

ONTARIO  
SUPERIOR COURT OF JUSTICE  
IN BANKRUPTCY AND INSOLVENCY

THE HONOURABLE  
JUSTICE

*Hocken*

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)  
FRIDAY, THE 22<sup>ND</sup>  
DAY OF NOVEMBER, 2019



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

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

**APPROVAL AND DISTRIBUTION ORDER**

**THIS MOTION** made by BDO Canada Limited ("**BDO**"), in its capacity as Trustee of Sirius Concrete Inc., of the City of Waterloo (the "**Trustee**") for the relief as set out in the Notice of Motion, was heard this day at 80 Dundas St. London Ontario for:

- a. An Order that the time for service of this Motion Record is hereby dispensed with or abridged and this motion is property returnable today without further service or notice thereof;
- b. An Order that the Third Report dated October 28, 2019 (the "**Third Report**") and the Trustee's activities as outlined therein be approved;
- c. An Order that BDO's accounts for professional fees and disbursements as Trustee (the "**BDO Fees**") and the fees and disbursements of Harrison Pensa LLP, counsel to

the Trustee (collectively with the BDO Fees, the "**Professional Fees**") and the payment of same be approved;

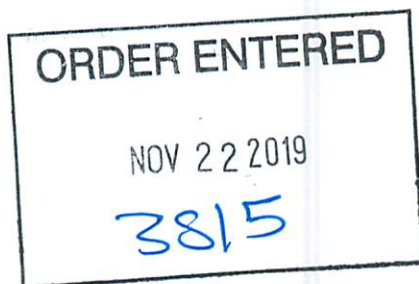
- d. An Order that after payment of the Professional Fees herein approved, the Trustee be authorized to make the Proposed Distribution, with the exception of the Newcastle Project and the Guelph Project, as outlined and defined in the Third Report (the "**Distribution**");
- e. An Order that Newton Group Ltd. be required to pay to the Trustee the holdback in the amount of \$52,689.50 (the "**Newton Payment**");
- f. An Order that Skyrise Construction Inc. be required to pay to the Trustee the holdback in the amount of \$149,167.04 (the "**Skyrise Payment**");
- g. An Order that the settlements made between the Trustee and the customers of Sirius Concrete Inc., as detailed in the Third Report (the "**Settlements**"), be approved;

**ON READING** the Third Report of the Trustee, dated October 28, 2019 and the exhibits thereto (the "**Third Report**") and on hearing submissions of counsel for the Trustee and such other counsel as were present and on reading the affidavit of service of Lindsay Provost sworn October 29, 2019.

1. **THIS COURT ORDERS** that the time for service of this Motion Record is hereby dispensed with or abridged and this motion is property returnable today without further service or notice thereof.
2. **THIS COURT ORDERS** that the Third Report and the Trustee's activities as outlined therein are hereby approved.
3. **THIS COURT ORDERS** that Professional Fees and the payment of same are hereby

approved.

4. **THIS COURT ORDERS AND AUTHORIZES** that, after payment of the Professional Fees herein approved, the Trustee is authorized to make the Distribution.
5. **THIS COURT ORDERS** that Newton Group Ltd. is required to pay to the Trustee the Newton Payment.
6. **THIS COURT ORDERS** that Skyrise Construction Inc. is required to pay to the Trustee the Skyrise Payment.
7. **THIS COURT ORDERS** that the Settlements made between the Trustee and the customers of Sirius Concrete Inc. are hereby approved.



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Justice, *Ontario* Superior Court of Justice

In the matter of the Bankruptcy of Sirius Concrete Inc. of the City of Waterloo, in the Province of Ontario

Court File No. 35-2481393

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT LONDON

**ORDER**

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MVI/177459