 104 Ave. Surrey (the " <b>Metro-Can Contract</b> ")
SNC Lavalin (" <b>SNC</b> ")	Verbal contract	For various works to:  <ol style="list-style-type: none"> <li>1. receive concrete forms from Calgary project – clean and stack forms in SNC's Maple Ridge storage yard;</li> <li>2. install hoarding at Canada Line Station;</li> <li>3. complete maintenance repairs on Canada Line.</li> </ol> (the " <b>SNC Contract</b> ")
Trailer Wizards Ltd.	Verbal contract	Site fill work at 10221 Swenson Way, Delta (the " <b>Trailer Wizards Contract</b> ")
JJM Construction Ltd. (" <b>JJM</b> ")	Verbal contract	for JJM's rental of excavator attachments (the " <b>JJM Contract</b> ")
Prism Construction Ltd.	Verbal contract	to perform work relating to capping a sanitary line at Sea Island Way and River Road, Richmond (the " <b>Prism Contract</b> ")

(collectively known as the "**Contracts**").

7. Of the above Contracts, TCC abandoned the Polygon Red Maple Contract and the Polygon Mayfair Contract shortly after the NOI. The other Contracts were completed before or during the NOI. The FTG Contract was the final significant construction work completed by TCC sometime in August 2012. The Amacon Civil Works contract was sub-contracted by TCC and was completed sometime in late September 2012.
8. The trust and lien claimants relating to each of the Contracts noted above, as well as proposed interim distributions for those contracts where Potential Trust Funds and/or Holdbacks exist, will be outlined later in this Report.

### **Aim of the Trust Claims Settlement Program**

9. On April 2, 2012, TCC made an application to Court (the "**April 2 Application**") to authorize the Proposal Trustee to develop and co-ordinate a comprehensive process on behalf of TCC to collect and adjudicate trust and lien claims for TCC contracts (the "**Trust Claim Settlement Program**") for which funds were payable or would become payable to TCC (the "**Potential Trust Funds**") that could, upon receipt by TCC, be impressed with a trust pursuant to section 10 of the *Builders' Lien Act* ("**BLA**").
10. As part of the Trust Claim Settlement Program, the Proposal Trustee was also authorized to receive Potential Trust Funds, on behalf of TCC, as statutory trustee pursuant to section 10 of the BLA, from the customers of TCC and place those funds into trust accounts.
11. The purpose of the Trust Claim Settlement Program was to:
  - (a) develop a streamlined, simplified process for trust and lien claimants and project owners by making the Proposal Trustee the sole "funnel" for all project funds, including statutory holdbacks (the "**Holdbacks**"), and for all claims including lien claims against Holdbacks;
  - (b) direct lien and trust claimants to file claims of lien and/or trust claims with the Proposal Trustee rather than filing such claims of lien on title to the real property relating to the applicable contract or pursuing their claims through separate legal actions;
  - (c) provide TCC's customers and creditors with confidence that their claims would be adjudicated more quickly and with less expense than the traditional legal avenues, such as legal proceedings under the BLA; and
  - (d) provide assurance that amounts collected by the Proposal Trustee be held in trust for the benefit of those parties entitled to the funds and that the funds would not be used for other purposes pending further order of the Court.
12. On May 30, 2012, TCC sought and received a further order which provided additional detail about the administrative procedures of the Trust Claim Settlement Program (the "**May 30 Order**").
13. On August 24, 2012, TCC obtained an order to amend the May 30 Order (the "**Amending Order**"). The Amending Order gave the Proposal Trustee the ability to issue an Amended Notice of Disallowance, to supersede a Notice of Disallowance previously issued, in circumstances where it believed that such amendment would be warranted. Disallowances are discussed in more detail later in this Report.

14. In summary, the May 30 Order:
  - (a) provided a process for filing claims of lien and claims of trust with the Proposal Trustee rather than filing liens on title or pursuing trust claims through separate legal actions;
  - (b) provided a mechanism for the adjudication of trust and lien claims against Potential Trust Funds and Holdbacks;
  - (c) set forth certain procedures to set timelines/deadlines for submitting claims and for claims adjudication and a means for the Proposal Trustee to disallow claims;
  - (d) directed project owners (TCC's customers) to pay Potential Trust Funds and Holdbacks pursuant to contracts with TCC to the Proposal Trustee; and
  - (e) provided a mechanism for the Proposal Trustee to make distributions of Potential Trust Funds and Holdbacks to proven trust and/or lien claimants with approval of the Court.
15. Following the pronouncement of the May 30 Order, the Proposal Trustee has worked closely with TCC to:
  - (a) determine the outstanding trust and lien claims against the Potential Trust Funds;
  - (b) adjudicate trust and lien claims; and
  - (c) collect Potential Trust Funds and Holdbacks from the customers of TCC.

**Amounts received by the Proposal Trustee with respect to the Trust Claim Settlement Program**

16. Pursuant to the Trust Claim Settlement Program, Potential Trust Funds and Holdbacks, including accrued interest, collected by the Proposal Trustee was \$4,002,051.54 as at October 31, 2012. The details are summarized per TCC Contract in **Schedule "1"**.
17. Under the Trust Claim Settlement Program, the amounts collected by the Proposal Trustee will be distributed net of costs to proven trust and/or lien claimants on each project subject to order of the Court.

**Status of the lien claims and trust claims filed with the Proposal Trustee, and steps taken by the Proposal Trustee to adjudicate such claims, under the Trust Claim Settlement Program**

18. The claims received by the Proposal Trustee can be generally described as follows:
  - (a) Trust claims and/or lien claims by creditors;

- (b) Trust claims and/or lien claims by third parties who are not related to TCC but which were assigned to a related entity, Tyam Construction Ltd. ("TCL"); and
  - (c) Claims by related party creditors of TCC such as TCL.
19. The Proposal Trustee took several steps to ensure the creditors of TCC had the opportunity to submit their trust and /or lien claims to the Proposal Trustee for adjudication. The Proposal Trustee:
- (a) developed a "Proof of Trust Claim" form which was sent to all known creditors, with an explanatory letter drafted by the Proposal Trustee. This was done in the week of April 9, 2012. By the time of the granting of the May 30 Order, TCC had updated its accounts payable records and the Proposal Trustee sent a copy of the May 30 Order to the known creditors of TCC, together with Proof of Trust Claim and Lien Claim Addendum forms, based on a revised creditors list. Only the Lien Claim Addendum form was sent to creditors who had already filed a Proof of Trust Claim;
  - (b) created a website for the Trust Claim Settlement Program. The Proposal Trustee posted the claim forms for the Trust Claim Settlement Program on that website along with instructions for completing and submitting those claim forms. The Proposal Trustee also posted information about the Trust Claim Settlement Program to the website;
  - (c) issued letters to several TCC clients ("**Owners and Contractors**") as defined in the May 30 Order) to inform them of the Trust Claim Settlement Program so that the Owners and Contractors would be aware of their own obligations under the May 30 Order and could forward creditor inquiries and/or claims to the Proposal Trustee;
  - (d) published notice of the Trust Claim Settlement Program in the business section of the *Vancouver Sun* on June 7 and 8, 2012;
  - (e) sent a notice to prove claims (the "**Notice to Prove Claims**") to many potential trust and/or lien claimants who, according to TCC's accounts payable ledger, were creditors of TCC but who had not yet submitted a trust and/or lien claim to the Proposal Trustee. In addition, the Proposal Trustee sent the Notice to Prove Claims to many parties for which TCC's accounts payable records showed a nil balance owing. The Proposal Trustee sent a total of 221 Notice to Prove Claims forms between July 20, 2012 and August 3, 2012, all by registered mail, to the last known address of these potential claimants based on TCC's records;
  - (f) explained to creditors the purpose of the Trust Claim Lien Addendum form (which was introduced in the May 30 Order) and assisted creditors with completing the Trust Claim Lien Addendum in a timely basis;
  - (g) maintained contact with many of TCC's creditors, primarily by telephone and email, to encourage them to properly file their claim(s) on a timely basis; and

- (h) provided information to, and assisted creditors in, completing trust and lien claim forms, assisted creditors in determining which TCC projects they were claiming against, and ensured creditors submitted the necessary documentation in a timely manner pursuant to the May 30 Order.
20. As at the date of this Report, all claims submitted to the Proposal Trustee have been adjudicated.
  21. The Proposal Trustee believes it has taken all reasonable steps to ensure that all known creditors of TCC were given the opportunity to submit their trust and /or lien claims to the Proposal Trustee for adjudication.

### **Review of Claims**

22. The Proposal Trustee reviewed each claim that it received in connection with the Trust Claim Settlement Program to determine whether:
  - (a) the claim was of the kind that could be subject to a lien and/or trust claim under the BLA. Where there were legal issues to consider, this review was done with the assistance of the Proposal Trustee's legal counsel or TCC's construction counsel in cases where the Proposal Trustee was unsure about the matter; and
  - (b) the claimant had provided sufficient proof of the materials, work and/or services it had provided to TCC. In this regard, the Proposal Trustee examined the documents attached to each claim.
23. Claimants generally attached invoices to their claim(s) indicating the work, services or materials they provided to TCC. The Proposal Trustee cross-referenced each claim with TCC's account payable ledger (the "A/P List") with the assistance of TCC staff. If that ledger showed a debt owing by TCC to the third party in an amount that agreed to the amount indicated in a claim then, in the Proposal Trustee's opinion, there was sufficient evidence to warrant the claim being accepted for the purposes of the Trust Claim Settlement Program.
24. If TCC's accounts payable ledger did not show a debt owing to the claimant then the Proposal Trustee took additional steps to determine whether there was other evidence available to support the existence of the claim. However, in some cases, this proved to be difficult because certain business records of TCC were incomplete and many of the key personnel of TCC left the company in the weeks after the NOI. Therefore, the Proposal Trustee was not always able to locate either a document or a TCC employee that could provide information allowing the Proposal Trustee to assess the validity of the claim. In these circumstances, the Proposal Trustee allowed all claims that had invoices or other similar documents (e.g. Purchase Orders) attached to them and where either the TCC President, a project manager, or the controller could verify that the claimant had provided materials, work and/or services to TCC with respect to a particular project.



25. The Proposal Trustee disallowed claims on the basis of insufficient proof where invoices or similar documents were not attached to it, the claim was not on TCC's A/P List, or the validity of the claim could not be verified with a TCC staff member.
26. The Proposal Trustee used a similar standard to adjudicate TCL's claims, a majority of which were assigned to TCL by a third party (the "**Original Claimant**").
27. In order for the Proposal Trustee to adjudicate the claims that were assigned by third parties to TCL, the Proposal Trustee reviewed:
  - (a) assignment documents between the Original Claimants and TCL;
  - (b) TCC's A/P List for the claims;
  - (c) in cases where the A/P List was not available, copies of invoices; and
  - (d) a copy of the consideration paid by TCL to the Original Claimant.
28. Pursuant to the May 30 Order and the Amended Order, the Proposal Trustee issued a Notice of Disallowance, or a Notice of Amended Disallowance in cases where it was appropriate, to several claimants (collectively, the "**Disallowances**"), as summarized in **Schedule "2"** to this report. A total of 54 Disallowances have been issued disallowing trust and/or lien claims totalling \$746,061. The percentage of claims disallowed represents approximately 8.8% of the value of all claims filed. No appeals were filed in relation to any of the Disallowances.
29. Since the granting of the May 30 Order, the Proposal Trustee has completed the adjudication of over 400 trust and lien claims representing an aggregate dollar value of over \$8,500,000. Later in this Report, the Proposal Trustee will summarize the number of trust and lien claims filed by project, the aggregate dollar value of all claims that were allowed by project, and the percentage of claims that will be paid with respect to all admitted claims by project for those projects where the Proposal Trustee received Potential Trust Funds and/or Holdbacks.

### **Proposed Interim Distributions**

30. The Proposal Trustee seeks authorization to make interim and final distributions in respect of some of TCC's contracts. Details by project of interim distribution amounts, amounts of trust and lien claims, and the Schedules to this Report which contains additional information are summarized in the table below:

<b>Contract and Schedule Reference for Claims and Distributions</b>	<b>Dollar Value of Trust and Lien Claims by Contract \$</b>	<b>Funds Received as at Oct. 31/12 (including interest) \$</b>	<b>Proposed Interim/Final Distribution Amount \$</b>	<b>Proposed "Reserve Funds" held by Proposal Trustee \$</b>
SNC Schedule "3"	13,428.84	182,202.51	179,896.88	2,305.63
Trailer Wizards Schedule "3"	12,479.18	13,107.25	12,720.42**	386.83
FTG Schedule "4"	4,378,500.75	2,677,018.78	2,051,779.98	522,859.79
BPP McGavin Field Schedule "5"	98,554.44	18,011.54	8,016.41	9,995.13
BPP Cypress Bowl Schedule "6"	548,094.63	171,479.67	115,893.35	55,586.32
Metro-Can Schedule "7"	158,678.56	38,691.63	24,472.84	14,218.79
Polygon Red Maple Schedule "8"	169,116.88	-	-	-
Polygon Mayfair Schedule "9"	300,563.09	-	-	-
Amacon Earthworks	124,638.68	56,084.57	28,074.35	28,010.22
Amacon Raintanks	291,017.06	554,894.73	424,832.30	130,062.43
Amacon Bio Swale (collectively, the "Amacon Lot 3 Contracts")	117,226.60	275,773.18	217,454.04	58,319.14
Schedules "10", "11", and "12", respectively				
Amacon Civil Works  Schedule "13"	230,637.13	-	-	-
JJM	-	1,344.33	1,344.33**	-

<b>Contract and Schedule Reference for Claims and Distributions</b>	<b>Dollar Value of Trust and Lien Claims by Contract \$</b>	<b>Funds Received as at Oct. 31/12 (including interest) \$</b>	<b>Proposed Interim/Final Distribution Amount \$</b>	<b>Proposed "Reserve Funds" held by Proposal Trustee \$</b>
Prism	-	13,443.34	13,443.34**	-
<b>TOTALS</b>	<b>\$6,442,935.84</b>	<b>\$4,002,051.54</b>	<b>\$3,077,928.25</b>	<b>\$821,744.28</b>

**\*\*Final Distributions**

31. Generally, a portion of the fees, disbursements and taxes of the Proposal Trustee and the its legal counsel, Lawson Lundell LLP ("**Lawson**") and Borden Ladner Gervais ("**BLG**"), will be allocated to those Contracts where funds have been received and where there are claims (collectively, the fees, disbursements and taxes of the Proposal Trustee, Lawson and BLG are the "**Professional Accounts**"). A detailed discussion of the method of allocating the Professional Accounts is contained in the "Taxation" section below.
32. To the extent that additional Potential Trust Funds or Holdbacks are collected by the Proposal Trustee after the date of this Report, it will increase the amount of funds held by the Proposal Trustee and will increase future net distributions for certain Contracts and to TCC.
33. The Proposal Trustee will retain a portion of the proceeds it has received (the "**Reserve Funds**") in the amount of \$821,744.28. The Reserve Funds are calculated in **Schedule "14"** to this Report. The explanatory notes to Schedule "14" provide additional details on the rationale for the calculation. In summary, the Reserve Funds are retained to:
  - (a) ensure there are sufficient funds to pay the actual Professional Accounts to October 31, 2012 plus estimated accounts from November 1, 2012 to completion of the administration of the Trust Claim Settlement Program;
  - (b) cover the existing deficiency relating to Professional Accounts of the Polygon Red Maple and Polygon Mayfair Contracts as no Potential Trust Funds or Holdbacks have been received to date; and
  - (c) ensure there are sufficient funds available to pay the claimants on the Amacon Earthworks Contract that has a deficiency, depending on the interpretation of a legal issue, which will be discussed in further detail in the next section of this Report.
34. With respect to the SNC Contract, after a portion of the Reserve Funds are allocated to this contract, there will be surplus funds remaining after accepted trust and lien claims (totalling \$13,428.84) are paid in full (the "**SNC Surplus Funds**"). The Proposal Trustee

calculates the SNC Surplus Funds to be \$166,468.04 and seeks authorization to distribute those funds to the Bankruptcy Trustee. The funds are to be held in accordance with the priorities under the BIA. TCL has a General Security Agreement which charges these amounts (the "TCL Security").

35. With respect to the Trailer Wizards Contract, after a portion of Reserve Funds are allocated to this contract, there will be surplus funds remaining after trust and lien claims (totalling \$12,479.18) are paid in full (the "**Trailer Wizards Surplus Funds**"). The Proposal Trustee calculates the Trailer Wizards Surplus Funds to be \$241.24 and seeks authorization to distribute those funds to the Bankruptcy Trustee. The funds are to be held in accordance with the priorities under the BIA including the TCL Security.
36. With respect to the FTG Contract, the Proposal Trustee knows that significant sum of funds were and will be collected subsequently to October 31, 2012. The Proposal Trustee seeks authorization to make future distributions to those trust claimants listed in section (b) of Schedule "4" hereto, in the same percentages as indicated therein with respect to any future funds that are received by the Proposal Trustee arising from the FTG Contract, net of any applicable costs and Reserve Funds, without further order of the court.
37. The Proposal Trustee is not seeking an approval for interim distributions with respect to the Polygon Yorkson or Polygon Mayfair contracts because the Proposal Trustee has not yet settled the amounts payable thereunder. The Proposal Trustee has admitted 15 claims totalling \$169,116.88 and 29 claims totaling \$300,563.09 for these contracts, respectively. The claimants on the contracts are listed in Schedule "8" (Polygon Red Maple) and Schedule "9" (Polygon Mayfair) to this Report.
38. With respect to the Amacon Civil Works contract, the Proposal Trustee expects to receive a sufficient amount of funds to satisfy the claims listed in Schedule "13" in full.
39. There were two amounts received by the Proposal Trustee from the JJM Contract and the Prism Contract in the amounts of \$1,344.33 and \$13,443.34 (including interest), respectively (see Schedule "1"). There are no trust or lien claims against these funds. Accordingly, the Proposal Trustee seeks to distribute the sum of \$14,787.67 to the Bankruptcy Trustee relating to these two contracts which will be held in accordance with the priorities under the BIA including the TCL Security. There are no professional costs to be allocated against these funds as there were no claims relating to the contracts and specific attributable costs were negligible.
40. Attached as **Schedule "15"** to this Report is a list of the claims relating to other projects where TCC performed work totalling \$1,267,456.10. No funds were received yet for these contracts.
41. With respect to distributions generally, the Proposal Trustee received certain Holdbacks from various Owners and Contractors. In some cases, the funds received represented the required holdback under section 4 of the BLA only, whereas in other cases the funds received consisted of both the required holdback and the actual or excess holdback which were amounts owing to TCC over and above the required holdback. In the latter cases,

there was no distinction made by the Owners and Contractors as to what portion of the funds represented the required holdback and what portion was the actual or excess holdback.

42. Pursuant to the provisions of the May 30 Order, for distribution purposes, the Proposal Trustee has not distinguished between creditors who filed a lien against various parcels of land and those who filed claims of lien with the Proposal Trustee.
43. Included in the Potential Trust Funds and Holdbacks held by the Proposal Trustee is the Harmonized Sales Tax ("**HST**") relating to those funds. As of the date of this Report, TCC has filed all requisite HST returns (the "**HST Returns**") with Canada Revenue Agency ("**CRA**") for its business activity up to the date of its bankruptcy, September 14, 2012. The revenue recorded by TCC in the HST Returns includes the proceeds that have been received from the Proposal Trustee to October 31, 2012 pursuant to the Trust Claim Settlement Program. Based on the last HST Return filed by TCC as at the date of its bankruptcy, TCC recorded a net refund position of \$77,150.41 for HST. Accordingly, no HST is payable by the Proposal Trustee to CRA in the proposed interim distributions. The Proposal Trustee will consider the HST impact of collections of Potential Trust Funds and/or Holdbacks, if any, that occur subsequent to October 31, 2012 and determine whether any distribution of net HST is required to be made by the Proposal Trustee to CRA in the future.
44. However, if the Proposal Trustee collects additional Potential Trust Funds or Holdbacks subsequent to the date of this Report, and the HST relating to those collections has not been previously recorded by TCC, the Proposal Trustee may have to make a net HST distribution to CRA in the final distribution of the Trust Claim Settlement Program.

### **Amacon Lot 3 Contracts**

45. With respect to the Amacon Lot 3 Contracts, the Proposal Trustee has identified a legal issue which affects the method of calculating the distribution to the lien and trust claimants for the Amacon Earthworks Contract specifically. The legal issue relates to two possible interpretations of the operation of certain sections of the BLA. The two possible interpretations appear to be supportable and reasonable but yield different results in terms of entitlement to the Holdbacks and Potential Trust Funds. However, only one interpretation can apply. The Proposal Trustee understands that the issue has not directly been determined by the courts, and therefore, it is unclear which interpretation is correct. The two interpretations are discussed below.
46. The Amacon Lot 3 Contracts comprise three separate contracts between the same owner (i.e. Amacon) and the same contractor (i.e. TCC) in relation to what may be one improvement as defined in the BLA. There are three sets of lien and trust claimants, one group for each contract. There is a surplus in the funds available to satisfy the lien and trust claimants under the Amacon Raintanks and Amacon Bio Swale Contracts (the "**Surplus**"), but a shortfall for the lien and trust claimants under the Amacon Earthworks Contract (the "**Earthworks Shortfall**"). The issue is whether the lien and trust claimants

under the Amacon Earthworks Contract are entitled to the Surplus to cover the Earthworks Shortfall pursuant to:

- (a) the provisions creating an *in rem* lien against the holdback funds (s.4(9) of the BLA); and/or
  - (b) provisions creating a statutory trust over contract money received (s.10(1) of the BLA).
47. Before any distribution can be made to lien and trust claimants on the Amacon Earthworks Contract, the Proposal Trustee will seek direction from the Court regarding which interpretation is correct. The costs of seeking the determination of this matter would be deducted from the monies otherwise available to the trust and lien claimants of the Amacon Earthworks Contract which would provide some risk of reducing the amount expected to be distributed to these creditors.
48. To the extent the Surplus is not required to cover the Earthworks Shortfall, it will be paid to TCC and be subject to the security held by TCL on this asset. TCL is also one of six individual creditors holding an admitted claim on the Amacon Earthworks Contract and it has approximately 26% of the total trust and lien claims admitted. In learning of the complication involved over the uncertainty of the distribution to the trust and lien creditors of the Amacon Earthworks Contract, TCL has offered to forego its payment under the Amacon Earthworks Contract of approximately \$7,200 and add another \$7,200 to the amount that would be distributed to the other five trust and lien creditors (the "**TCL Offer**") in order to minimize the additional legal costs that would be required to obtain the Court's Ruling and thereby provide the other trust and lien creditors on the Amacon Earthworks Contract with a higher recovery without the risk of the Court's Ruling finding that the Surplus is not available to cover the Earthworks Shortfall. TCL is making this offer since it is the largest overall trust and lien claimant as well as the secured creditor of TCC and it has an overall interest in minimizing the delay in completing the Trust Claim Settlement Program and minimizing the overall costs, some of which it must pay if there are insufficient funds received by the Proposal Trustee on some of the contracts. Schedule "10" summarizes the trust and lien creditors of the Amacon Earthworks Contract and their claims the Proposal Trustee has admitted. It also provides for the expected distribution to be made under two scenarios, one based upon the current claims and funds received, and one based upon the offer made by TCL.
49. With respect to the Amacon Raintanks Contract and Amacon Bio Swale Contract, there will be surplus funds remaining of \$133,815.24 (the "**Raintanks Surplus**") and \$100,227.44 (the "**Bio Swale Surplus**"), respectively, after accepted trust and lien claims are paid in full and a portion of the Reserve Funds is allocated to those Contracts. The Proposal Trustee has allocated a sufficient amount of Reserve Funds to the Amacon Lot 3 Contracts to ensure there are sufficient funds to pay the Amacon Earthworks claimants depending on the outcome of the Court application with respect to this Contract and to retain a contingency for potential additional legal costs. Accordingly, the Proposal Trustee seeks authorization to distribute those surplus funds noted above to the

Bankruptcy Trustee. The funds will be held in accordance with the priorities under the BIA including the TCL Security.

**Priority Charge in favour of the Proposal Trustee**

50. Under the Trust Claim Settlement Program, the Proposal Trustee and its legal counsel were granted a priority charge in the May 30 Order (the "**Charge**") to cover fees and disbursements for the administration of the Trust Claim Settlement Program. The accounts of the Proposal Trustee and its counsel must be approved by the Court.
51. Pursuant to the May 30 Order, the Proposal Trustee was authorized to take, from Potential Trust Funds and Holdbacks in its possession, reasonable advances against its outstanding fees and disbursements (subject to passing of its accounts).
52. As at October 31, 2012, the total professional fees of the Proposal Trustee and its counsel, Lawson Lundell LLP ("**Lawson**"), were \$370,077.57 plus disbursements and taxes of \$58,146.34 for an aggregate sum of \$428,223.91. The Proposal Trustee has drawn an advance of \$102,379.01 (the "**First Advance**") from FTG trust funds relating to fees, disbursements and taxes incurred by the Proposal Trustee relating specifically to the FTG Contract. No other fee advances have been taken to date.
53. Although BLG was counsel to TCC during the NOI, a significant portion of BLG's work related to developing the Trust Claim Settlement Program and obtaining the May 30 Order, the costs of which were paid by TCC. Also, after the granting of the May 30 Order, BLG continued to perform legal services relating to many aspects of the Trust Claim Settlement Program specifically, including without limitation matters relating to collection of Potential Trust Funds and Holdbacks, providing advice on negotiation strategies with certain Owners and Contractors, commencing legal actions to the benefit of TCC's creditors, and providing other advice on legal treatment of certain technical matters pertaining to the Trust Claim Settlement Program, (the "**BLG Services**").
54. The Proposal Trustee concluded that in certain cases it was more cost-effective to have BLG deal with certain issues relating to the Trust Claim Settlement Program rather than having Lawson deal with those matters because BLG had the factual background for those matters whereas Lawson did not. In the Proposal Trustee's opinion, this resulted in a cost savings to the Trust Claim Settlement Program. In the Proposal Trustee's opinion, it is fair and reasonable for the cost of the BLG Services to be included in the Charge since those services benefited the administration of the Trust Claim Settlement Program. With respect to the BLG Services, the Proposal Trustee is seeking to include in the Charge the sum of \$122,771.50 for fees plus \$15,501.54 for disbursements and taxes for an aggregate sum of \$138,273.04, as at October 31, 2012.

## Taxation

55. During the administration of the Trust Claim Settlement Program, the Proposal Trustee's fees and disbursements (including legal accounts) were allocated to a particular TCC project whenever possible.
56. To the extent that the Proposal Trustee's fees and disbursements (including legal accounts) related generally to the Trust Claim Settlement Program, and could not be attributed to a specific project, such fees and expenses were recorded under a general category (the "**General Program Activities**").
57. Costs relating to the General Program Activities will be allocated among all projects on the basis of the dollar value of trust claims for each project as a percentage of the aggregate dollar value of all trust claims for all projects, but only where such projects have Potential Trust Funds available for distribution.
58. In the Proposal Trustee's opinion, a "claims approach" is a reasonable basis for allocating any Professional Accounts relating to General Program Activities because the primary purpose of the Trust Claim Settlement Program was the establishment of a less-expensive and faster process for the adjudication of claims. Furthermore, the approach to allocate costs only to projects with Potential Trust Funds and/or Holdbacks available for distribution supports the second primary purpose of the Trust Claim Settlement Program which was to maximize the recovery of Potential Trust Funds and Holdbacks for claimants.
59. Attached as **Schedule "16"** to this report is a summary of the Professional Accounts, up to and including October 31, 2012, that relate specifically to each contract, and also to the general administration of the Trust Claim Settlement Program. This Schedule provides the details of the accounts for each of the Proposal Trustee, Lawson and BLG.

## Results of the Trust Claim Settlement Program

60. In the Proposal Trustee's opinion, the Trust Claim Settlement Program has achieved the goals of the program, including:
  - a) many of TCC's creditors, especially smaller or more legally unsophisticated ones, did not have to retain legal counsel to address matters relating to the complicated construction-industry insolvency of TCC, resulting in lower costs and a higher return to creditors;
  - b) TCC's Owners and Contractors were directed to pay funds they owed to TCC to the Proposal Trustee. This step is believed to have significantly reduced the legal fees that both the owners and TCC might otherwise have incurred in the absence of the Trust Claim Settlement Program;
  - c) the legal costs and potential set-off claims against TCC by owners were minimized, and collections of Potential Trust Funds were maximized, resulting in a higher return generally for creditors; and



- d) a streamlined process was created that allowed for the adjudication of lien and trust claims which was faster and less expensive than otherwise would have been the case.
61. It also appears that the establishment of the Trust Claim Settlement Program provided a level of comfort to some suppliers who were continuing to work, provide services or materials to TCC relating to ongoing construction contracts after the NOI was filed. They could see that a process was in place for the adjudication of their pre-NOI claims while they continued to be paid in full for post-NOI work performed.
  62. The Proposal Trustee did not receive any negative feedback from creditors or Owners and Contractors relating to the Trust Claim Settlement Program. Furthermore, there was a clear level of co-operation from creditors and Owners and Contractors, as well as TCC, during the administration of the Trust Claim Settlement Program. This included support from the secured creditor, TCL.
  63. In summary, it is the opinion of the Proposal Trustee that the Trust Claim Settlement Program has produced lower costs and higher recoveries for many of TCC's creditors that has far exceeded what recoveries would have occurred without the Trust Claim Settlement Program because in the Proposal Trustee's view:
    - a) there would have been diminished likelihood of recovery from the Owners and Contractors because the owners would have had less incentive to pay a bankrupt entity or a significant amount of litigation would have been required to collect funds;
    - b) a multitude of lien claims and lien claim actions would have resulted in the retention of accounts receivables by the Owners and Contractors and there would have been a significantly higher set-off by the Owners and Contractors for costs incurred in dealing with the removal of multiple liens from title and potentially for defending multiple lien actions;
    - c) if TCC had been unable to complete most of its contracts there would have been a significant number of set-offs against accounts receivable by Owners and Contractors (for damages resulting from abandoned contracts). This would have reduced the amount of Potential Trust Funds that would be available to creditors compared to the amount of Potential Trust Funds actually collected by the Proposal Trustee; and
    - d) eventually, after the points raised above, Owners and Contractors would have cleared title by paying Holdbacks into court and they would have left it to the lien claimants to prove their liens on each project and divide up the Holdbacks meaning those claimants who did not file a lien claim would receive no recovery.

64. In the Proposal Trustee's opinion, it is possible that, in the absence of the Trust Claim Settlement Program, net recoveries for TCC could have been nil or approaching nil.

#### **Allocation of Professional Accounts and Reserve Funds**

65. The overall framework for the Proposal Trustee's (and its legal counsel) recording and allocating of Professional Accounts was introduced above in sections 55 to 58 of this Report.
66. In the Proposal Trustee's opinion, although it can estimate the allocation of the Professional Accounts for the purposes of this interim distribution, it cannot reasonably perform a final allocation of the overall professional fees for the General Program Activities until administration of the Trust Claim Settlement Program is completed. This is due to the following reasons:
- a) Additional professional services will be required by the Proposal Trustee and its legal counsel to finalize remaining issues in the Trust Claim Settlement Program. Until an order for final distributions is made, it is unclear what the extent of those activities and related professional fees will be; and
  - b) The Proposal Trustee does not know at this time whether the final amount of Potential Trust Funds and Holdbacks that it will receive in the future will be sufficient to pay the specific professional fees relating to each contract as well as the pro-rata share of the professional fees relating to General Program Activities. Therefore, the allocation of professional fees for each Contract will be addressed at a future application to conclude the Trust Claim Settlement Program.
67. The Proposal Trustee will retain a portion of the proceeds it has received until the administration of the Trust Claim Settlement Program is complete and final distributions are made (the "**Reserve Funds**"). The amount of the Reserve Funds is \$225,000.00. The Reserve Funds do not include any of the Professional Accounts up to October 31, 2012. Those accounts will be paid at the same time as interim distributions that are approved by the Court are made to creditors.

#### **Significant matters to be finalized by the Proposal Trustee prior to Final Distributions**

68. The Proposal Trustee identified the following issues which it anticipates must to be resolved before a final order of distribution can be sought:
- a) An application must be brought pursuant to s. 23 of the BLA regarding the two Polygon contracts;
  - b) Potential Trust Funds and Holdbacks must be received with respect to the Polygon Red Maple and Polygon Mayfair Contracts and the Amacon Civil Works Contract;
  - c) Negotiation of final settlement or arbitration of the TCC's claim against FTG which may or may not be dealt with by the Proposal Trustee;

- d) Consideration of the HST impact of any collections of Potential Trust Funds and/or Holdbacks, if any, that occur subsequent to October 31, 2012 and determination of whether any distribution of net HST to CRA is required to be made by the Proposal Trustee;
- e) It is possible that a separate application may be required with respect to the method for calculating the distribution for the Amacon Lot 3 Contracts;
- f) Resolution of other miscellaneous matters relating to the Trust Claim Settlement Program; and
- g) An order will is brought for authorization of final distributions of all remaining funds, taxation of professional fees subsequent to October 31, 2012, and discharge of the Proposal Trustee with respect to the Trust Claim Settlement Program.

### **Order Sought**

69. The Proposal Trustee is seeking an order to:
- a) authorize an interim distribution of Potential Trust Funds and Holdbacks on various Contracts;
  - b) vary the May 30 Order to provide:
    - i. the Proposal Trustee with additional powers to collect accounts owing to TCC accounts receivable owing to TCC, or commence legal proceedings that would be expected to benefit lien and trust claimants under the Trust Claim Settlement Program, the proceeds of which would be part of the Trust Claim Settlement Program; and
    - ii. that the BLG Services be included in the Charge.
  - c) determine the method of distribution of Potential Trust Funds and Holdbacks with respect to the Amacon Lot 3 Contracts and, if applicable, payment of any Surplus Funds to the Bankruptcy Trustee;
  - d) authorize a distribution to the Bankruptcy Trustee of:
    - i. SNC Surplus Funds of \$166,468.04;
    - ii. Trailer Wizard Surplus Funds of \$241.24
    - iii. the Raintanks Surplus of \$130,062.43 and the Bio Swale Surplus of \$100,227.44; and

- iv. total funds of \$14,787.67 from the JJM Contract and the Prism Contract for which there were no trust claims or lien claims made against the funds.
  
- e) authorize The Proposal Trustee to make future distributions to those trust claimants listed in section (b) of Schedule "4" hereto, in the same percentages as indicated therein with respect to any future funds that are received by the Proposal Trustee arising from the FTG Contract, net of applicable costs and Reserve Funds, without further order of the Court; and
  
- f) tax Professional Accounts up to October 31, 2012, for:
  - i. the Proposal Trustee's fees in the amount of \$307,707.57 plus taxes and disbursements for an aggregate sum of \$357,780.95;
  - ii. Lawson's fees in the amount of \$62,370.00 plus taxes and disbursements for an aggregate sum of \$70,442.96; and
  - iii. BLG's fees in the amount of \$122,771.50 plus taxes and disbursements for an aggregate sum of \$138,273.04, subject to this Honourable Court authorizing inclusion of the costs relating to the BLG Services in the Charge.

All of which is respectfully submitted this 19th day of November, 2012.

**G. Powroznik Group Inc.**  
**In its capacity as Proposal Trustee for the**  
**Trust Claim Settlement Program**  
**and not in its personal capacity**



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Per: Mr. Gary Powroznik  
Managing Director

**Schedule "1"**

**Potential Trust Funds, Holdbacks, and Accrued Interest  
collected by the Proposal Trustee as of October 31, 2012**

In the matter of the Proposal of Tyam Civil Constructors Ltd.  
 Summary of Potential Trust Funds and Holdbacks received by Proposal Trustee  
 As at October 31, 2012

Contract	Potential Trust Funds		Holdbacks		TOTALS	
	Funds received	Interest	Total funds received at Oct. 31/12	Funds received		Interest
<b>Small jobs</b>						
SNC	182,157.28	45.23	182,202.51	-	-	182,202.51
Trailer Wizards	13,104.00	3.25	13,107.25	-	-	13,107.25
Prism	13,440.00	3.34	13,443.34	-	-	13,443.34
JJM	1,344.00	0.33	1,344.33	-	-	1,344.33
<b>Subtotal small jobs</b>	<b>210,045.28</b>	<b>52.16</b>	<b>210,097.44</b>	<b>-</b>	<b>-</b>	<b>210,097.44</b>
<b>FTG (note 1)</b>	<b>2,676,380.67</b>	<b>638.11</b>	<b>2,677,018.78</b>	<b>-</b>	<b>-</b>	<b>2,677,018.78</b>
<b>Metro-Can</b>	<b>38,678.59</b>	<b>13.04</b>	<b>38,691.63</b>	<b>-</b>	<b>-</b>	<b>38,691.63</b>
<b>BPP McGavin Field</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>18,011.54</b>	<b>-</b>	<b>18,011.54</b>
<b>BPP Cypress Bowl</b>	<b>62,128.70</b>	<b>-</b>	<b>62,128.70</b>	<b>109,350.97</b>	<b>-</b>	<b>171,479.67</b>
<b>Amacon Earthworks</b>	<b>24,665.52</b>	<b>0.41</b>	<b>24,665.93</b>	<b>31,418.12</b>	<b>0.52</b>	<b>56,084.57</b>
<b>Amacon Raintanks</b>	<b>492,901.94</b>	<b>19.03</b>	<b>492,920.97</b>	<b>61,972.74</b>	<b>1.02</b>	<b>554,894.73</b>
<b>Amacon Bio Swale</b>	<b>244,968.64</b>	<b>4.03</b>	<b>244,972.67</b>	<b>30,800.00</b>	<b>0.51</b>	<b>275,773.18</b>
<b>TOTALS</b>	<b>3,749,769.34</b>	<b>726.78</b>	<b>3,750,496.12</b>	<b>251,553.37</b>	<b>2.05</b>	<b>4,002,051.54</b>

Notes:

1 - The Proposal Trustee has taken an advance of \$102,379.01 from FTG funds as an advance against its fees, disbursements and HST relating specifically to its work performed on FTG matters in the Trust Claim Settlement Program. No other fee advances have been drawn as of the date of this Report.

**Schedule "2"**

**Summary of Notices of Disallowance and Amended Notices of Disallowance**

**Issued by Proposal Trustee**

In the matter of the Proposal of Tyam Civil Constructors Ltd.  
Trust Claim Settlement Program  
Schedule of Notices of Disallowances and Amended Notices of Disallowances issued by Proposal Trustee

Creditor	Project	Trust/Lien claim - Amount Disallowed \$	Reason Disallowed (summary)	Disallowance Notice provided claim breakdown by project (Y/N)	Disallowance Dated	Appeal Taken (Y/N)	Amended Disallowance Subsequently Issued? (Y/N)
ACE Pressue Washing	no project identified	1,713.60	The work performed was not in relation to any specific or particular improvement pursuant to the Builders Lien Act	N	July 9, 2012	N	N
Alder Auto Parts	no project identified	32,126.61	The work performed was not in relation to any specific or particular improvement pursuant to the Builders Lien Act	N	July 9, 2012	N	N
A-Pro Automotive	no project identified	4,898.97	The work performed was not in relation to any specific or particular improvement pursuant to the Builders Lien Act	N	July 9, 2012	N	N
Basaltite Concrete	FTG - 11320 (lien claim)	549.64	At law, no holdback obligations apply to the FTG project and therefore there can be no lien claim against the holdback (but trust claim allowed)	N	July 9, 2012	N	N
Brian Raiston Bulldozing	Amacon - 11328	201.60	TCC disputed a charge of \$201.60 relating to operators sent to the site but who did not perform work at the site	N	July 9, 2012	N	N
Brock White	FTG 11320	56.00	TCC reported a credit of \$56.00 on this project that the creditor did not report	Y	July 9, 2012	N	N
Brock White	FTG 11320 (lien claim)	1,930.44	At law, no holdback obligations apply to the FTG project and therefore there can be no lien claim against the holdback (but trust claim allowed)	N	July 9, 2012	N	N
City of Surrey	unclear	413.71	The work performed was not in relation to any specific or particular improvement pursuant to the Builders Lien Act	N	July 9, 2012	N	N
Dynamic Link Hydraulics	no project identified	2,072.00	The work performed was not in relation to any specific or particular improvement pursuant to the Builders Lien Act	N	July 9, 2012	N	N
Emco	various	89,690.57	FTG claim assigned to TCL TCC reported credit balances on certain projects TCC reported different amounts of Emco's claim for certain projects	Y	July 9, 2012	N	Y



Creditor	Project	Trust/Lien claim - Amount Disallowed \$	Reason Disallowed (summary)	Disallowance Notice provided claim breakdown by project (Y/N)	Disallowance Dated	Appeal Taken (Y/N)	Amended Disallowance Subsequently Issued? (Y/N)
Ex-Cel Pipe	Amacon - 11323	1,512.00	TCC disputed \$1,512 (incl. HST) of Demobilization and Mobilization charges on invoice #0619 and the Proposal Trustee is not aware of any evidence which suggests TCC did agree to pay for these charges	N	July 9, 2012	N	N
Five Points Holding Ltd.	multiple	disallowed in full	The Proposal Trustee was unable to reconcile Five Points claim(s) with the books and records provided by TCC. TCC indicated there are offsets to Five Points' claim(s) which have not been reconciled with the amounts indicated in those claim(s).	N	July 9, 2012	N	Y
Hino Central	no project identified	497.72	The work performed was not in relation to any specific or particular improvement pursuant to the Builders Lien Act	N	July 9, 2012	N	N
King Kubota	interest charges	5,757.36	Interest charges are not lienable and do not qualify as trust claims pursuant to the Builders Lien Act;	N	July 9, 2012	N	N
Langley Concrete	FTG - 11320 (lien claim)	58,317.09	At law, no holdback obligations apply to the FTG project and therefore there can be no lien claim against the holdback (but trust claim allowed)	N	July 9, 2012	N	N
Lehigh Materials	multiple	101.48	Overall claim difference of \$101.48 was a liability of a related TVAM company but not a liability of TCC.	Y	July 9, 2012	N	N
Northside Transport Ltd.	multiple	25,254.48	Pursuant to the Builders Lien Act and case law interpreting and applying same, Northside did not perform any work or services in relation to a particular or specific improvement as those terms are defined in the Act	N	July 9, 2012	N	N
Ono Safety	no project identified	3,149.78	The work performed was not in relation to any specific or particular improvement pursuant to the Builders Lien Act	N	July 9, 2012	N	N
Pineland Peat Farms	multiple	disallowed in full	The Proposal Trustee was unable to reconcile Pineland's claim(s) with the books and records provided by TCC. TCC indicated there are offsets to Pineland's claim(s) which have not been reconciled with the amounts indicated in the Pineland claim(s).	N	July 9, 2012	N	Y

Creditor	Project	Trust/Lien claim - Amount Disallowed \$	Reason Disallowed (summary)	Disallowance Notice provided claim breakdown by project (Y/N)	Disallowance Dated	Appeal Taken (Y/N)	Amended Disallowance Subsequently Issued? (Y/N)
PK Metal Works	Rodgers BPP - 10305	1,217.82	TCC reports that the creditor received a settlement for the portion of the claim relating to the Rodgers Creek project (TCC Job #10305) and assigned the claim to a third party with respect to Job #10305	Y	July 9, 2012	N	N
Pro Quip	multiple	89.55	On an aggregate basis, the claimant reported a total claim that had a \$89.55 discrepancy with the total liability to ProQuip based on the records of TCC. TCC reports different amounts of Pro Quip's claim in certain projects.	Y	July 9, 2012	N	N
Quiring Motors	no project identified	1,516.48	The work performed was not in relation to any specific or particular improvement pursuant to the Builders Lien Act	N	July 9, 2012	N	N
Reels Hose Fix	no project identified	5,207.54	The work performed was not in relation to any specific or particular improvement pursuant to the Builders Lien Act	N	July 9, 2012	N	N
Reg Ast Trucking	unknown	967.78	TCC was unable to verify this amount with its accounting records and could not verify that this amount related to a TCC project.	N	July 9, 2012	N	N
Scottish Line Painting	BPP - 11321	1,848.00	TCC reported that the claimant received a settlement for the portion of the claim and that it assigned its claim to TCL. The Proposal Trustee was unable to verify this with the creditor before the 40 day deadline to adjudicate the claim	N	July 9, 2012	N	N
Stitch Western Canada	no project identified	280.00	The work performed was not in relation to any specific or particular improvement pursuant to the Builders Lien Act	N	July 9, 2012	N	N
Super Save Disposals	multiple	1,592.05	TCC reports that the claimant included several interest charges which are not lienable and do not qualify as trust claims pursuant to the Builders Lien Act; TCC reports that it paid an invoice in the amount of \$75.64 on October 12, 2011, which was not reported by the claimant; TCC reports that other amounts claimed do not relate to TCC; TCC reports different amounts of SS Disposal's claim in certain projects (with schedule attached)	Y	July 9, 2012	N	N
Super Save Fence Rentals	multiple	3,912.38	TCC reported that the claimant included in its claim 2 post NOI invoices that TCC intended to pay TCC reports that it paid an invoice in the amount of \$25.98 which wasn't deducted from the claim TCC reports different amounts of SS Fence's claim in certain projects (with schedule attached)	Y	July 9, 2012	N	N

Creditor	Project	Trust/Lien claim - Amount Disallowed \$	Reason Disallowed (summary)	Disallowance Notice provided claim breakdown by project (Y/N)	Disallowance Dated	Appeal Taken (Y/N)	Amended Disallowance Subsequently Issued? (Y/N)
SS Laser Tech	no project identified	1,154.68	The work performed was not in relation to any specific or particular improvement pursuant to the Builders Lien Act TCC reports that the claimant received a settlement for the portion of the claim (\$2,740.02) relating to the South Perimeter Road Project (TCC Job #11320) and assigned the claim to a third party with respect to Job 2,771.10 #11320;	N	July 9, 2012	N	N
Super Save Toilet Rentals		2,771.10	For the remainder of the disallowed amount, TCC is unable to reconcile the amount claimed of \$569.52 to the amounts recorded in TCC's accounting records. TCC reports different amounts of SS Toilet's claim in certain projects (with schedule attached)	Y	July 9, 2012	N	N
Stanco	FTG - 11320	18,911.02	TCC reported that it overpaid the claimant for other work and there is no remaining claim against TCC. There is no information available to suggest the claim is valid.	N	July 9, 2012	N	N
United Rentals	multiple	11,693.82	TCC reports that the claim in the amount of \$8,394.65, relating to the South Perimeter Road Project (TCC Job #11320), has been purchased by and assigned to a third party. TCC reports that the claim in the amount of \$1,749.71, relating to the 35 lot subdivision project (TCC Job #1313), has been purchased by and assigned to a third party. TCC reports that the claim in the amount of \$1,229.81, relating to the City of Abbotsford project (TCC Job #10311), has been purchased by and assigned to a third party. TCC reports that the claim in the amount of \$243.04, relating to the Rodgers Creek project (TCC Job #10305), has been purchased by and assigned to a third party. Remaining difference of \$76.61 relates to invoices either settled or mis-coded to wrong project TCC reports different amounts of United Rental's claim in certain projects	Y	July 9, 2012	N	N
Vic's Custom Welding	FTG - 11320	3,252.48	A portion of the work performed, to the extent of \$3,252.48, was not in relation to any specific or particular improvement pursuant to the Builders Lien Act;	N	July 9, 2012	N	N
	no project identified	8,316.00	TCC reports that \$8,316.00, the amount of the claim relating to the South Perimeter Road Project (TCC Job #11320), has been purchased by and assigned to a third party.	N			

Creditor	Project	Trust/Lien claim - Amount Disallowed \$	Reason Disallowed (summary)	Disallowance Notice provided claim breakdown by project (Y/N)	Disallowance Dated	Appeal Taken (Y/N)	Amended Disallowance Subsequently Issued? (Y/N)
Westcoast LP Security	FTG - 11320	9,878.18	Pursuant to the Act and case law interpreting and applying same, the claimant didn't perform any work or services in relation to a particular or specific improvement as those terms are defined in the Act;	N	July 9, 2012	N	N
Wildcats Excavating	multiple	26,895.68	TCC reports that the claimant took settlements for several claims (on individual projects) and had assigned its claims on those projects to a third party.	Y	July 9, 2012	N	N
Winvan Paving	multiple	57,313.92	TCC reports that the claimant received a settlement for the portion of the claim relating to the Rodgers Creek project (TCC Job #1.0305) and assigned the claim to a third party with respect to this job;	Y	July 9, 2012	N	N
			TCC reports that with respect to the Metrocan project (TCC Job #1.1316) the claim is admitted in the amount of \$41,192.12 (resulting in a disallowance of \$43.12 with respect to Job #1.1316); For the remainder of the disallowed amount, items claimed relate to Tyam Construction Ltd., a separate entity, and are not valid claims against TCC. TCC reports different amounts of Winvan's claim in certain projects (with schedule attached)				
Imperial Paving	FTG - 11322 (lien claim)	1,007.65	At law, no holdback obligations apply to the FTG project and therefore there can be no lien claim against the holdback.	N	July 12, 2012	N	N
Spectratec Services	FTG - 11320 (lien claim)	319.20	At law, no holdback obligations apply to the FTG project and therefore there can be no lien claim against the holdback.	N	July 12, 2012	N	N
Mc Rae's Environmental Services	FTG - 11320 (lien claim)	985.60	At law, no holdback obligations apply to the FTG project and therefore there can be no lien claim against the holdback.	N	July 26, 2012	N	N
New Line Products	no project identified	386.56	The work performed was not in relation to any specific or particular improvement pursuant to the Builders Lien Act	N	July 26, 2012	N	N
Clover Towing	no project identified	1,219.13	The work performed was not in relation to any specific or particular improvement pursuant to the Builders Lien Act	N	07-Aug-12	N	N
Coretech Industries	various	2,590.00	One of the claimant's invoices was made out to TCI and was not a valid claim against TCC. A second invoice was disallowed (in error) and was corrected by an Amended Disallowance (see below).	N	07-Aug-12	N	Y

Creditor	Project	Trust/Lien claim - Amount Disallowed \$	Reason Disallowed (summary)	Disallowance Notice provided claim breakdown by project (Y/N)	Disallowance Dated	Appeal Taken (Y/N)	Amended Disallowance Subsequently Issued? (Y/N)
Urban Saw & Scanning Co.	FTG - 11320 (lien claim)	268.80	At law, no holdback obligations apply to the FTG project and therefore there can be no lien claim against the holdback.	Y	10-Aug-12	N	N
Sticks and Stones Contracting	Amacaon - 11328	1,433.60	Based on TCC's accounting records a total of \$4,390.40 was verified relating to Sticks and Stones' invoice number 11048, resulting in a difference of \$1,433.60 to the amount claimed. Creditor was not able to provide a copy of the trucking ticket or any other support for this amount.	Y	17-Aug-12	N	N
BC Roadbuilders and Heavy Construction Association	no project identified	4,075.60	The work performed was not in relation to any specific or particular improvement pursuant to the Builders Lien Act	N	17-Aug-12	N	N
AMJ Campbell	no project identified	5,891.20	The work performed was not in relation to any specific or particular improvement pursuant to the Builders Lien Act	N	19-Sep-12	N	N
Rodgers Concrete	City of Abbotsford - 10311	9,879.52	TCC reported that claim had been assigned to TCL and Proposal Trustee was not able to confirm this with the creditor before the 40-day adjudication deadline for this claim	N	19-Sep-12	N	N
Valley Traffic Systems	Unknown	439.04	One invoice related to TCL and not TCC	Y	24-Sep-12	N	N
Phoenix Truck & Crane	BPP - 11321	207.58	The creditor was claiming a residual amount relating to a claim already assigned in full to TCL	Y	01-Oct-12	N	N
Five Points Holding Ltd. (AMENDED)	n/a - Amendment	1,149.58	The Amended Disallowance Notice superseded the previous disallowance of all claims. \$392 of the amount disallowed related to a "double charge" for moving a truck. The remaining \$757.58 of the amount disallowed related to several irreconcilable differences across multiple invoices and/or projects between the records of TCC and the claims submitted by the creditor	Y	03-Oct-12	N	n/a
Pineleaf Peat Farms (AMENDED)	n/a - Amendment	32,256.00	The Amended Disallowance Notice superseded the prior disallowance for all claims, and disallowed specifically a claim for work/service performed that was not in relation to any specific or particular improvement pursuant to the Builders Lien Act	Y	05-Oct-12	N	n/a
Emco (AMENDED)	n/a - Amendment	52,452.31	The Amended Disallowance Notice corrected the prior breakdown of the claimant's claims allowed according to the records of TCC.	Y	12-Oct-12	N	n/a

Creditor	Project	Trust/Lien claim - Amount Disallowed \$	Reason Disallowed (summary)	Disallowance Notice provided claim breakdown by project (Y/N)	Disallowance Dated	Appeal Taken (Y/N)	Amended Disallowance Subsequently Issued? (Y/N)
Coretech Industries (AMENDED)	n/a - Amendment	967,68	Amended disallowance notice corrected the prior disallowance and admitted one Coretech invoice which represents a proper trust/lien claim. The prior disallowance of \$967,68 relating to a second invoice was not changed.	N	29-Oct-12	N	n/a
Tyam Construction Ltd.	various	335,163.10	A multiple number of claims across several projects were disallowed for reasons including the following: insufficient evidence was supported to prove the claim, insufficient evidence was submitted to prove the claim had been properly assigned to TCL, certain work or services performed were not in relation to any specific or particular improvement pursuant to the Builders Lien Act, TCL had claims assigned to it that were originally disallowed by the Proposal trustee, and other reasons.	Y	06-Nov-12	N	N

Total number of Notices of Disallowances and Amended Notices of Disallowances issued by Proposal Trustee: 54

**Schedule "3"**

**Claims for TCC "Small Jobs" Projects and  
Interim Distributions for SNC Contract and Trailer Wizards Contract**

**In the matter of the Proposal of Tyam Civil Constructors Ltd.  
 Schedule of Trust and Lien Claims and Interim Distributions  
 TCC 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 "4"**

**Claims and Interim Distributions for**

**FTG Contract**

**In the matter of the Proposal of Tyam Civil Constructors Ltd.**  
**Schedule of Trust and Lien Claims and 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)	-
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
<b>Totals</b>	<b>5,358,089.34</b>	<b>-</b>		<b>(979,588.59)</b>	<b>4,378,500.75</b>

**b) Interim Distributions**

Amount available for interim distribution

**\$ 2,051,779.98**

Creditor Name	Trust Claim admitted (from section a)	Distribution amount \$	Percentage entitlement of Claimant %
BASALITE CONCRETE PRODUCTS	549.64	257.56	0.01255%
BROCK WHITE CANADA COMPANY	1,930.44	904.61	0.04409%
CANADIAN DEWATERING LTD.	49.28	23.09	0.00113%
DIRECT EQUIPMENT WEST LTD.	1,353.45	634.23	0.03091%
GIENOW LOG SERVICES INC.	20,272.00	9,499.53	0.46299%
LANGLEY CONCRETE LT PARTNERSHIP	231.39	108.43	0.00528%
MCRAE'S ENVIRONMENTAL SERVICES	985.60	461.86	0.02251%
SITECH WESTERN CANADA	672.00	314.90	0.01535%
SPECTRA TEC SERVICES GROUP	319.20	149.58	0.00729%
SUPER SAVE DISPOSAL INC.	3,364.94	1,576.82	0.07685%
SUPER SAVE FENCE RENTALS INC.	519.27	243.33	0.01186%
SUPER SAVE TOILET RENTALS INC	217.41	101.88	0.00497%
TYAM CONSTRUCTION LTD.	4,348,036.13	2,037,504.16	99.30422%
<b>Totals</b>	<b>4,378,500.75</b>	<b>2,051,779.98</b>	<b>100%</b>

Note - To date, the Proposal Trustee has received \$2,677,018.78 (including interest) in funds relating to the FTG Contract.

**Schedule "5"**

**Claims and Interim Distributions for**

**BPP McGavin Field Contract**

**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 assigned to	Total claim for distribution
	claims admitted \$	TCL (Y/N)	
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 "6"**

**Claims and Interim Distributions for**

**BPP Cypress Bowl Contract**

**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 "7"**

**Claims and Interim Distributions for**

**Metro-Can Contract**

**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
	<hr/>
	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
	<b>158,678.56</b>	<b>24,472.84</b>

*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 "8"**

**Claims Admitted for Polygon Red Maple Contract**

**In the matter of the Proposal of Tyam Civil Constructors Ltd.  
Schedule of Admitted Trust and Lien Claims  
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) Interim Distributions**

As of the date of this Report, no Potential Trust Funds or Holdbacks have been collected by the Proposal Trustee relating to this contract.

**Schedule "9"**

**Claims Admitted for Polygon Mayfair Contract**

**In the matter of the Proposal of Tyam Civil Constructors Ltd.  
 Schedule of Admitted Trust and Lien Claims  
 Polygon Mayfair 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
REMPPEL 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
	300,563.09

**b) Interim Distributions**

As of the date of this Report, no Potential Trust Funds or Holdbacks have been collected by the Proposal Trustee relating to this contract.

**Schedule "10"**

**Claims and Interim Distributions for**

**Amacon Earthworks Contract**

**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 "11"**

**Claims and Interim Distributions for**

**Amacon Raintanks Contract**



**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
			<u>291,017.06</u>

**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
	<u>291,017.06</u>	<u>291,017.06</u>

*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	<u>130,062.43</u>	see Schedule 14

**Schedule "12"**

**Claims and Interim Distributions for**

**Amacon Bio Swale Contract**

**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
			<u>117,226.60</u>

**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
	<u>117,226.60</u>	<u>117,226.60</u>

*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	<u>58,319.14</u>	see Schedule 14

**Schedule "13"**

**Claims Admitted for Amacon Civil Works Contract**

**In the matter of the Proposal of Tyam Civil Constructors Ltd.**  
**Schedule of Admitted Trust and Lien Claims**  
**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	Trust and lien claims admitted \$
Bayhill Contracting Ltd.	9,325.96
Winvan Paving Ltd.	221,311.17
	<u>230,637.13</u>

**b) Interim Distributions**

As of the date of writing this Report, no Potential Trust Funds or Holdbacks have been collected by the Proposal Trustee relating to this contract.

**Schedule "14"**

**Calculation of Reserve Funds**

In the matter of the Proposal of Tyam Civil Constructors Ltd.  
Schedule of "Reserve Funds"  
Estimated to the Completion of the Trust Claim Settlement Program

a) Estimated allocation of Professional Accounts to Contracts

Contract	Dollar value of all claims \$	Claims as a % of total	Estimated allocation of "General Trust" Professional Fees to this project		Actual Professional Accounts to Oct. 31, 2012		Estimated Professional Accounts for Nov. 1, 2012 to completion	
			Professional Fees to this project	Add: Professional Fees specifically attributable to this project	TOTAL	Estimated allocation of "General Trust" Professional Fees to this project	Add: Professional Fees specifically attributable to this project	TOTAL
SNC	13,428.84	0.21%	416.26	1,129.68	1,545.94	354.33	-	354.33
Trailer Wizards	12,479.18	0.19%	386.83	-	386.83	329.27	-	329.27
FTG	4,375,500.75	67.96%	135,723.38	241,110.01	376,833.40	115,528.87	17,500.00	133,028.87
Metro-Can	158,678.56	2.46%	4,918.67	323.40	5,242.07	4,186.81	500.00	4,686.81
BPP McGavin Field	98,554.44	1.53%	3,054.96	1,364.78	4,419.74	2,600.41	-	2,600.41
BPP Cypress Bowl	548,094.63	8.51%	16,989.66	7,589.99	24,579.65	14,461.74	-	14,461.74
Amaco Earthworks	124,638.68	1.93%	3,863.51	10,095.68	13,959.19	3,288.65	2,856.74	6,145.39
Amaco Raintanks	291,017.06	4.52%	9,020.85	23,572.26	32,593.12	7,678.63	6,670.16	14,348.79
Amaco Bio Swale	117,226.60	1.82%	3,633.75	9,495.31	13,129.06	3,093.08	2,686.85	5,779.94
Amaco Civil Works	230,637.13	3.58%	7,149.22	18,681.51	25,830.73	6,085.47	5,286.24	11,371.72
Polygon Red Maple	169,116.88	2.62%	5,242.23	29,137.22	34,379.45	4,462.23	7,021.33	11,483.56
Polygon Mayfair	300,565.09	4.67%	9,316.76	24,281.02	33,597.78	7,930.50	12,478.67	20,409.17
	6,442,935.84	100.00%	199,716.09	366,780.87	566,496.95	170,000.00	55,000.00	225,000.00

b) Calculation of "Reserve Funds"

Contract	Funds Received to Oct. 31, 2012	Advances taken for Professional Fees	Remaining (not yet paid) Professional Accounts to Oct. 31 (note 3)	Estimated Professional Accounts to Administration (note 3)	Estimated Professional Accounts to end of Oct. 31 (note 3)	Deficiency for Polygon Contracts (note 3)	Portion for estimated fees from Nov. 1/12 and Polygon Deficiency	Additional reserve for Amaco Earthworks (notes 5, 6)	Reserve Funds	Interim Distributions
SNC	182,202.51	-	1,545.94	354.33	0.00	1,545.94	759.69	-	2,305.64	179,896.88
Trailer Wizards (note 2)	13,107.25	-	386.83	0.00	0.00	386.83	0.00	-	386.82	12,720.43
FTG	2,677,018.78	102,379.01	274,454.39	133,358.14	141,096.25	133,358.14	248,405.40	-	522,859.79	2,051,779.98
Metro-Can	38,691.63	-	5,242.07	4,686.81	0.00	5,242.07	8,976.72	-	14,218.79	24,472.84
BPP McGavin Field	18,011.54	-	4,419.74	2,600.41	0.00	4,419.74	5,575.40	-	9,995.13	8,016.41
BPP Cypress Bowl	171,479.67	-	24,579.65	14,461.74	0.00	24,579.65	31,006.67	-	55,586.32	115,893.35
Amaco Earthworks (note 5)	56,084.57	-	13,959.19	6,145.39	0.00	13,959.19	7,051.03	7,000.00	28,010.22	28,074.35
Amaco Raintanks	554,894.73	-	32,593.12	14,348.79	0.00	32,593.12	16,463.34	81,005.97	130,062.43	424,832.30
Amaco Bio Swale	275,773.18	-	13,129.06	5,779.94	0.00	13,129.06	6,631.71	38,558.36	58,319.14	217,454.04
Amaco Civil Works (note 4)	-	-	25,830.73	11,371.72	0.00	25,830.73	45,863.02	-	-	-
Polygon Red Maple (note 3)	-	-	34,379.45	11,483.56	0.00	34,379.45	54,006.95	-	-	-
Polygon Mayfair (note 3)	-	-	33,597.78	20,409.17	0.00	33,597.78	99,869.97	-	-	-
	3,987,263.87	102,379.01	464,117.94	225,000.00	225,000.00	464,117.94	324,869.97	126,564.33	821,744.28	3,063,140.58

Add: Prism receipt 13,443.34  
 JIM receipt 1,344.33  
 Total receipts to Oct. 31, 2012 4,002,051.54  
 (See Schedule 1)

Add: Prism distribution (note 1) 13,443.34  
 JIM distribution (note 1) 1,344.33  
 Total interim distributions 3,077,928.25

Notes:

- 1 - There were no trust and lien claims against the Prism and the JIM Contracts. Accordingly, the Proposal Trustee seeks to distribute those funds in full to the Bankruptcy Trustee and because there were no costs against those funds, the two Contracts will not share a portion of the Reserve Funds.
- 2 - The normal allocation to this contract of the Estimated Professional Accounts to the end of the administration would be \$329.27 and the normal Reserve Funds from this contract would be \$705.97, leaving a shortfall to creditors of \$761.49. TCL has offered to cover the shortfall caused by the Reserve Funds and the estimated fees to completion by asking the Proposal Trustee to increase the Professional Accounts and the Reserve Funds from funds otherwise due to it under the FTG Contract equal to the shortfall on the Trailer Wizard contract so that the Trailer Wizard Contract creditors could be paid in full.
- 3 - The Reserve Funds that will be retained by the Proposal Trustee from contracts where funds are currently held will cover (a) the estimated \$225,000 of Professional Accounts for the period November 1, 2012 to the completion of the Trust Claim Settlement Program, and (b) the portion of the total Professional Accounts relating to the Polygon Contracts to completion, assuming no money is received from Polygon relating to the Polygon Contracts. The total amount of the Reserve Funds from those two items is \$324,869.97. To the extent funds are received for either or both of the Polygon Contracts, the Reserve Funds calculation will change in the future as costs specifically relating to the Polygon Contracts would be offset against funds received for the Polygon Contracts.
- 4 - Although no funds relating to the Amacon Civil Works Contract have been received by Oct.31/12, the Proposal Trustee has confirmed with Amacon that an estimated payment of \$300,000 is forthcoming. This sum is sufficient to pay all claimants in full plus cover the portion of the Professional Accounts relating to this contract. Accordingly, this contract has not been included in the Reserve Funds calculation; however when funds are received the Reserve Funds calculation will change to reflect the inclusion of Amacon Civil Works funds.
- 5 - The final method of distribution for the Amacon Earthworks Contract has not yet been determined, as explained in the body of this Report. If the Court were to indicate that the Amacon Earthworks, Raintanks and Bio Swale Contracts constituted one "improvement" as defined under the BLA, it would be necessary to pay the Earthworks Shortfall from the Amacon Surplus (defined terms from the body of the Report). Accordingly, a sufficient amount must be reserved from the Raintanks and Bio Swale Contracts to ensure the Earthworks Shortfall could be paid, subject to ruling of the Court.
- 6 - The Proposal Trustee is retaining an additional \$30,000 (allocated pro-rata between the Amacon Earthworks, Raintanks and Bio Swale Contracts) for legal costs resulting from additional work required to determine the correct method of distribution for the Contracts or other unforeseen issues surrounding the distribution.



**Schedule "15"**

**Claims on Other Projects where there are no  
Potential Trust Funds or Holdbacks Available for Interim Distribution**

**In the matter of the Proposal of Tyam Civil Constructors Ltd.  
Trust and Lien Claims Ledger  
For TCC Projects where no Potential Trust Funds or Holdbacks have been received**

Creditor Name	Project (with TCC contract #)	Trust and Lien		Net claims after assignment
		Claims admitted \$	Assigned to TCL (Y/N)	
<b>35 lot subdivision</b>				
ADVANCE TESTING LTD.	35 Lot subdivision - 11313	6,003.20	Y	-
BROCK WHITE CANADA COMPANY	35 Lot subdivision - 11313	202.94	N	202.94
DIRECT EQUIPMENT WEST LTD.	35 Lot subdivision - 11313	291.20	N	291.20
IMPERIAL PAVING LTD	35 Lot subdivision - 11313	479.04	N	479.04
MAINLAND SAND & GRAVEL LTD.	35 Lot subdivision - 11313	35.00	N	35.00
PHOENIX TRUCK & CRANE SERV.	35 Lot subdivision - 11313	308.45	N	308.45
PROQUIP	35 Lot subdivision - 11313	1,319.39	N	1,319.39
SPECTRA TEC SERVICES GROUP	35 Lot subdivision - 11313	957.60	N	957.60
URBAN SAWING & GROOVING COMPANY LTD.	35 Lot subdivision - 11313	1,142.40	N	1,142.40
TYAM CONSTRUCTION LTD.	35 Lot subdivision - 11313	229,094.26	n/a	229,094.26
				<u>233,830.28</u>
<b>City of Abbotsford</b>				
ADVANCE TESTING LTD.	City of Abbotsford - 10311	1,204.00	Y	-
AST TRUCKING	City of Abbotsford - 10311	766.08	N	766.08
BCD HOLDINGS LTD.	City of Abbotsford - 10311	196.56	N	196.56
CANADIAN DEWATERING LTD.	City of Abbotsford - 10311	609.73	N	609.73
GRANDVIEW BLACKTOP LTD	City of Abbotsford - 10311	13,470.87	N	13,470.87
LANGLEY CONCRETE LT PARTNERSHIP	City of Abbotsford - 10311	71.68	N	71.68
MELTON CONSTRUCTION LTD.	City of Abbotsford - 10311	5,004.16	Y	-
PHOENIX TRUCK & CRANE SERV.	City of Abbotsford - 10311	680.40	N	680.40
PROQUIP	City of Abbotsford - 10311	115.74	N	115.74
RVM MANAGEMENT LTD	City of Abbotsford - 10311	1,456.00	N	1,456.00
SPECTRA TEC SERVICES GROUP	City of Abbotsford - 10311	638.40	N	638.40
SUPER SAVE DISPOSAL INC.	City of Abbotsford - 10311	2,688.08	N	2,688.08
SUPER SAVE FENCE RENTALS INC.	City of Abbotsford - 10311	720.99	N	720.99
URBAN SAWING & GROOVING COMPANY LTD.	City of Abbotsford - 10311	268.80	N	268.80
TYAM CONSTRUCTION LTD.	City of Abbotsford - 10311	241,548.38	n/a	241,548.38
				<u>263,231.71</u>
<b>Amacon 10307</b>				
CENTURY FENCE LTD	Amacon - 10307	5,030.93	N	5,030.93
FIVE POINTS HOLDING LTD	Amacon - 10307	12,872.72	N	12,872.72
VALLEY TRAFFIC SYSTEMS INC.	Amacon - 10307	376.32	N	376.32
LANGLEY CONCRETE LT PARTNERSHIP	Amacon - 10307	304.64	N	304.64
LEHIGH MATERIALS	Amacon - 10307	22,748.58	N	22,748.58
NILEX INC.	Amacon - 10307	368.01	N	368.01
OCEAN CONCRETE	Amacon - 10307	561.34	N	561.34
PROQUIP	Amacon - 10307	2,274.97	N	2,274.97
RICHVAN HOLDINGS LTD.	Amacon - 10307	1,815.47	N	1,815.47
SUPER SAVE DISPOSAL INC.	Amacon - 10307	996.98	N	996.98
TYAM CONSTRUCTION LTD.	Amacon - 10307	74,093.00	n/a	74,093.00
				<u>121,442.96</u>
<b>Amacon 11312 (lot 4)</b>				
LEHIGH MATERIALS	Amacon - 11312	1,814.38	N	1,814.38
MAINLAND SAND & GRAVEL LTD.	Amacon - 11312	391.43	N	391.43
MCRAE'S ENVIRONMENTAL SERVICES	Amacon - 11312	3,626.00	N	3,626.00
PK METAL WORKS	Amacon - 11312	2,381.21	N	2,381.21
PROQUIP	Amacon - 11312	944.56	N	944.56
WINVAN PAVING LTD.	Amacon - 11312	2,072.00	N	2,072.00
ADVANCE TESTING LTD.	Amacon - 11312	1,890.56	N	1,890.56
BCD HOLDINGS LTD.	Amacon - 11312	411.26	N	411.26
BURNCO ROCK PRODUCTS LTD.	Amacon - 11312	1,105.44	N	1,105.44
CORIX UTILITIES INC	Amacon - 11312	1,834.00	N	1,834.00
CORIX WATER PRODUCTS	Amacon - 11312	1,573.06	N	1,573.06
FIVE POINTS HOLDING LTD	Amacon - 11312	8,863.68	N	8,863.68
G.W.G RENTALS LTD	Amacon - 11312	4,952.64	N	4,952.64
LANGLEY CONCRETE LT PARTNERSHIP	Amacon - 11312	1,062.66	N	1,062.66
STICKS & STONES CONTRACTING LTD.	Amacon - 11312	8,960.00	N	8,960.00
SUPER SAVE TOILET RENTALS INC	Amacon - 11312	431.20	N	431.20
WALTER'S BULLDOZING 1994 LTD.	Amacon - 11312	10,301.20	N	10,301.20
WESTERN LINE LTD.	Amacon - 11312	2,912.00	N	2,912.00
WESTVIEW SALES LTD.	Amacon - 11312	888.72	N	888.72
DIRECT EQUIPMENT WEST LTD.	Amacon - 11312	754.88	N	754.88
REMPEL BROS CONCRETE LTD.	Amacon - 11312	700.78	N	700.78
TYAM CONSTRUCTION LTD.	Amacon - 11312	309,261.00	n/a	309,261.00
				<u>367,132.66</u>

Creditor Name	Project (with TCC contract #)	Trust and Lien		Net claims after assignment
		Claims admitted \$	Assigned to TCL (Y/N)	
<b>BPP 10305 (note 1)</b>				
KING KUBOTA SERVICES LTD.	Rogers - BPP - 10305	448.00	Y	-
NILEX INC.	Rogers - BPP - 10305	666.32	Y	-
PROQUIP (note 1)	Rogers - BPP - 10305	4,166.09	N	4,166.09
URBAN SAWING & GROOVING COMPANY LTD.	Rogers - BPP - 10305	520.80	Y	-
WEST-EX CONTRACTING	Rogers - BPP - 10305	655.20	Y	-
TYAM CONSTRUCTION LTD.	Rogers - BPP - 10305	183,317.71	n/a	<u>183,317.71</u>
				<u>187,483.80</u>

Note 1 - No funds have been received by the Proposal Trustee relating to this contract. However the Proposal Trustee understands that TCL intends to purchase the final remaining claim on this contract.

<b>Delsom</b>				
ADVANCE TESTING LTD.	Delsom - 347	324.80	N	324.80
BROCK WHITE CANADA COMPANY	Delsom - 347	467.88	N	467.88
BURNCO ROCK PRODUCTS LTD.	Delsom - 347	428.96	N	428.96
FIVE POINTS HOLDING LTD	Delsom - 347	1,048.32	N	1,048.32
G.W.G RENTALS LTD	Delsom - 347	28.22	N	28.22
IMPERIAL PAVING LTD	Delsom - 347	355.37	N	355.37
LAFARGE CANADA INC.	Delsom - 347	99.75	N	99.75
LANGLEY CONCRETE LT PARTNERSHIP	Delsom - 347	2,909.85	N	2,909.85
PINELAND PEAT FARMS LTD	Delsom - 347	579.04	N	579.04
PK METAL WORKS	Delsom - 347	1,833.96	N	1,833.96
STONEHOUSE ENTERPRISES	Delsom - 347	2,648.80	N	2,648.80
WESTVIEW SALES LTD.	Delsom - 347	56.00	N	56.00
WILD CATS EXCAVATING LTD.	Delsom - 347	733.60	N	733.60
WINVAN PAVING LTD.	Delsom - 347	1,859.20	N	1,859.20
BASALITE CONCRETE PRODUCTS	Delsom - 347	300.16	N	300.16
MAINLAND SAND & GRAVEL LTD.	Delsom - 347	35.00	N	35.00
SCOTTISH LINE PAINTING LTD.	Delsom - 347	8,584.71	N	8,584.71
SUPERIOR CITY SERVICES LTD.	Delsom - 347	340.84	N	340.84
UNDER CONSTRUCTION TRAFFIC CONTROL	Delsom - 347	302.40	N	302.40
URBAN SAWING & GROOVING COMPANY LTD.	Delsom - 347	3,504.03	N	<u>3,504.03</u>
				<u>26,440.89</u>

<b>FTG Segment 5</b>				
IMPERIAL PAVING LTD	FTG seg 5 - 11322	1,007.65	N	1,007.65
OCEAN CONCRETE	FTG seg 5 - 11322	585.76	N	585.76
UNITED RENTALS CANADA, INC.	FTG seg5 - 11322	145.60	N	145.60
URBAN SAWING & GROOVING COMPANY LTD.	FTG seg5 - 11322	268.80	N	268.80
TYAM CONSTRUCTION LTD.	FTG seg5 - 11322	14,933.52	n/a	<u>14,933.52</u>
				<u>16,941.33</u>

<b>Lansdowne/Hollybridge:</b>				
PINELAND PEAT FARMS LTD	Lansdowne / Hollybridge - 11315	106.40	N	106.40
URBAN SAWING & GROOVING COMPANY LTD.	Lansdowne / Hollybridge - 11315	2,147.88	N	<u>2,147.88</u>
				<u>2,254.28</u>

<b>Medesto:</b>				
WINVAN PAVING LTD.	Medesto - 391	34,647.42	N	34,647.42
SCOTTISH LINE PAINTING LTD.	Medesto - 391	2,016.00	N	<u>2,016.00</u>
				<u>36,663.42</u>

<b>Polygon 10304</b>				
PROQUIP	Polygon - 10304	460.09	N	460.09
URBAN SAWING & GROOVING COMPANY LTD.	Polygon - 10304	913.92	N	913.92
WILD CATS EXCAVATING LTD.	Polygon - 10304	1,467.20	N	1,467.20
WINVAN PAVING LTD.	Polygon - 10304	1,874.79	N	<u>1,874.79</u>
				<u>4,716.00</u>

<b>Other misc.</b>				
URBAN SAWING & GROOVING COMPANY LTD.	11327	268.80	N	268.80
TYAM CONSTRUCTION LTD.	11314	237.80	n/a	237.80
DIRECT EQUIPMENT WEST LTD.	Annacis - 11318	250.89	N	250.89
PK METAL WORKS	BPP - 381	3,643.32	N	3,643.32
WINVAN PAVING LTD.	Cambridge Park - 10399	2,111.56	N	2,111.56
VIC'S CUSTOM WELDING	Parklane deficiency - 10740	806.40	N	806.40

**Total claims** 1,267,456.10

**Schedule "16"**

**Professional Accounts to October 31, 2012**

**In the matter of the Proposal of Tyam Civil Constructors Ltd.  
Summary of Professional Accounts relating to Trust Claim Settlement Program  
For the period ending October 31, 2012**

**a) Proposal Trustee's accounts**

<b>Project</b>	<b>Invoice period</b>	<b>Fees</b>	<b>Disbursements</b>	<b>HST</b>	<b>Total</b>
General trust	March - May	44,874.00	2,337.86	5,665.42	52,877.28
General trust	June/July	35,876.40	3,026.75	4,668.37	43,571.52
General trust	Aug - Sept 13	13,084.40	2,200.30	1,834.16	17,118.86
General trust	Sept 14 - Oct 31	26,698.60	663.84	3,283.49	30,645.93
Other (general)	to Sept 13	393.60	8.20	48.22	450.02
<b>Subtotal - general</b>		<b>120,927.00</b>	<b>8,236.95</b>	<b>15,499.66</b>	<b>144,663.61</b>
FTG (note 1)	April/May	38,850.00	1,042.10	4,787.05	44,679.15
FTG (note 1)	June/July	39,007.00	781.94	4,774.67	44,563.61
FTG (note 1)	Aug - Sept 13	11,524.80	204.00	1,407.45	13,136.25
FTG	Sept 14 - Oct 31	50,094.87	767.04	6,103.42	56,965.33
<b>Subtotal - FTG</b>		<b>139,476.67</b>	<b>2,795.08</b>	<b>17,072.59</b>	<b>159,344.34</b>
Amacon	April - July	7,053.00	94.40	857.68	8,005.08
Amacon	Aug - Sept 13	1,466.50	25.85	179.08	1,671.43
Amacon	Sept 14 - Oct 31	6,261.10	113.75	764.98	7,139.83
<b>Subtotal - Amacon</b>		<b>14,780.60</b>	<b>234.00</b>	<b>1,801.74</b>	<b>16,816.34</b>
SNC	To Sept 13	891.00	12.35	108.40	1,011.75
SNC	Sept 14 - Oct 31	102.70	2.60	12.63	117.93
<b>Subtotal - SNC</b>		<b>993.70</b>	<b>14.95</b>	<b>121.03</b>	<b>1,129.68</b>
Polygon	to July 31	3,462.90	53.55	421.97	3,938.42
Polygon	Aug to Sept 13	16,661.20	243.35	2,028.54	18,933.09
Polygon	Sept 14 - Oct 31	6,594.40	95.40	802.77	7,492.57
<b>Subtotal - Polygon</b>		<b>26,718.50</b>	<b>392.30</b>	<b>3,253.28</b>	<b>30,364.08</b>
BPP	to July 31	3,657.90	47.20	444.61	4,149.71
BPP	Aug - Sept 13	808.20	14.30	98.70	921.20
BPP	Sept 14 - Oct 31	60.00	1.25	7.35	68.60
<b>Subtotal - BPP</b>		<b>4,526.10</b>	<b>62.75</b>	<b>550.66</b>	<b>5,139.51</b>
Metrocan	to Jul 31	285.00	3.75	34.65	323.40
<b>Subtotal - Metrocan</b>		<b>285.00</b>	<b>3.75</b>	<b>34.65</b>	<b>323.40</b>
<b>Total - Proposal Trustee</b>		<b>307,707.57</b>	<b>11,739.78</b>	<b>38,333.60</b>	<b>357,780.95</b>

**b) Lawson accounts**

<b>Project</b>	<b>Invoice period</b>	<b>Fees</b>	<b>Disbursements</b>	<b>HST</b>	<b>Total</b>
General trust	to July 31	28,957.50	390.20	3,521.72	32,869.42
General trust	Aug 1 - Oct 31	16,727.50	135.30	2,023.54	18,886.34
<b>Subtotal - general</b>		<b>45,685.00</b>	<b>525.50</b>	<b>5,545.26</b>	<b>51,755.76</b>
FTG	to July 31	14,062.50	-	1,687.50	15,750.00
FTG	Aug 1 - Oct 31	2,622.50	-	314.70	2,937.20
<b>Subtotal - FTG</b>		<b>16,685.00</b>	<b>-</b>	<b>2,002.20</b>	<b>18,687.20</b>
<b>Total - Lawson</b>		<b>62,370.00</b>	<b>525.50</b>	<b>7,547.46</b>	<b>70,442.96</b>

**c) BLG accounts**

<b>Project</b>	<b>Invoice period</b>	<b>Fees</b>	<b>Disbursements</b>	<b>HST</b>	<b>Total</b>
General	to Oct 31	2,943.50	-	353.22	3,296.72
FTG	to Oct 31	56,059.35	265.03	6,754.10	63,078.48
Amacon	to Oct 31	40,006.50	201.15	4,820.78	45,028.43
Polygon	to Oct 31	20,384.70	203.07	2,466.39	23,054.16
BPP	to Oct 31	3,377.45	29.65	408.16	3,815.26
Total - BLG		122,771.50	698.89	14,802.65	138,273.04

**d) Total Professional Accounts**

<b>Project</b>	<b>Fees</b>	<b>Disbursements</b>	<b>HST</b>	<b>Total</b>
General trust	169,555.50	8,762.45	21,398.14	199,716.09
FTG	212,221.02	3,060.11	25,828.88	241,110.01
Amacon	54,787.10	435.15	6,622.52	61,844.77
SNC	993.70	14.95	121.03	1,129.68
Polygon	47,103.20	595.37	5,719.67	53,418.24
BPP	7,903.55	92.40	958.82	8,954.77
Metrocan	285.00	3.75	34.65	323.40
TOTALS	492,849.07	12,964.17	60,683.71	566,496.95

**Notes:**

1 - The Proposal Trustee has taken an advance of \$102,379.01 from FTG funds as an advance against its fees, disbursements and HST relating specifically to its work performed on FTG matters in the Trust Claim Settlement Program. No other fee advances have been drawn as of the date of this Report.