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SUPREME COURT SCHEDULING

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 FINAL REPORT TO THE COURT
ON THE TRUST CLAIM SETTLEMENT PROGRAM**

August 18, 2014



**PROPOSAL TRUSTEE'S FINAL REPORT TO THE COURT
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TABLE OF CONTENTS TO THIS REPORT

	Page(s)
The Report	3 - 16
	Schedule
Actual Trust Funds, Holdbacks, and Accrued Interest collected by the Proposal Trustee and Cash Remaining in Accounts at May 31, 2014	1
Summary of Professional Fees, Allocation of Fees to Contracts, and Final Distributions on Contracts	2
Trust and Lien Claims and Final Distributions for FTG Contract	3
Trust and Lien Claims and Final Distributions for Metro-Can Urban Village Contract	4
Trust and Lien Claims and Final Distributions for BPP McGavin Field Contract	5
Trust and Lien Claims and Final Distributions for BPP Cypress Bowl Contract	6
Trust and Lien Claims and Final Distributions for Amacon Civil Works Contract	7
Trust and Lien Claims and Final Distributions for Polygon Red Maple Contract	8
Trust and Lien Claims and Final Distributions for Polygon Mayfair Contract	9
Summary of Professional Accounts for Trust Claim Settlement Program	10
Summary Reconciliation of Final Distribution of Funds	11
Net HST Not Reported on TCC pre-bankruptcy HST Returns	12

A. Introduction and Background

1. This report is the second and Final Report (the "**Final Report**") filed by G. Powroznik Group Inc. of G-Force Group in its capacity as Proposal Trustee (the "**Proposal Trustee**") for the Trust Claim Settlement Program ("**TCSP**") of Tyam Civil Constructors Ltd. ("**TCC**"). The TCSP was authorized by an Order of the Court dated April 2, 2012, a further Order dated May 30, 2012 (the "**May 30 Order**"), a further amending order dated August 24, 2012, and a further amending order dated November 30, 2012 (collectively, the "**TCSP Order**").
2. This report should be read in conjunction with the Proposal Trustee's First Report (the "**First Report**") dated November 19, 2012 and the Proposal Trustee's Supplemental Report to its First Report (the "**Supplemental Report**") dated November 29, 2012. Wherever possible, this Final Report will use terminology consistent with defined terms as set forth in the First and Supplemental Reports.
3. On November 30, 2012, this Honourable Court granted an Order (the "**November 30 Order**") authorizing, without limitation, interim distributions to trust and lien claimants (the "**Trust and Lien Claimants**") on a number of TCC's construction contracts. The Proposal Trustee issued all interim distributions during the second week of December 2012. The November 30 Order also gave the Proposal Trustee the power to settle or compromise amounts owing to TCC where it was in the best interest of Trust and Lien Claimants.
4. TCC made a deemed assignment in bankruptcy on September 14, 2012 (the "**Bankruptcy**") as a result of not filing a proposal to creditors within the allowed timeframe under the *Bankruptcy and Insolvency Act* ("**BIA**"). As at the date of this Final Report, G. Powroznik Group Inc. continues its mandate as Trustee in Bankruptcy (the "**Bankruptcy Trustee**") for TCC.
5. The Proposal Trustee has substantially completed its duties under the TCSP. The purpose of this Final Report is:
 - i) to provide this Honourable Court with a summary of the Proposal Trustee's activities since the time of the First and Supplemental Reports;
 - ii) to request approval of final distributions to Trust and Lien Claimants in the TCSP;
 - iii) to provide the Proposal Trustee's recommended treatment, as set forth herein, of Harmonized Sales Tax ("**HST**") collected by the Proposal Trustee under the TCSP after the time of TCC's bankruptcy;
 - iv) to provide a summary of the Proposal Trustee's fees and disbursements during the administration of the TCSP;
 - v) to provide a summary of the fees and disbursements of Borden Ladner Gervais LLP ("**BLG**") and Lawson Lundell LLP ("**Lawson**") for services rendered as legal counsel to the Proposal Trustee during the administration of the TCSP; and
 - vi) to request the discharge of the Proposal Trustee in these proceedings.

B. TCC Contracts

6. The Proposal Trustee summarizes the significant construction contracts of TCC where Potential Trust Funds ("**Potential Trust Funds**") or Holdbacks ("**Holdbacks**") were received by the Proposal Trustee during the administration of the TCSP and where final distributions were not already issued to Trust and Lien Claimants¹:

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 " FTG Contract ")
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 " BPP Cypress Bowl Contract ")
BPP	October 1, 2011	for the project known as McGavin Field Retaining Wall (the " BPP McGavin Field Contract ")
Polygon Mayfair Place Homes Ltd.	December 13, 2011	for the project known as Mayfair Place (Offsite) (the " Polygon Mayfair Contract ")
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 " Polygon Red Maple Contract ")
Amacon Construction Ltd. (" Amacon ")	December 21, 2011	for the Rain Tank Storm System Project at 8500 Glenlyon Parkway, Burnaby (" Glenlyon ") (the " Amacon Raintanks Contract ")
Amacon	Verbal contract	to move preload from lot 3 at Glenlyon to another lot (the " Amacon Earthworks Contract ")
Amacon	February 7, 2011	to construct and complete the installation of a bio swale detection system at Glenlyon (the " Amacon Bio Swale Contract ")
Amacon	January 11, 2012	to complete the civil works at 4250 Marine Drive, Burnaby/8485 New Haven Close, Burnaby (the " Amacon Civil Works Contract ")
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 " Metro-Can Contract ")

¹ In the November 30 Order, final distributions were authorized on account of the JJM, Prism, and Trailer Wizards Contracts (all as defined in the First Report). Accordingly, those contracts are not listed.

SNC Lavalin ("SNC")	Verbal contract	For various works to receive concrete forms from Calgary project – clean and stack forms in SNC's Maple Ridge storage yard; install hoarding at Canada Line Station; and complete maintenance repairs on Canada Line. (the "SNC Contract")
City of Surrey	Verbal contract	For work relating to the clean-up of debris and video recording of a sanitary sewer in an existing City of Surrey Right of Way at station 399 of the South Perimeter Road project (the "City of Surrey Contract")

(collectively referred to herein the "**Contracts**").

7. The Trust and Lien Claimants relating to each of the Contracts, as well as proposed final distributions for those Contracts where Potential Trust Funds and/or Holdbacks exist, will be outlined later in this Final Report.
8. Since the date of its First Report, the Proposal Trustee received no new claims from any Trust and Lien Claimants with respect to the Contracts.

C. Summary of the Proposal Trustee's activities since its Supplemental Report

9. Since the date of the Supplemental Report, the Proposal Trustee's activities can be summarized, without limitation, as follows:
 - i) issued all interim distribution payments in accordance with the November 30 Order;
 - ii) collected Potential Trust Funds and/or Holdbacks relating to some of the Contracts, as set forth later in this Final Report;
 - iii) negotiated and collected settlements of certain Potential Trust Funds and/or Holdbacks due from certain former clients of TCC (the "**Owners**");
 - iv) administrated a negotiated settlement with respect to the distribution to the Trust and Lien Claimants on the Amacon Earthworks Contract, and distributed funds to the claimants pursuant to the November 30 Order²;
 - v) abandoned collection efforts on certain Contracts where it was clear no Potential Trust Funds or Holdbacks existed because there was significant uncertainty about the accuracy/existence of amounts due on TCC's books or where the costs of recovery appeared to outweigh the potential collections;
 - vi) performed an extensive review of contract costs and set-off claims on the Polygon Red Maple Contract and the Polygon Mayfair Contract to determine what amounts were reasonably owed to TCC on these contracts. The Proposal Trustee negotiated a settlement with Polygon pursuant to the November 30 Order and received gross receipts of \$112,000 and \$111,134.60 on the Polygon Red Maple and Polygon Mayfair Contracts, respectively;

² Paragraphs 45 to 48 of the First Report identified and discussed a potential legal issue with respect to the calculation of a distribution to the claimants on the Amacon Earthworks Contract. This issue has since been settled in accordance with the November 30 Order.

- vii) sought independent advice with respect to issues pertaining to HST as described later in this report;
- viii) consulted with Mr. Rob Barker of TCL prior to making final decisions regarding the pursuit or abandonment of collection of accounts receivable or other amounts that might be owing to TCC and subject to trust and lien claims, and obtained his consent to our proposed courses of action in every case; and
- ix) completed a final accounting of all professional fees, receipts of Potential Trust Funds and Holdbacks, allocations of professional fees across Contracts, and proposed final distributions all of which is set forth in this Final Report.

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

- 10. Since November 29, 2012 (the last "cut-off" date for collections from the Supplemental Report), the Proposal Trustee collected an additional \$1,293,291.38 of Potential Trust Funds and Holdbacks (not including accrued interest), as summarized in **Schedule "1"**.
- 11. Therefore, the total amount of Potential Trust Funds and Holdbacks, including accrued interest, collected by the Proposal Trustee was \$6,446,658.41 as at May 31, 2014 (the "**Actual Trust Funds**"). The details of all collections are summarized by Contract in **Schedule "1"** to this Final Report.
- 12. Under the TCSP, to the extent Actual Trust Funds were not already distributed pursuant to the November 30 Order, the balance will be distributed net of costs to proven Trust and Lien Claimants on each project subject to order of the Court.

E. Proposed Final Distributions

- 13. The Proposal Trustee seeks authorization to make final distributions on the Contracts where Actual Trust Funds have been collected. The Proposal Trustee has already made final distributions on the Trailer Wizard, Prism and JJM Contracts which were approved in the November 30 Order.
- 14. **Schedule "1"** to this report details by Contract the amount of Actual Trust Funds and Holdbacks collected, including interest, interim distribution amounts from the November 30 Order, and other distributions since November 30 which reconcile to the amount of cash on hand in the Proposal Trustee's trust accounts as at May 31, 2014.
- 15. **Schedule "2"** to this report includes:
 - i) a summary of Professional Fees incurred in the TCSP to February 28, 2014;
 - ii) the allocation of Professional Accounts, as hereinafter defined, to the various Contracts; and
 - iii) a reconciliation of final distributions by Contract including distributions of any surplus funds to the Bankruptcy Trustee.

16. For those Contracts where we have remaining Actual Trust Funds and there are remaining unpaid Trust and Lien Claimants, the following schedules provide the proposed final distributions to those claimants:

- **Schedule "3"** - FTG Contract;
- **Schedule "4"** - Metro-Can Contract;
- **Schedule "5"** - BPP McGavin Field Contract;
- **Schedule "6"** - BPP Cypress Bowl Contract;
- **Schedule "7"** - Amacon Civil Works Contract;
- **Schedule "8"** - Polygon Red Maple Contract; and
- **Schedule "9"** - Polygon Mayfair Contract

Additional commentary follows below in paragraphs 19 to 38 for these Contracts and for others where there are no remaining Trust and Lien Claimants but where surplus funds remain.

17. Generally, a portion of the fees, disbursements and taxes of the Proposal Trustee and the its legal counsel, Lawson and BLG, will be allocated to those Contracts where Actual Trust 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.

18. In its First Report, the Proposal Trustee introduced the concept of "Reserve Funds" which, at the time, represented a notional calculation of funds to be retained by the Proposal Trustee to ensure there would be sufficient funds to pay the Professional Accounts and also to address other uncertainties in the TCSP which were outlined in the First Report. The need for "Reserve Funds" no longer exists because the administration of the TCSP has now come to its substantial completion and the Proposal Trustee has collected all reasonably-collectible Potential Trust Funds and Holdbacks and completed its adjudication of claims. The Proposal Trustee is ready to complete its final distribution of Actual Trust Funds which is derived from the following key elements:

- i) all funds collected plus accrued interest;
- ii) final distributions of the remaining funds to Trust and Lien Claimants on the Contracts; and
- iii) the allocation of Professional Accounts amongst the Contracts and those additional contracts identified in the First Report.

SNC and City of Surrey Contracts

19. With respect to the SNC Contract, all Trust and Lien Claimants totalling \$13,428.84 were paid in full in accordance with the November 30 Order. Therefore, after a portion of the Professional Accounts are allocated to this Contract, there are surplus funds of

\$33,256.94 remaining (the "**SNC Surplus Funds**") - see section (c) of Schedule "2". The Proposal Trustee seeks authorization to distribute the SNC Surplus Funds to the Bankruptcy Trustee who will hold the funds in accordance with the priorities under the BIA subject to rights of secured creditors. Tyam Construction Ltd. ("**TCL**"), TCC's secured creditor, has a General Security Agreement which charges all assets of TCC including those received by the Bankruptcy Trustee (the "**TCL Security**").

20. With respect to the City of Surrey Contract, the November 30 Order authorized a distribution of \$18,447.73. A further sum of \$2,213.73 is available for distribution. There are no professional costs to be allocated against these funds as there were no claims relating to the Contract and specific attributable costs were negligible. Therefore, there are surplus funds of \$2,225.65 (including accrued interest of \$11.92) remaining (the "**City of Surrey Surplus Funds**") - see section (c) of Schedule "2". The Proposal Trustee seeks authorization to distribute the City of Surrey Surplus Funds to the Bankruptcy Trustee. The funds are to be held in accordance with the priorities under the BIA subject to the rights of secured creditors.

Amacon Earthworks, Raintanks, Bio Swale Contracts

21. Trust and Lien Claimants on the Amacon Raintanks Contract and the Amacon Bio Swale Contract totalling \$291,017.06 and \$117,226.60, respectively, were paid in full in accordance with the November 30 Order. Further, distributions were made of surplus funds to the Bankruptcy Trustee of \$130,062.43 and \$100,227.44, respectively. Surplus funds of \$73,647.85 and \$55,038.13 (see Schedule "1") remain in the trust bank accounts of the Proposal Trustee relating to those two Contracts, respectively.
22. With respect to the Amacon Earthworks Contract, the claims of the Trust and Lien Claimants were settled (the "**Earthworks Settlement**") and paid from the Amacon Earthworks and Amacon Raintanks trust funds pursuant to paragraph 12(b) of the November 30 Order³. A total of \$46,295.00 was paid from the Earthworks Trust Fund relating to the Earthworks Settlement (see note 2 of Schedule "1"). As part of the Earthworks Settlement, all claims against the Potential Trust Funds and Holdbacks relating specifically to the Amacon Earthworks Contract were released.
23. Since all of the Trust and Lien Claimants on the Amacon Earthworks, Raintanks, and Bio Swale Contracts have either been paid in full or settled, the total of funds remaining in those three accounts will be subject to only the allocation of Professional Accounts but will not be subject to any further calculation of entitlement of claimants.
24. Therefore, after a portion of the Professional Accounts are allocated to the Amacon Earthworks, Amacon Raintanks and Amacon Bio Swale Contracts, there are total surplus funds of \$73,647.85 and \$55,038.13, respectively (the "**Raintanks Surplus Funds**" and "**Bio Swale Surplus Funds**", respectively - see section (c) of Schedule "2"). The Proposal Trustee seeks authorization to distribute the Amacon Surplus Funds to the

³ Settlement payments to the Amacon Earthworks claimants have been made and did not require further order of the Court pursuant to paragraph 12(b) of the November 30 Order.

Bankruptcy Trustee. The funds are to be held in accordance with the priorities under the BIA subject to the rights of secured creditors.

25. Relating to these contracts, in July 2012, TCC and Amacon agreed that Amacon would retain a sum of \$30,000 for a period of one year which would be used as a warranty reserve (the "**Amacon Warranty Funds**") in case any future deficiencies arose as a result of any of TCC's work performed for Amacon. The Amacon Warranty Funds relate to TCC's work performed on the Amacon Raintanks and the Amacon Bio Swale Contracts. The warranty period expired in July 2013.
26. Subsequently, Amacon has identified a number of deficiencies with TCC's work and have confirmed the value of the deficiencies will be set-off against the Amacon Warranty Funds. Accordingly, no amounts will be recovered from the Amacon Warranty Funds.

Amacon Civil Works Contract

27. The November 30 Order authorized an interim distribution under this Contract of \$207,573.42. Although surplus funds existed for this Contract at the time, the Proposal Trustee wanted to ensure the expiry of the 55-day holdback period relating to the work had occurred before releasing the holdback portion of the distribution. Accordingly, at the time of interim distributions 10% was held back from Bayhill Contracting and Winvan Paving. The Proposal Trustee now seeks authorization to distribute the remaining 10% to those two parties, representing a sum of \$23,063.71.
28. After distribution of the holdback and a portion of the Professional Accounts are allocated to the Amacon Civil Works Contract, there are surplus funds of \$96,825.76 remaining (see Schedule "7"). The Proposal Trustee estimates the sum of \$60,000 will be required to satisfy the final professional costs for the period March 1, 2014 to the discharge of the Proposal Trustee but, should such costs exceed \$60,000, the Proposal Trustee proposes such costs to be paid from the Amacon Civil Works Contract (the "**Estimated Final Costs**").
29. The Proposal Trustee recommends that the Estimated Final Costs be held from one source to reduce administration and minimize costs resulting from complex accounting for cost allocations. The Amacon Civil Works Contract is a logical source for the Estimated Final Costs given that all claimants have been paid in full and there is a remaining surplus that would later flow to TCL through the Bankruptcy Trustee. TCL concurs with the Proposal Trustee's proposed treatment of the Estimated Final Costs so that unnecessary administrative efforts and costs can be minimized. No other Trust or Lien Claimant would be negatively affected by this proposed approach. If actual final costs are less than the Estimated Final Costs, any surplus will be remitted to the Bankruptcy Trustee.
30. The Proposal Trustee seeks authorization to distribute to the Bankruptcy Trustee the amount remaining from the Amacon Civil Works Contract after payment of Estimated Final Costs on completion of administration of the TCSP. The funds will be held by the

Bankruptcy Trustee in accordance with the priorities under the BIA subject to the rights of secured creditors.

FTG Contract

31. With respect to the FTG Contract, in the November 30 Order the Proposal Trustee received authorization for an interim distribution of \$1,790,953.41 and to make any future distributions to the FTG Contract trust claimants without further order of the Court. Since November 30, the Proposal Trustee has distributed an additional \$756,053.46 in trust funds from the FTG Contract.. Schedule "3" to this report provides details of final distributions to the Trust Claimants of \$331,447.85, including HST collected since the date of Bankruptcy, on this contract. The Trust Claimants on the FTG Contract will suffer a shortfall on their claims and there will not be surplus funds available for the Bankruptcy Trustee.

Metro-Can Contract

32. With respect to the Metro-Can Contract, in the November 30 Order the Proposal Trustee received authorization for an interim distribution to the Trust and Lien Claimants totaling \$24,472.84. After allocating professional costs to the Contract, the Proposal Trustee now seeks authorization to make a final distribution to the Trust and Lien Claimants on the contract totaling \$61,191.50 (see Schedule "4").

BPP McGavin Field and Cypress Bowl Contracts

33. With respect to the BPP McGavin Field Contract, in the November 30 Order the Proposal Trustee received authorization for an interim distribution to the Trust and Lien Claimants totaling \$8,016.41. After allocating professional costs to the Contract, the Proposal Trustee now seeks authorization to make a final distribution to the Trust and Lien Claimants on the Contract totaling \$3,473.33 (see Schedule "5").
34. With respect to the BPP Cypress Bowl Contract, in the November 30 Order the Proposal Trustee received authorization for an interim distribution to the Trust and Lien Claimants totaling \$115,893.35. After allocating professional costs to the Contract, the Proposal Trustee now seeks authorization to make a final distribution to the Trust and Lien Claimants on the Contract totaling \$19,330.83 (see Schedule "6").

Polygon Red Maple and Mayfair Contracts

35. The Polygon Red Maple and Polygon Mayfair Contracts took a number of months for the Proposal Trustee to assess and to collect, because:
- i) TCC abandoned both of these Contracts upon the filing of a Notice of Intention under the BIA on March 15, 2012 since it could not obtain financing to complete these Contracts. This was unlike all of TCC's other Contracts in progress at the time which were subsequently completed by TCC; and

- ii) initially, Polygon was unwilling to make any payments on account of the two Contracts and the Proposal Trustee had to do a significant amount of analysis to show that Polygon's initial position was untenable.
36. In addition to these factors, recovery from these two Contracts proved to be more difficult than other Contracts for the following reasons:
- i) the Polygon Red Maple Contract included a number of phases which raised a legal issue surrounding the nature and amount of holdback(s) available;
 - ii) since TCC could not finish the Contracts, Polygon had to take action, including hiring new contractors, to finish the work, resulting in a number of significant set-offs on each Contract which had to be carefully assessed by the Proposal Trustee to ensure they were fair and reasonable and would not unduly impair recoveries for the Trust and Lien Claimants on these Contracts;
 - iii) TCC's records were not complete in all cases and required additional review by the Proposal Trustee in order to substantiate amounts potentially owed by Polygon;
 - iv) the Proposal Trustee conducted protracted negotiations to reach a settlement with Polygon; and
 - v) some sub-trades filed liens against the land relating to each Contract requiring the Proposal Trustee to make a Court application to remove the liens on each Contract⁴ as part of a settlement with Polygon which included collection of the remaining amounts due under the Contracts by the Proposal Trustee.
37. The result of the factors above was a significant delay in coming to a reasonable settlement with Polygon on these two Contracts and much higher relative costs than on other TCC Contracts.
38. Schedules "8" and "9" to this Final Report outline the proposed final distributions to Trust and Lien Claimants on the Polygon Red Maple Contract and the Polygon Mayfair Contract, respectively. On the Polygon Red Maple Contract, a net amount of \$45,209.37 is available to Trust and Lien Claimants on a pro-rata basis, representing a net recovery of 26.7% on the approved trust and lien claims. On the Polygon Mayfair Contract, a net amount of \$37,441.36 is available to Trust and Lien Claimants on a pro-rata basis, representing a net recovery of 12.5% on the approved trust and lien claims. The Proposal Trustee believes that creditors would likely not have received any recovery under alternate construction litigation channels. Further, individual claimants may have had to incur legal fees which they might not have recovered. Although the relative net recoveries for the Trust and Lien Claimants are lower on the two Polygon Contracts compared to other TCC Contracts, we believe that the TCSP has produced a better and more equitable result for the claimants on these two Contracts compared to the alternative of a traditional construction litigation process.

⁴ Those claimants who had filed a lien against the land and subsequently had their lien removed did not lose their rights in this matter as each party still had filed a valid trust/lien claim with the Proposal Trustee.

General comments and summary of claims

39. 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 *Builders Lien Act* ("BLA") only, whereas in other cases the funds received comprised 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. The Proposal Trustee's view is that this was appropriate given that the BLA provides that the maximum amount that may be recovered by all lien holders claiming under the same contractor is equal to the greater of the amount owing to that contractor or the required holdback.
40. Pursuant to the provisions of the TCSP 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. This is appropriate because it is what the Court-approved TCSP contemplated and which resulted in a more streamlined process as opposed to liens being filed against title to various parcels of land which, administratively and procedurally, would have been more costly and a less efficient process.
41. Pursuant to the TCSP Order, the Proposal Trustee has completed the adjudication of over 400 trust and lien claims representing an aggregate dollar value of over \$8,450,000. The Proposal Trustee adjudicated claims totalling \$6,442,935.84 on Contracts where revenue was recoverable. In addition, the Proposal Trustee adjudicated claims totalling \$1,267,456.10 on other TCC contracts where it turned out that there was no revenue recoverable. For reference, Schedule "15" of the First Report summarizes those claims on contracts where no revenue was recoverable.
42. Also pursuant to the TCSP Order, the Proposal Trustee issued a total of 54 Notice of Disallowances (the "**Disallowances**") 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. The Disallowances were summarized in Schedule "2" of the First Report.

HST

43. An issue arose with respect to the entitlement to certain HST funds collected by the Proposal Trustee in its mandate under the TCSP after the date of TCC's Bankruptcy. The HST funds in question were not previously reported as a liability in existence at the date of the Bankruptcy by TCC, bringing about the question whether they should be a pre-Bankruptcy liability of TCC and rank as unsecured along with any other net amounts owing by TCC to CRA on account of HST. The issue is described in more detail in the following paragraphs.

44. The Proposal Trustee collected over \$1,200,000 in receivables and holdbacks after the date of Bankruptcy. Based upon investigation by the Proposal Trustee, the revenue and related HST and several Input Tax Credits ("ITCs") were not recorded by TCC in its pre-Bankruptcy HST returns for certain items that were subsequently collected after the Bankruptcy by the Proposal Trustee.
45. The Proposal Trustee's post-Bankruptcy collections of HST not recorded in the pre-Bankruptcy HST returns were \$181,788.00 and the post-Bankruptcy ITCs were \$67,492.86. The resulting net amount of HST not yet reported by TCC in the pre-Bankruptcy HST returns was therefore \$114,295.14 (the "**Net HST Funds**"). These figures are summarized in of **Schedule "12"**.
46. On November 2, 2013 the Bankruptcy Trustee filed a final HST return for TCC ("**TCC's Final Return**") dated for the reporting period October 1 - 31, 2013⁵ reporting all HST-related transactions that had not previously been reported by TCC prior to the date of Bankruptcy.
47. The Proposal Trustee proposes to distribute the net HST collected under the TCSP since the date of Bankruptcy to the Lien and Trust Claimants arising from the Contracts in question rather than remitting same to CRA on the basis that CRA's claim for HST is unsecured in a bankruptcy. More particularly, the Proposal Trustee seeks to distribute the HST collected on:
- (a) the FTG Contract after the date of Bankruptcy of \$141,916.25 to the Trust and Lien Claimants on this Contract; and
 - (b) the Amacon Civil Works Contract after the date of Bankruptcy of \$39,871.75 to the Trust and Lien Claimants on this Contract, in part, and in part toward the Estimated Final Costs (also see Schedule "7").

G. Priority Charge in favour of the Proposal Trustee

48. 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 legal counsel, Lawson, must be approved by the Court.
49. Pursuant to the November 30 Order, the May 30 Order was amended to also include in the Charge the services of BLG (the "**BLG Services**") for legal services rendered to the Proposal Trustee with respect to the TCSP.

⁵ TCC was a monthly filer for HST so any returns were submitted for a monthly reporting period although this return reflected all of the activity since the date of Bankruptcy.

H. Taxation

50. During the administration of the Trust Claim Settlement Program, the Proposal Trustee's fees and disbursements (including legal costs) were allocated to a particular TCC project to which they related whenever possible (the "**Specific TCSP Activities**").
51. To the extent that the Proposal Trustee's fees and disbursements (including legal costs) related generally to the TCSP, and could not be attributed to a specific project, such fees and expenses were recorded under a general category (the "**General TCSP Activities**").
52. Costs relating to the General TCSP Activities are allocated among all Contracts 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 Contracts, but only where such projects have Actual Trust Funds available for distribution. In other words, for Contracts where the Proposal Trustee did not collect any revenue, no costs were allocated to the claimants on those Contracts.
53. In the Proposal Trustee's opinion, a "claims approach" is a reasonable basis for allocating any Professional Accounts relating to General TCSP Activities because the primary purpose of the TCSP was the establishment of a co-ordinated process to substantially improve the recoveries for claimants, reduce costs and to potentially also reduce the time for the adjudication of trust and lien claims. Furthermore, the approach to allocate costs only to Contracts with Actual Trust Funds and/or Holdbacks available for distribution supports the second primary purpose of the TCSP which was to have the stakeholders who benefit from the TCSP bear the related costs.
54. Attached as **Schedule "10"** to this Final Report is a summary of the Professional Accounts from the commencement of the TCSP up to and including the discharge of the Proposal Trustee, and completion of any administrative activities that relate specifically to each Contract, and also to the general administration of the TCSP. This schedule provides the details of the accounts for each of the Proposal Trustee, Lawson and BLG and is segregated into the following periods for disclosure purposes:
 - From commencement of the TCSP to October 31, 2012, which is the period for which costs were reported in the Proposal Trustee's First Report;
 - From November 1, 2012 to February 28, 2014, representing the period in which the majority of work was done, after interim distributions, to complete administration of the TCSP; and
 - Estimated Final Costs, assuming there is no contested taxation.
55. The total professional fees and disbursements, including Estimated Final Costs, for:
 - i) the Proposal Trustee are fees of \$466,339.91 and disbursements of \$15,972.48 plus taxes of \$54,012.18 for an aggregate sum of \$536,324.56;
 - ii) Lawson are fees of \$129,279.31 and disbursements of \$1,940.36 plus taxes of \$14,535.91 for an aggregate sum of \$145,755.58; and

- iii) BLG are fees of \$203,073.32 and disbursements of \$2,471.02 plus taxes of \$23,237.53 for an aggregate sum of \$228,781.87.
56. Therefore, the Professional Accounts relating to the complete administration of the TCSP and covered by the Charge, subject to the approval of the Court, are fees of \$798,692.54 and disbursements of \$20,383.86 plus taxes of \$91,785.61 for an aggregate sum of \$912,862.01⁶.
57. The total professional fees for the administration of the TCSP, inclusive of disbursements and taxes (and inclusive of the Estimated Final Costs), represent 14.2% of the Proposal Trustee's total collections of Actual Trust Funds and Holdbacks (totalling \$6,446,658.41 including interest of \$3,403.78) during the administration of the TCSP.
58. For further clarity, **Schedule "11"** to this Final Report presents a summary reconciliation of how funds remaining in the accounts of the Proposal Trustee are to be distributed, leaving a final cash balance of nil at the completion of administration of the TCSP.

I. Comments on Estimated Final Costs

59. The amount of Estimated Final Costs and the proposed distributions on the various Contracts as set out in this Report assumes that the Court approves the Professional Accounts without a contested taxation. If there is a contested taxation then the Proposal Trustee, Lawson and BLG will seek reimbursement of all costs of a taxation, on a solicitor-and-own client basis, from the amount available for distribution on the various Contracts. In this case, the Proposal Trustee expects that the amount that will be available for distribution to the Trust and Lien Claimants, TCL, and the Bankruptcy Trustee will be reduced by the amount of the additional professional costs incurred with respect to the taxation and the additional costs to revise the distribution to the creditors. If the contested taxation were to occur, the schedules attached to this report will need to be revised with respect to all Contracts to reflect the lower amount available for distribution and a final distribution will be delayed.

J. Matters not yet finalized by the Proposal Trustee

60. The Proposal Trustee has, in its opinion, finalized all matters in the administration of the TCSP, except for the matter described below.
61. A minor unresolved item is the treatment of interest earned on cash in the trust accounts of the Proposal Trustee since June 1, 2014. Schedule "1" to this report has been prepared as at May 31, 2014. The balances of cash in the trust accounts of the Proposal Trustee therefore include accrued interest to May 31, 2014. However, interest continues to accrue on the cash balances since June 1, 2014 and is not included in the figures presented in this Report. In the opinion of the Proposal trustee, it is too costly for the Trust and Lien Claimants for the Proposal Trustee to continue to update all the final distribution figures to include continuing monthly interest. The Proposal Trustee

⁶ Schedule "10" to this report shows total fees, disbursements and taxes of \$912,862.00 due to a \$0.01 rounding difference in the Microsoft Excel software.

estimates that the monthly interest accrual is approximately \$370. Assuming a September 30, 2014 final distribution in the TCSP, there would therefore be an estimated \$1,100 of interest not included in the final distributions. To address this, the Proposal Trustee proposes that the balance of interest earned since June 1, 2014 be distributed to the Bankruptcy Trustee. The Proposal Trustee's view is that this treatment is an equitable solution because TCL is the main beneficiary of surplus funds in the Bankruptcy (as secured creditor) and this estimated \$1,100 of interest will simply offset the Estimated Final Costs that TCL has agreed to fund in the TCSP and that will not be applied against other creditors' distributions.

K. Relief Sought

62. The Proposal Trustee is seeking the following relief:

- a) approval for distributions on various Contracts as described in the draft Order attached to the Notice of Application ("NoA") filed by the Proposal Trustee under the TCSP dated August 18, 2014;
- b) approval of Professional Accounts with respect to the TCSP without taxation as described in the draft Order attached to the NoA; and
- c) discharge of the Proposal Trustee with respect to the TCSP on the terms described in the draft Order attached to the NoA.

All of which is respectfully submitted this 18th day of August, 2014.

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



Per: Mr. Gary Powroznik
Managing Director

Schedule "1"

**Actual Trust Funds, Holdbacks, and Accrued Interest collected by the Proposal Trustee and
Cash Remaining in Accounts at May 31, 2014**

In the matter of the proposal of Tymn Civil Constructors Ltd.
 In the matter of the Proposal of Tymn Civil Constructors Ltd.
 Actual Trust Funds and Holdbacks received to date by Proposal Trustee
 Prepared as at May 31, 2014

Contract	Total funds collected to Nov. 29, 2012		Collections of Potential Trust Funds and Holdbacks since Nov. 29, 2012		TOTAL FUNDS COLLECTED TO DATE		Professional Fees advanced to Oct. 31, 2012 (-)		Interim Distributions		Interim Distributions of Surplus Funds to Bankruptcy Trustee		Balance of funds after Interim Distributions		Other distributions		Professional Fees advanced for period Nov 1/13 to Feb 28/14		Balance of cash remaining as at May 31, 2014		
	Nov. 29, 2012	Nov. 29, 2012	(+)	(+)	(+)	(+)	(-)	(-)	(-)	(-)	(-)	(-)	(-)	(-)	(-)	(-)	(-)	(-)	(-)	(-)	
SAC	182,202.51	32,917.95	186.24	32,917.95	215,256.70	1,545.93	13,428.84	166,468.04	39,813.89	-	-	-	556.96	-	-	-	-	-	31,201.4	32,256.94	
Trailer Wizards	13,107.25	-	-	-	13,107.25	386.83	12,479.18	241.24	-	-	-	-	-	-	-	-	-	-	-	-	-
City of Surrey	20,661.46	-	11.92	-	20,673.38	-	-	18,447.73	2,225.65	-	-	-	-	-	-	-	-	-	-	-	2,225.65
Tymn	13,443.34	-	-	-	13,443.34	-	-	13,443.34	-	-	-	-	-	-	-	-	-	-	-	-	-
RAM	1,344.33	-	-	-	1,344.33	-	-	1,344.33	-	-	-	-	-	-	-	-	-	-	-	-	-
FTG	3,504,893.03	878,855.18	1,695.76	878,855.18	4,385,443.97	376,833.40	2,790,953.41	-	1,217,657.16	-	-	-	130,155.85	756,053.46	(note 1)	-	-	-	-	331,447.85	
Metro-Gan	38,691.63	55,623.32	140.20	55,623.32	94,455.15	5,242.07	24,472.84	-	64,740.24	-	-	-	3,546.74	-	-	-	-	-	-	61,191.50	
BPP MacGavin Field	18,011.54	-	16.58	-	18,028.12	4,413.74	8,016.41	-	5,991.97	-	-	-	2,118.64	-	-	-	-	-	-	3,473.33	
BPP Cypress Bowl	171,479.67	-	106.68	-	171,586.35	24,579.65	115,893.35	-	31,113.35	-	-	-	11,782.52	-	-	-	-	-	-	19,330.83	
Amaco Earthworks	56,084.57	970.40	57.02	970.40	57,111.99	13,959.19	-	-	43,152.80	-	-	-	-	43,152.80	(note 2)	-	-	-	-	-	
Amaco Rainbanks	554,894.73	19,391.95	461.09	19,391.95	574,747.77	32,593.12	291,017.06	130,062.43	121,075.16	-	-	-	44,285.11	3,442.20	(note 2)	-	-	-	-	73,647.85	
Amaco Bioswale	275,773.18	9,637.65	210.40	9,637.65	285,621.23	13,129.06	117,226.60	100,227.44	55,038.13	-	-	-	-	-	(note 2)	-	-	-	-	55,038.13	
Amaco Civil Works	299,376.00	72,760.33	324.36	72,760.33	372,460.69	25,830.73	207,573.42	-	139,056.54	-	-	-	19,167.07	-	-	-	-	-	-	45,209.37	
Rainbank Red Maple	-	112,000.00	122.94	112,000.00	112,122.94	34,379.45	-	-	77,743.49	-	-	-	32,534.12	-	-	-	-	-	-	119,889.47	
Polyson Mayfair	-	111,134.60	120.59	111,134.60	111,255.19	33,597.78	-	-	77,657.41	-	-	-	40,216.05	-	-	-	-	-	-	37,441.36	
TOTALS	5,149,963.25	1,293,391.38	3,403.78	1,293,391.38	6,446,558.41	566,498.95	3,581,061.11	430,234.55	1,868,865.79	-	-	-	284,365.05	802,348.46	(note 3)	-	-	-	-	782,152.28	

Notes:

- The November 30 Order authorized the Proposal Trustee to distribute additional funds on the FTG Contract without further approval of the Court. Since the interim distributions, TCL has received distributions of \$756,053.46 from the FTG Contract as a proven trust claimant. See Schedule "3" for remaining distributions on this contract.
- Pursuant to the Earthworks Settlement (as defined in the body of this Report) a sum of \$46,295.00 was distributed to Trust and Lien Claimants on the Amaco Earthworks contract. This was funded as follows: from the Amaco Earthworks trust receipts, \$43,152.80, and from the Amaco Rainbanks trust funds \$3,142.20, which were otherwise surplus funds because all trust and lien claimants for the Amaco Rainbanks Contract had been paid in full from interim distributions.
- A total of \$284,365.05 has been advanced to the Proposal Trustee, Lawson and BIG for professional fees incurred during the period November 1, 2012 to February 28, 2014.
- A sum of \$128,695.98 remains from the Amaco Rainbanks and Bioswale Contracts. All of these funds are surplus funds to be paid to the Bankruptcy Trustee.
- Professional fees for the period Nov. 1, 2012 to Feb. 28, 2014 for the Amaco Earthworks, Rainbanks and Bio Swale contracts totalled \$44,285.11. To simplify administration, this sum was advanced from the Proposal Trustee's Amaco Rainbanks Contract trust account because of the fact all the Trust and Lien Claimants on these three contracts either accepted a settlement or were paid in full. See section (b) of Schedule "2" for a detailed breakdown of costs allocated to each contract.
- Schedule "11" to this Report summarizes how the remaining \$782,152.28 in the accounts of the Proposal Trustee will be distributed.
- The Proposal Trustee's suggested treatment for any interest accruing since June 1, 2014 is set forth in the main body of this report.

Schedule "2"

**Summary of Professional Fees, Allocation of Fees to Contracts, and Final Distributions on
Contracts**

In the matter of the Proposal of Tyam Civil Constructors Ltd.
 Summary of Professional Fees, Allocation of Fees to Contracts, Net HST to distribute to Bankruptcy Trustee, and Final Distributions on Contracts
 Prepared as at May 31, 2014

a) Summary of Professional Fees Incurred in Trust Claim Settlement Program

Contract	Total Professional Fees to Oct. 31/12		Professional Fees Nov. 1/12 to Feb 28/14		Total Professional Fees before Estimated Final Costs (see Note 1)	
	\$	(note 3)	\$	(note 3)	\$	(note 3)
General TCSP Activities	199,716.09		138,505.27		338,221.35	
FTG	241,110.01		36,050.22		277,160.24	
Amaco	61,844.77		47,038.62		108,883.39	
SNC	1,129.68		-		1,129.68	
Polygon	53,418.24		62,653.35		116,071.59	
BPP	8,954.77		-		8,954.77	
Metro-Can	323.40		137.59		460.99	
Totals	566,496.95		284,365.05		850,862.00	

b) Allocation of Professional Fees to Contracts

Contract	Dollar value of claims on Contract	Claims as a % of total claims on all Contracts (note 2)		General Professional Fees Allocated to Contract		Specific Professional Fees Allocated to Contract		Less: professional fees for period ending Oct. 31/12		Total Professional Fees Allocated to Contract		Remaining Professional Fees to Allocate to Contract
		0.21%	0.19%	704.95	1,129.68	1,834.63	1,545.93	655.09	386.83	288.70	(note 3)	
Trailer Wizards	12,479.18			655.09	-	655.09	-	655.09	386.83	288.70	(note 3)	
FTG	4,378,500.75	67.96%	67.96%	229,849.01	277,140.24	506,989.25	376,833.40	506,989.25	376,833.40	130,155.85	(note 3)	
Metro-Can	158,678.56	2.46%	2.46%	8,329.82	460.99	8,790.81	5,242.07	8,790.81	5,242.07	3,548.74		
BPP McGavin Field	98,554.44	1.53%	1.53%	5,173.61	1,364.78	6,538.38	4,419.74	6,538.38	4,419.74	2,118.64		
BPP Cypress Bowl	548,094.63	8.51%	8.51%	28,772.18	7,589.99	36,362.17	24,579.65	36,362.17	24,579.65	11,782.52	(note 4a)	
Amaco Earthworks	124,638.68	1.93%	1.93%	6,542.90	17,774.38	24,317.27	13,959.19	24,317.27	13,959.19	10,358.08	(note 4a)	
Amaco Rainbanks	291,027.06	4.32%	4.32%	15,276.92	41,501.13	56,778.05	32,935.12	56,778.05	32,935.12	24,184.93	(note 4a)	
Amaco Blawie	117,226.60	1.82%	1.82%	6,153.80	16,717.36	22,871.16	13,129.06	22,871.16	13,129.06	9,742.10	(note 4a)	
Amaco Civil Works	230,637.13	3.58%	3.58%	12,107.28	32,890.52	44,997.80	25,830.73	44,997.80	25,830.73	19,167.07	(note 4a)	
Polygon Red Maple	169,116.88	2.62%	2.62%	8,877.78	58,035.79	66,913.57	34,379.45	66,913.57	34,379.45	32,534.12	(note 4a)	
Polygon Mayfair	300,563.09	4.67%	4.67%	15,778.03	58,813.83	74,591.86	33,597.78	74,591.86	33,597.78	40,216.05	(note 4a)	
Totals	6,442,935.84	100%	100%	338,221.35	512,640.65	850,862.00	566,496.95	850,862.00	566,496.95	284,365.05		

c) Reconciliation of final distributions

Contract	Balance of funds after Interim Distributions	Professional costs Nov 1/13 to Feb 28/14	Estimated Final Costs : March 1, 2014 to completion (note 5)	Contributions (note 4b)	Settlement distributions	Balance of funds remaining for final distributions	Creditor claims remaining for final distributions (note 9)	Amount to distribute to Trust and Lien Claimants	Surplus Funds to distribute to Bankruptcy Trustee (note 9)	TOTAL FUNDS TO DISTRIBUTE
SNC	33,813.89	556.96				33,256.94	N	-	2,225.65	33,256.94
City of Surrey	2,225.65					2,225.65	N	-	2,225.65	2,225.65
FTG (see Schedule "3", also see Notes 6, 7)	1,217,657.16	130,155.85				1,087,501.31	Y	331,447.85	-	331,447.85
Metro-Can (see Schedule "4")	64,740.24	3,548.74				61,191.50	Y	61,191.50	-	61,191.50
BPP McGavin Field (see Schedule "5")	5,591.97	2,118.64				3,473.33	Y	3,473.33	-	3,473.33
BPP Cypress Bowl (see Schedule "6")	31,113.35	11,782.52				19,330.83	Y	19,330.83	-	19,330.83
Amaco Earthworks (see Note "a,b")	43,152.80	10,358.08		13,500.28	46,995.00	0.00	N	-	-	0.00
Amaco Rainbanks (see Note 4 a,b)	121,075.16	24,184.93		23,242.38		73,647.85	N	-	73,647.85	73,647.85
Amaco Blawie (see Note 4 a,b)	55,038.13	9,742.10		9,742.10		55,038.13	N	-	55,038.13	55,038.13
Amaco Civil Works (see Schedule "7", also see Note 8)	139,056.54	19,167.07	60,000.00			59,889.47	Y	23,063.71	-	59,889.47
Polygon Red Maple (see Schedule "8")	77,743.49	32,534.12				45,209.37	Y	45,209.37	-	45,209.37
Polygon Mayfair (see Schedule "9")	77,657.41	40,216.05				37,441.36	Y	37,441.36	-	37,441.36
Totals	1,868,865.79	284,365.05	60,000.00		46,995.00	1,478,205.74		521,157.86	200,994.33	722,152.28

(From Schedule "1")

(Notes 6, 7, 8)

(note 6)

Notes:

Note 1 - The Total Professional Costs to February 28, 2014 are displayed in this Schedule. See Schedule "10" for a summary of all Professional Accounts for the Trust Claim Settlement Program including the Estimated Final Costs.

Note 2 - For each contract, the amount of claims on that contract are divided by the total claims of \$6,442,935.84 on contracts where funds were collected to determine the relative percentage of costs relating to General TSCP Activities that will be allocated against each contract. For example, on the SNC Contract, claims of \$13,428.84 are divided by total claims of \$6,442,935.84 to determine that 0.21% of costs relating General TSCP Activities will be allocated to the SNC Contract. Total costs relating to General TSCP Activities of \$536,221.33 are then multiplied by 0.21% resulting in an allocation of \$704.95 of costs from General TSCP Activities to the SNC Contract.

Note 3 - As outlined in the Proposal Trustee's First Report, all of the trust claims on the Trailer Wizards Contract were paid in full in the first distribution and it was agreed that TCL would bear the final costs relating to the Trailer Wizard Contract as all the trust claims on the SNC Contract have also been paid in full and the costs relating to the Trailer Wizards are relatively insignificant. Therefore, the final allocation of Professional Accounts to the SNC Contract is \$288.70 + \$288.26 = \$556.96.

Note 4 (a) - Professional fees for the period Nov. 4, 2012 to Feb. 28, 2014 for the Amazon Earthworks, Rainbanks and Bio Swale Contract totalled \$44,285.11, allocated as follows:

Amazon Earthworks	40,558.08
Amazon Rainbanks	24,184.93
Amazon Bio Swale	9,742.10
Total	44,285.11

Also see Note 5 on Schedule "1".

(b) - To simplify administration, the sum of professional fees relating to Amazon Earthworks, Rainbanks and Bio Swale Contracts was advanced from the Proposal Trustee's Amazon Rainbanks Contract trust account because of the fact all the Trust and Lien Claimants on these three contracts either accepted a settlement or were paid in full. Also, a sum of \$3,142.20 was advanced from the Rainbanks trust account to the Earthworks trust account to ensure there was sufficient cash to pay the \$46,295.00 in settlement distributions to the Earthworks trust and lien claimants. Also see notes 2 & 5 on Schedule "1". Total allocations from Amazon Rainbanks of \$23,242.38 comprises:

Amazon Earthworks fees	10,958.08
Amazon Earthworks shortfall	3,142.20
Amazon Bioswale fees	13,500.28
	9,742.10
Total	23,242.38

Note 5 - The Proposal Trustee has estimated a sum of \$60,000, assuming no contested taxation, for the final fees and costs of the Proposal Trustee, BIG and Lawson to the end administration of the TSCP. The main body of this report describes the proposed treatment of Estimated Final Costs in the event they are greater than \$60,000. The main body of this report also discusses why the Estimated Final Costs have been allocated to this contract.

Note 6 - A sum of \$756,053.46 has already been advanced to TCL, as a trust claimant on the FTG Contract, since Nov. 30, 2012. Below is a reconciliation of the final remaining funds and the final amounts to distribute:

Total funds available before amounts distributed to TCL on FTG Contract since Nov. 30, 2012, and after \$60,000 Estimated Final Costs	1,478,205.74
Amounts already distributed to TCL on FTG Contract since Nov. 30, 2012	756,053.46 --> also see Schedule "3"
Residual amount remaining to distribute	722,152.28

Note 7 - For the FTG Contract, included in the \$1,087,501.31 available for distribution is the \$141,916.25 in HST that was collected post-Bankruptcy by the Proposal Trustee but was not previously recorded by TCC. Also see Schedule "12".

Note 8 - For the Amazon Civil Works Contract, included in the \$59,889.47 available for distribution is the \$39,871.75 in HST collected post-Bankruptcy by the Proposal Trustee but was not previously recorded by TCC. Also see Schedule "12".

A reconciliation of amount available for distribution follows:

Net amount available after Estimated Final Costs	59,889.47
Add back: Estimated Final Costs (also see Note 5 above)	60,000.00
Total available (see Schedule "7")	119,889.47

Note 9 - Surplus Funds are distributed to the Bankruptcy Trustee only where there are no creditor claims remaining.

Schedule "3"

Trust and Lien Claims and Final Distributions for FTG Contract

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

Description of work:

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

a) Trust claims admitted

Creditor Name	Trust Claims admitted	Lien Claims - not applicable	Claims assigned to TCL (Y/N)	Amount assigned to TCL \$	Total Claim for distribution \$
ADVANCE TESTING LTD.	5,187.28	-	Y	(5,187.28)	-
BASALITE CONCRETE PRODUCTS	549.64	-	N	-	549.64
BRAIN RALSTON BULLDOZING LTD	21,907.20	-	Y	(21,907.20)	-
BROCK WHITE CANADA COMPANY	1,930.44	-	N	-	1,930.44
CANADIAN DEWATERING LTD.	78,672.15	-	Y	(78,672.87)	49.28
DIRECT EQUIPMENT WEST LTD.	1,353.45	-	N	-	1,353.45
EMCO LIMITED	53,061.01	-	Y	(53,061.01)	-
GIENOW LOG SERVICES INC.	20,272.00	-	N	-	20,272.00
G.W.G RENTALS LTD	6,590.88	-	Y	(6,590.88)	-
GREENBELT EXCAVATING	98,235.20	-	Y	(98,235.20)	-
KRS EXCAVATING LTD.	58,189.60	-	Y	(58,189.60)	-
LAFARGE CANADA INC.	6,050.69	-	Y	(6,050.69)	-
LANGLEY CONCRETE LT PARTNERSHIP	58,317.09	-	Y	(58,085.70)	231.39
MAINLAND L. CONT. LTD.	231,410.42	-	Y	(231,410.42)	-
MAINLAND SAND & GRAVEL LTD.	5,598.83	-	Y	(5,598.83)	-
MCRAE'S ENVIRONMENTAL SERVICES	985.60	-	N	-	985.60
NILEX INC.	55,305.71	-	Y	(55,305.71)	-
PSP Consulting	8,377.60	-	Y	(8,377.60)	-
PROQUIP	147,463.25	-	Y	(147,463.25)	-
RAINWATER MANAGEMENT	25,536.00	-	Y	(25,536.00)	-
REMPEL BROS CONCRETE LTD.	78,162.85	-	Y	(78,162.85)	-
SITECH WESTERN CANADA	672.00	-	N	-	672.00
SPECTRA TEC SERVICES GROUP	319.20	-	N	-	319.20
SUPER SAVE DISPOSAL INC.	3,364.94	-	N	-	3,364.94
SUPER SAVE FENCE RENTALS INC.	519.27	-	N	-	519.27
SUPER SAVE TOILET RENTALS INC	2,740.02	-	Y	(2,522.61)	217.41
UNITED RENTALS CANADA, INC.	8,394.65	-	Y	(8,394.65)	-
VIC'S CUSTOM WELDING	8,316.00	-	Y	(8,316.00)	-
WESTERN LINE LTD.	1,904.00	-	Y	(1,904.00)	-
WESTVIEW SALES LTD.	16,684.64	-	Y	(16,684.64)	-
WETDOWN WATER SERVICES INC.	3,981.60	-	Y	(3,981.60)	-
TYAM CONSTRUCTION LTD.	4,348,036.13	-	n/a	-	4,348,036.13
Totals	5,358,089.34	-	-	(979,588.59)	4,378,500.75

b) Final Distributions

Amount available for final distribution

\$ 1,087,501.31 notes 2, 3

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

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

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

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

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

Schedule "4"

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

**In the matter of the Proposal of Tyam Civil Constructors Ltd.
Trust and Lien Claims and Final Distributions
For Metro-Can Contract**

Description of work:

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

a) Trust and lien claims admitted

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

b) Final Distributions

Amount available for final distribution

\$ **61,191.50**

note 1

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

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

Schedule "5"

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

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

Description of work:

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

a) Trust claims admitted

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

b) Final Distributions

Amount Available for final distribution \$ 3,473.33 note 1

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

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

Schedule "6"

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

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

Description of work:

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

a) Trust claims admitted

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

b) Final Distributions

Amount available for final distribution

\$ 19,330.83

note 1

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

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

Schedule "7"

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

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

Description of work:

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

a) Trust and lien claims admitted

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

b) Final Distributions

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

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

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

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

The main body of this Report describes the treatment of Estimated Final Costs should they exceed the estimate of \$60,000.

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

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

Note 4 - See Schedule "1".

Schedule "8"

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

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

Description of work:

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

a) Trust and lien claims admitted

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

b) Final Distributions

Amount available for final distribution

45,209.37

note 1

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

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

Schedule "9"

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

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

Description of work:

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

a) Trust and lien claims admitted

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

b) Final Distributions

Amount available for final distribution

37,441.36 note 1

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

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

Schedule "10"

Summary of Professional Accounts for Trust Claim Settlement Program

In the matter of the Proposal of Tyam Civil Constructors Ltd.
 Summary of all Professional Accounts for Trust Claim Settlement Program
 Prepared as at May 31, 2014

Professional	Period	General trust	FTG	Amacon (note 1)	SNC	Polygon	BPP	Metrocan	TOTAL GST/HST	TOTAL FEES, DISBURSEMENTS AND TAXES
Proposal Trustee	To Oct 31, 2012	129,163.95	142,271.75	15,014.60	1,008.65	27,110.80	4,588.85	288.75	38,333.60	357,780.95
	Nov 1, 2012 to Feb 28, 2014	83,343.92	23,268.18	11,226.55	-	6,808.30	-	122.85	13,773.81	138,543.61
	Estimated to discharge (note 1)	-	-	38,095.24	-	-	-	-	1,904.76	40,000.00
	SUBTOTAL	212,507.87	165,539.93	64,336.39	1,008.65	33,919.10	4,588.85	411.60	54,012.17	536,324.56
BLG	To Oct 31, 2012	2,943.50	56,324.38	40,207.65	-	20,587.77	3,407.10	-	14,802.65	138,273.04
	Nov 1, 2012 to Feb 28, 2014	5,900.65	-	19,139.33	-	47,510.16	-	-	7,958.69	80,508.83
	Estimated to discharge (note 1)	-	-	9,523.81	-	-	-	-	476.19	10,000.00
	SUBTOTAL	8,844.15	56,324.38	68,870.79	-	68,097.93	3,407.10	-	23,237.53	228,781.87
Lawson	To Oct 31, 2012	46,210.50	16,685.00	-	-	-	-	-	7,547.46	70,442.96
	Nov 1, 2012 to Feb 28, 2014	35,427.36	8,922.56	12,232.28	-	2,218.16	-	-	6,512.26	65,312.61
	Estimated to discharge (note 1)	-	-	9,523.81	-	-	-	-	476.19	10,000.00
	SUBTOTAL	81,637.86	25,607.56	21,756.09	-	2,218.16	-	-	14,535.91	145,755.58
TOTAL (note 3)		302,989.88	247,471.87	154,963.26	1,008.65	104,235.19	7,995.95	411.60	91,785.60	910,862.00

Note 1 - The Proposal Trustee has estimated a sum of \$60,000, assuming no contested taxation, for the final fees and costs of the Proposal Trustee, BLG and Lawson to the end administration of the TCSP. The Estimated Final Costs have been allocated to the Amacon Civil Works Contract. The main body of this Report describes the proposed treatment of Estimated Final Costs should they exceed \$60,000. Also see Note 5 of Schedule "2".

Note 2 - A reconciliation of total professional fees to the professional fees incurred to February 28, 2014, as disclosed in section (a) of Schedule "2", is as follows:

Total Professional Fees before Estimated Final Costs	\$ 850,862.00
Estimated Final Costs to discharge (see Note 1)	60,000.00
Total Professional Fees	910,862.00

Note 3 - Certain immaterial \$0.01 rounding differences exist due to formula rounding used in the Microsoft Excel software. This is not material for further investigation.

(notes 2, 3)

Schedule "11"

Summary Reconciliation of Final Distribution of Funds

In the matter of the Proposal of Tyam Civil Constructors Ltd.
 Summary Reconciliation of Final Distributions of Funds
 Prepared as at May 31, 2014

Project	Cash on hand May 31, 2014	Less: final distributions	Less: Estimated Final Costs	Less: Surplus	
				Funds to Bankruptcy	Remaining cash
SNC	33,256.94	-	-	33,256.94	0.00
City of Surrey	2,225.65	-	-	2,225.65	-
FTG	331,447.85	331,447.85	-	-	-
Metrocan	61,191.50	61,191.50	-	-	0.00
BPP McGavin Field	3,473.33	3,473.33	-	-	0.00
BPP Cypress Bowl	19,330.83	19,330.83	-	-	0.00
Amacon Raintanks	73,647.85	-	-	73,647.85	-
Amacon Bio Swale	55,038.13	-	-	55,038.13	-
Amacon Civil Works	119,889.47	23,063.71	60,000.00	36,825.76	0.00
Polygon Red Maple	45,209.37	45,209.37	-	-	0.00
Polygon Mayfair	37,441.36	37,441.36	-	-	0.00
TOTALS	782,152.28	521,157.96	60,000.00	200,994.33	0.01

From Schedule "1"

Note 1 - An immaterial \$0.01 rounding difference exists due to formula rounding used in the Microsoft Excel software. This is not material for further investigation.

Note 2 - The main body of this Report describes the proposed treatment of Estimated Final Costs if they are greater than \$60,000.

Schedule "12"

Net HST Not Reported on TCC pre-bankruptcy HST Returns

**In the matter of the Proposal of Tyam Civil Constructors Ltd.
 Reconciliation of Net HST not recorded on TCC pre-bankruptcy HST returns
 Prepared as at May 31, 2014**

	Amacon Civil		
	FTG Contract	Works Contract	Total
Amount of HST collected by Proposal Trustee since September 14, 2012 and not otherwise recorded by TCC (note 1)	141,916.25	39,871.75	181,788.00
Less: Input Tax Credits (ITCs)			
ITCs incurred in completion of Amacon Civil Works Contract			- 24,711.13
ITCs relating to Professional Fees directly attributed to Contracts			- 42,781.73
Subtotal - ITCs			<u>- 67,492.86</u>
Net HST liability not recorded on pre-bankruptcy HST returns			<u>114,295.14</u>

Note 1 - These collections relate to HST due at the date of bankruptcy, Sept. 14, 2012, by TCC which we are advised is an unsecured claim against TCC effective the date of the bankruptcy.