

Court File No. 35-2481393
Estate File No. 35-2481393

**ONTARIO
SUPERIOR COURT OF JUSTICE
IN THE BANKRUPTCY AND INSOLVENCY**

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

MOTION RECORD

October 25, 2021

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TO: **Information Network Systems**
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TO: **Northfield Auto Services**
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AND

TO: **Pro Steel Fabrication**
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AND

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AND
TO: **Maple Reinders**
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Tab 1

**ONTARIO
SUPERIOR COURT OF JUSTICE
IN THE BANKRUPTCY AND INSOLVENCY**

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

NOTICE OF MOTION

BDO Canada Limited in its capacity as Trustee (the “**Trustee**”) of Sirius Concrete Inc. (“**Sirius**”), of the City of Waterloo, in the Province of Ontario, will make a motion to the Court on Friday, November 12, 2021 at 10:00 a.m., or as soon after that time as the motion can be heard at the Court House, 80 Dundas Street, London, Ontario.

PROPOSED METHOD OF HEARING: The Motion is to be heard:

- in writing under subrule 37.12.1(1) because it is on consent;
- in writing as an opposed motion under subrule 37.12.1(4);
- orally

THE MOTION IS FOR:

1. An Order approving the fees and disbursements of the Trustee and its counsel;
2. An Order approving the Fifth Report to Court dated October 18, 2021 and the activities of the Trustee (the “**Fifth Report**”); and,
3. Any such further relief as is just.

THE GROUNDS FOR THE MOTION ARE:

Bankruptcy

4. The Bankrupt, Sirius, made a voluntary assignment in bankruptcy on March 4, 2019, and the Trustee was appointed as Trustee in Bankruptcy.

5. Ayerswood made a pre-bankruptcy payment to Sirius on March 1, 2019 in the amount of \$381,578.40 (the "**March Payment**")

6. Prior to its assignment, Sirius operated as a subcontracting firm that specialized in modern super-structures throughout Southwestern Ontario. Sirius provided insulated concrete forms, pre-cast paneling installation, structural block, and cast in place concrete, for numerous construction projects, including the following:

- a. 18 Barrel Yards Blvd, Waterloo, Ontario (the "**Waterloo Property**" and the "**Waterloo Project**");
- b. 112 Benton St. Kitchener, Ontario (the "**Kitchener Property**" and the "**Kitchener Project**");
- c. 109 King Ave, Newcastle, Ontario (the "**Newcastle Property**" and the "**Newcastle Project**");
- d. 45 Yarmouth St., Guelph, Ontario (the "**Guelph Property**" and the "**Guelph Project**");
- e. 200 Steelwell Rd. Brampton, Ontario (the "**Brampton Project**"); and
- f. 10 Wilson St. Guelph, Ontario (the "**Parking Lot Project**").

(6 (a) to (f) collectively, the "**Projects**")

Claims Administration Procedure and Trustee's Activities

7. The Trustee has previously reported to the Court by way of its First Report, Second Report, Third Report, Fourth Report and Supplement to the Fourth Report.

8. As set out in the First Report, the Trustee developed a Claims Administration Procedure (the "**Claims Administration Procedure**") to determine the status of all claims as against Sirius

in relation to the Projects, and to determine all payables and receivables of Sirius in relation to same. The Claim Administration Procedure was approved in the Order of the Honourable Justice Mitchell dated April 2, 2019 (the “**April 2 Order**”).

9. Pursuant to the April 2 Order, and as outlined in the Third Report, the Trustee has collected numerous accounts receivable and entered into various settlements with the customers of Sirius.

10. The Claims Administration Procedure has been fully executed by the Trustee and for the claim by Ayerswood on the Guelph Project for the return of the March Payment.

11. The Trustee's Fourth Report to the Court dated March 3, 2020 was approved in the Order of the Honourable Justice George dated December 14, 2020 (the “**December 14 Order**”).

12. Pursuant to the December 14 Order, it was ordered that the March Payment forms part of the estate of Sirius and that it was to be distributed to the creditors thereof.

13. On December 24, 2020 Ayerswood appealed the December 14 Order; however, the appeal was filed directly with the Appeal Court and not the Bankruptcy Court and therefore not filed by the required deadline. As a result, Ayerswood served a motion on January 22, 2021 to request an extension of the time to file the appeal. The Trustee consented to Ayerswood's motion. Eight (8) months later, on October 1, 2021 Ayerswood received approval of the extension to file the appeal and filed the appeal with the Bankruptcy Court. No date has been set for the appeal hearing.

14. The Trustee is concerned with the backlog and delay the Court of Appeal is experiencing. In an effort to keep the interested parties up to date and accounts current the Trustee and its counsel are bringing this motion for the approval of its fees, expenses and activities.

15. The Trustee seeks approval of the Fifth Report. The Fifth Report seeks approval of the Court of the fees and disbursement of the Trustee and its counsel.

The applicable provisions of:

16. The *Construction Act*, R.S.O. 1990, c. C.30, as amended;

17. Section 34, and any other relevant sections of The *Bankruptcy and Insolvency Act*, R.S.C., 1985, c. B-3, as amended;

18. The *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, as amended;
19. Such further and other grounds as counsel may advise and this Honourable Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

1. The Fifth Report of the Trustee dated October 18, 2021; and
2. Such materials as counsel may advise and this Honourable Court may permit.

October 25, 2021

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BDO Canada Limited

TO: Service List

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

NOTICE OF MOTION

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Tab 2

District of ONTARIO
Division No. 08 - Waterloo
Court File No. 35-2481393
Estate No. 35-2481393

ONTARIO
SUPERIOR COURT OF JUSTICE
IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF
THE BANKRUPTCY OF

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

FIFTH REPORT TO THE COURT
SUBMITTED BY BDO CANADA LIMITED

October 18, 2021

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- Appendix A - Affidavit of Stephen N. Cherniak
- Appendix B - Affidavit of Rob Danter

1.1 Introduction

- 1.1.1 This follows BDO Canada Limited's ("BDO") first report of the Trustee, the Supplement to the First Report, the Second Report, the Third Report, the Third Supplemental, the Fourth Report and the Fourth Report Supplemental. All terms not otherwise defined shall be as defined in therein.
- 1.1.2 Sirius Concrete Inc. ("Sirius" or the "Company") was incorporated on June 13, 2016 in the province of Ontario and has been operating under the Sirius name since its inception. The Company operated out of leased premises located at 589 Colby Drive, Waterloo, Ontario.
- 1.1.3 Sirius was a subcontracting firm that specialized in modern super-structures throughout Southwestern Ontario. Sirius provided insulated concrete forms, pre-cast paneling installation, structural block, and cast in place concrete.
- 1.1.4 As at the date of Bankruptcy Sirius was involved in the following projects (together the "Construction Projects"):
- (i) 18 Barrel Yards Blvd, Waterloo, Ontario ("Waterloo Project");
 - (ii) 112 Benton St. Kitchener, Ontario ("Kitchener Project");
 - (iii) 109 King Ave, Newcastle, Ontario ("Newcastle Project");
 - (iv) 45 Yarmouth St., Guelph, Ontario ("Guelph Project");
 - (v) 200 Steelwell Rd. Brampton, Ontario ("Brampton Project"); and,
 - (vi) 10 Wilson St. Guelph, Ontario (the "Parking Lot Project").
- 1.1.5 Sirius began experiencing financial difficulty in the fourth quarter of 2018 and into 2019. Sirius made a voluntary assignment in bankruptcy on March 4, 2019 and BDO Canada Limited was appointed as the trustee in Bankruptcy ("BDO" or the "Trustee")
- 1.1.6 The Trustee is not aware of any secured creditor or any party holding a General Security Agreement registered against Sirius.
- 1.1.7 As described in the First Report, the Trustee developed a Claims Administration Procedure for the Debtor's construction projects.
- 1.1.8 As described in the First Supplement, the Trustee detailed the payables and receivables, according to the records of Sirius, on each of the Company's projects.
- 1.1.9 On April 2, 2019, the Court issued an Order (the "April 2 Order") approving the Claims Administration Procedure.
- 1.1.10 As described in the Second Report the Trustee has completed the review and allowance of all claims and entered into settlement agreements with several of the project owners.

- 1.1.11 On August 16, 2019, the Court issued an Order (the “**August 16 Order**”), among other things, approving the Lien Claims and the Trust Claims, approving the settlements entered into by the Trustee and providing direction with respect to Ayerswood.
- 1.1.12 As described in the Third Report the Trustee has entered into agreements with all Project Owners with respect to the holdback and accounts receivable.
- 1.1.13 On November 22, 2019, the Court issued an Order (the “**November 22 Order**”), among other things, approving the settlements entered into by the Trustee and providing direction with respect to payment of the settlement amounts.
- 1.1.14 As described in the Fourth Report the Trustee outlined the background of the Guelph Project and the position of both the Trustee and Ayerswood with respect to the March Payment and sought direction from the Court.
- 1.1.15 As described in the Fourth Supplement the Trustee responded to the affidavit of John Camara and provided background on the pre-bankruptcy meetings between the Trustee and Sirius and the collection of the March Payment by Sirius.
- 1.1.16 On December 14th the Court released its decision (the “**December 14 Endorsement**”) with respect to the March Payment and determined that it formed part of the estate of Sirius for distribution to the creditors pursuant to the Claims Administration Procedure.
- 1.1.17 On December 24, 2020 Ayerswood appealed the December 14 Endorsement; however, the appeal was filed directly with the Appeal Court and not the Bankruptcy Court and therefore not filed by the required deadline. As a result, Ayerswood served a motion on January 22, 2021 to request an extension of the time to file the appeal. The Trustee consented to Ayerswood’s motion. Eight (8) months later, on October 1, 2021 Ayerswood received approval of the extension to file the appeal and filed the appeal with the Bankruptcy Court. No date has been set for the appeal hearing.
- 1.1.18 The Trustee is concerned with the backlog and delay the Court of Appeal is experiencing. In an effort to keep the interested parties up to date and accounts current the Trustee and its counsel are bringing this motion for the approval of its fees, expenses and activities.
- 1.1.19 Other than the Ayerswood action, no other material changes have taken place since the filing of the Fourth Report and the Fourth Report Supplemental.

1.2 Purpose of Trustee’s Fifth Report

- 1.2.1 This constitutes the Trustee’s fifth report (the “**Fifth Report**”) to the Court in this matter and is filed to:
 - (i) Obtain approval of the fees and disbursements of the Trustee and its counsel.

2.0

Trustee's Account

- 2.1 Pursuant to paragraph 24 of the April 2 Order, the fees and expenses of the Trustee in connection with the Claims Administration Order shall form a first charge on the funds collected.
- 2.2 The Trustee, and its counsel, has tracked its time by project and will allocate the fees and expenses to the applicable project.
- 2.3 The fees and disbursements of the Trustee for the period from October 24, 2019 through to October 13, 2021 are detailed in the affidavit of Stephen N. Cherniak, a copy of which is attached as **Appendix A**.
- 2.4 The Trustee has submitted seven invoices as follows:
- (i) The Guelph Project fees from October 24, 2019 to October 13, 2021 encompass 46.7 hours at an average hourly rate of approximately \$375.00 for a total of \$17,512.50 prior to applicable taxes.
 - (ii) The Parking Lot Project fees from October 24, 2019 to October 13, 2021 encompass 2.0 hours at an average hourly rate of approximately \$375.00 for a total of \$750.00 prior to applicable taxes.
 - (iii) The general claims process fees from October 24, 2019 to October 13, 2021 encompass 20.8 hours at an average hourly rate of approximately \$352.40 for a total of \$7,330.00 prior to applicable taxes. The general claims process invoice includes time applicable to all projects and will be split among the other six projects on the basis of time spent. The proposed distribution is as follows:

Project	Fees	%	General Allocation	Total
Waterloo	\$ -	0.0%	-	\$ -
Kitchener	-	0.0%	-	-
Newcastle	-	0.0%	-	-
Guelph	17,512.50	95.9%	7,028.97	24,541.47
Brampton	-	0.0%	-	-
Parking Lot	750.00	4.1%	301.03	1,051.03
	\$18,262.50	100.0%	\$7,330.00	\$25,592.50

- 2.5 The Trustee is therefore requesting that the Court approve its total fees and disbursements in the amount of \$25,592.50 prior to applicable taxes.
- 2.6 The Trustee has an additional \$41,112 in work in progress which is being allocated to the bankrupt estate for which it is not seeking court approval of at this time.
- 2.7 The fees and disbursements of the Trustee's counsel for the period are detailed in the affidavit of Rob Danter, a copy of which is attached as **Appendix B**.
- 2.8 The Trustee's counsel has submitted invoices as follows:

- (i) The November 2019 account in the amount of \$52,822.50 in fees and \$8,170.35 in expenses plus applicable taxes.
 - (ii) The December 2019 account in the amount of \$17,294.01 in fees and \$370.75 in expenses plus applicable taxes.
 - (iii) The October 2021 account in the amount of \$56,359.99 in fees and \$2,904.93 in expenses plus applicable taxes.
- 2.9** Of the invoices submitted \$49,163.32, prior to applicable taxes, has already been approved by this Court and paid. An additional \$23,787.21 and \$7,971.82, both prior to applicable taxes, will be allocated to the bankruptcy and will be submitted to the estate inspector for approval.
- 2.10** The Trustee is therefore requesting that the Court approve its counsel's fees and disbursements in relation the Claims Procedure Order and the Construction Projects in the amount of \$57,000.18 prior to applicable taxes.

3.0 Order Sought

3.1.1 We submit this Fifth Report to the Court in support of our Motion respectfully requesting this Court to:

- (i) Approve the Fifth Report and the Trustee's actions described therein;
- (ii) Approve the fees and disbursement of the Trustee and its counsel.

All of which is respectfully submitted this 18th day of October, 2021.

**BDO CANADA LIMITED.
SOLELY IN ITS CAPACITY AS
TRUSTEE OF THE ESTATE OF
SIRIUS CONCRETE INC.**

Cherniak,
Stephen N

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Reason: I am approving this document
Date: 2021.10.18 16:06:20 -04'00'

Per: Stephen N. Cherniak, CPA, CA, CIRP
Licensed Insolvency Trustee
Senior Vice President

APPENDIX "A"

**ONTARIO SUPERIOR COURT OF JUSTICE
IN BANKRUPTCY AND INSOLVENCY**

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

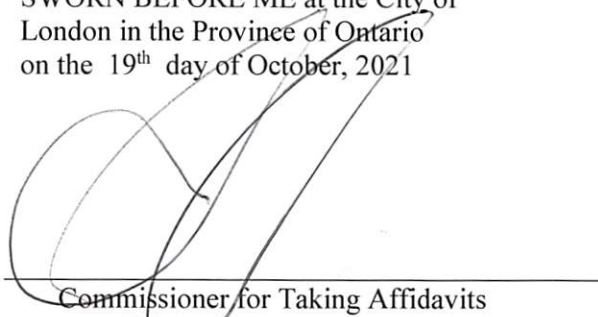
AFFIDAVIT OF STEPHEN N. CHERNIAK

I, **Stephen N. Cherniak**, of the City of London, in the Province of Ontario, **MAKE OATH AND SAY:**

1. I am a Senior Vice-President of BDO Canada Limited (“BDO”), the Trustee in Bankruptcy of Sirius Concrete Inc. (“Sirius” or the “Company”) and, as such, I have knowledge of the matters hereinafter deposed to.
2. By Order dated April 2, 2019 (the “Claims Procedure Order” or the “Order”) BDO Canada Limited, in its capacity as Trustee in Bankruptcy of Sirius (the “Trustee”) was authorized to conduct a claims Process in respect of six (6) construction projects (the “Projects”) which the Company was involved in to March 4, 2019.
3. The Trustee commenced its activities on March 4, 2019, prior to the issuance of the Claims Procedure Order. Since March 4, 2019, the Trustee has been engaged in carrying out the Claims Administration Procedure in respect of the Projects.
4. In the course of performing the duties pursuant to the Order and as set out above at paragraph 3, the Trustee’s staff expended 69.5 hours for the period of October 24, 2019 through October 13, 2021 as outlined below:
 - (i) The Guelph Parking Lot Project fees encompass 46.7 hours at an average hourly rate of approximately \$375.00 for a total of \$17,512.50 prior to applicable taxes.
 - (ii) The Parking Lot Project fees encompass 2.0 hours at an average hourly rate of approximately \$375.00 for a total of \$750.00 prior to applicable taxes.

- (iii) The general claims process fees encompass 20.8 hours at an average hourly rate of approximately \$352.40 for a total of \$7,330.00 prior to applicable taxes. The general claims process invoice includes time applicable to all projects and will be split equally among the other six projects.
5. Attached hereto and marked as Exhibit "A" to this my Affidavit are the accounts of the Trustee together with a summary sheet.
 6. To the best of my knowledge, the rates charged by the Trustee throughout the course of these proceedings are comparable to the rates charged by other insolvency practitioners in the Ontario mid-market for providing similar insolvency and restructuring services.
 7. The hourly billing rates outlined in Exhibit "A" to this my Affidavit are not more than the normal hourly rates charged by BDO Canada Limited for services rendered in relation to similar proceedings.
 8. I verily believe that the fees and disbursements incurred by the Trustee are fair and reasonable in the circumstances.
 9. This Affidavit is sworn in support of the motion for approval of the Trustee's fees and disbursements and for no other or improper purposes.

SWORN BEFORE ME at the City of
London in the Province of Ontario
on the 19th day of October, 2021



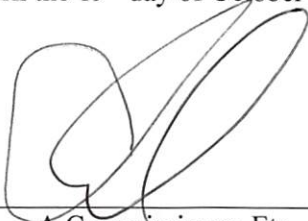
Commissioner for Taking Affidavits

**Chester Richard Szypula, a Commissioner, etc.,
Province of Ontario, for BDO Canada Limited.
Expires August 18, 2024.**



STEPHEN N. CHERNIAK, CPA, CA, CIRP
Licensed Insolvency Trustee

Attached is Exhibit A
To the Affidavit of Stephen N. Cherniak
Sworn the 19th day of October 2021.



A Commissioner, Etc

Chester Richard Szypula, a Commissioner, etc.,
Province of Ontario, for BDO Canada Limited.
Expires August 18, 2024.



Invoice # 10132021
Sirius Concrete – Claims Process
HST Reg # 101518124RT0001

Sirius Concrete

October 13, 2021

RE: Claims Process

For professional services rendered for the period October 25, 2019 through December 24, 2020 as per the attached detail:

Our Fee	\$7,330.00
HST	952.90
Total	<u>\$8,282.90</u>

REMITTANCE ADVICE

Cheque Payments to:
BDO Canada Limited
100-633 Colborne Street
London, ON N6B 2V3

Invoice #	10132021
Amount	\$8,828.90

October 13, 2021

For professional services

Staff	Date	Time	Narrative
Duwyn, R	10/25/2019	0.6	Final review of report and send to S. Cherniak for review.
Duwyn, R	11/05/2019	0.6	Review comments from counsel to skyrise on motion, review changes to draft motion and discuss with counsel. Change motion date.
Duwyn, R	11/20/2019	0.5	Discuss changes to draft motion with counsel. Review draft order and ancillary order, comments to counsel.
Duwyn, R	11/21/2019	0.9	Review draft order and comments from various parties on same.
Duwyn, R	11/22/2019	1.4	Review email updates from creditors and lien holders. Review issued order.
Duwyn, R	11/25/2019	0.2	Website update.
Duwyn, R	11/26/2019	0.4	Distribute payments following November Order.
Duwyn, R	11/27/2019	0.8	Draft Supplement to third report.
Duwyn, R	11/28/2019	1.1	Edits to third supplement
Finnegan, M	11/29/2019	0.4	Paying approved trustee and legal invoices
Duwyn, R	12/03/2019	0.5	Update SRD and process obtain additional backup to process approved payments
Duwyn, R	12/04/2019	0.3	Edits to report and send to counsel.
Finnegan, M	12/04/2019	0.5	Billing for various Sirius projects
Duwyn, R	12/09/2019	0.3	Discuss report with counsel. Edits and send for review.
Duwyn, R	12/11/2019	0.2	Update to creditor on distribution timing.
Duwyn, R	12/12/2019	0.3	Review comments on report from counsel and send to S. Cherniak for review.
Duwyn, R	12/13/2019	0.3	Update report.
Cherniak, S	12/13/2019	0.3	Review of report.
Duwyn, R	12/16/2019	0.2	Complete 3rd supplement and send to counsel.
Cherniak, S	12/16/2019	0.1	Finalize and execute report.
Duwyn, R	12/27/2019	0.3	Review draft notice of motion.
Duwyn, R	01/02/2020	0.6	Review motion material.
Finnegan, M	01/02/2020	0.2	Call from employee who had not property filed a weppa claim
Duwyn, R	01/06/2020	0.2	Review motion confirmation for Jan 10 court hearing.
Duwyn, R	01/14/2020	0.1	Confirm with counsel that order was issued.
Duwyn, R	01/24/2020	0.3	Update call with union on timing of distribution
Duwyn, R	01/28/2020	0.8	Calculate payments owing to WEPP/Union
Duwyn, R	03/09/2020	0.2	Update to creditor

Staff	Date	Time	Narrative
Duwyn, R	04/08/2020	0.3	Review and process payments
Finnegan, M	04/16/2020	0.2	Receipt of inspector mins approving fee payment, bill interim fees
Finnegan, M	06/16/2020	0.2	Receipt of NOA's for tax
Finnegan, M	08/04/2020	0.5	File administration
Duwyn, R	08/17/2020	0.4	Calculate and complete distribution
Cherniak, S	08/17/2020	0.5	Review of schedule re claims to be paid out. Call with r. Duwyn re same.
Finnegan, M	09/17/2020	0.2	Bill payment
Finnegan, M	10/22/2020	0.3	Arrange wire transfer of funds to secured creditor
Duwyn, R	12/02/2020	1.2	Draft distribution report.
Duwyn, R	12/03/2020	1.3	Draft 5th report. Review status of Guelph project.
Duwyn, R	12/03/2020	0.5	Edits to 5th report.
Duwyn, R	12/04/2020	0.5	Update to 5th report
Duwyn, R	12/15/2020	0.9	5th report update and send to counsel for review.
Duwyn, R	12/17/2020	0.6	Update to report following counsel comments.
Duwyn, R	12/21/2020	0.4	Update on report with counsel. Send to BDO staff for review.
Duwyn, R	12/24/2020	0.2	Approve payments for claims process.
		20.8	Total Time

Staff	Location	Position	Hourly Rate	Time
Cherniak, S	London	Partner	\$525	0.6
Duwyn, R	Kitchener	Sr. Manager	\$375	17.4
Finnegan, M	London	Estate Administrator	\$175	2.8
				20.8



Invoice #10132021
Sirius Concrete – Guelph
HST Reg # 101518124RT0001

Sirius Concrete

October 13, 2021

Re: Guelph

For professional services rendered for the period October 24, 2019 through October 7, 2021 as per the attached detail:

Our Fee	\$17,512.50
HST	2,276.62
Total	<u>\$19,789.12</u>

REMITTANCE ADVICE

Cheque Payments to:
BDO Canada Limited
100-633 Colborne Street
London, ON N6B 2V3

Invoice #	10132021
Amount	\$19,789.12

October 13, 2021

For professional services rendered

Staff	Date	Time	Narrative
Duwyn, R	10/24/2019	0.2	Update call with Doka
Duwyn, R	11/05/2019	0.2	Discuss lien discharge with counsel.
Duwyn, R	11/20/2019	1	Review statement of defense from Ayerswood. Review with counsel.
Duwyn, R	11/25/2019	0.5	Discuss Ayerswood litigation strategy- send settlement offer. Call with D. Forbes Re: obtaining summary of cheque receipt.
Duwyn, R	12/05/2019	0.6	Review Dave Forbes update on file and send to counsel. Call with Dave Forbes on same.
Duwyn, R	12/12/2019	0.9	Call with counsel and D. Forbes on Ayerswood litigation. Review offer to settle and send comments to counsel.
Duwyn, R	12/13/2019	0.5	Review offer to settle. Discuss defense with legal counsel.
Duwyn, R	12/16/2019	0.5	Discuss litigation with counsel and requirement for h/b from distribution. Send schedule of value to counsel.
Duwyn, R	12/17/2019	0.2	Obtain additional Ayerswood documents and send to counsel.
Duwyn, R	12/18/2019	0.2	Question from counsel on Ayerswood billing.
Duwyn, R	12/19/2019	0.3	Review memo from counsel on litigation.
Duwyn, R	01/02/2020	0.4	Follow up with counsel on call with Ayerswood and next steps.
Duwyn, R	01/21/2020	0.2	Discuss next step with counsel. Review draft email to Ayerswood.
Duwyn, R	01/23/2020	0.3	Response from S. Turton.
Duwyn, R	01/29/2020	0.4	Review letter form counsel to Ayerswood, discuss with BDO counsel and determine response.
Duwyn, R	02/04/2020	0.2	Update from counsel on Ayerswood
Duwyn, R	02/14/2020	0.2	Follow up with Ayerswood counsel.
Duwyn, R	02/18/2020	0.3	Email to and from counsel to Ayerswood Re: lien claims and payments.
Duwyn, R	02/21/2020	0.6	Update from counsel on Ayerswood matter
Duwyn, R	02/24/2020	0.3	Discuss format of court report with counsel.
Duwyn, R	02/25/2020	1.9	Draft report
Duwyn, R	02/26/2020	1.5	Email to and from Doka on timing of Guelph distribution. Discuss report with counsel. Draft/edits to report.
Duwyn, R	02/28/2020	0.8	Review comments from counsel, edits to report. Send to counsel.
Duwyn, R	03/02/2020	0.4	Edits to report, send to BDO staff for review.
Duwyn, R	03/03/2020	0.9	Discuss report with BDO staff and counsel. Edits to same.
Duwyn, R	03/04/2020	0.2	Email with the union Re: timing of payment
Duwyn, R	03/05/2020	0.9	Review draft notice of motion. Comments to counsel.
Duwyn, R	03/09/2020	0.1	Discuss update with counsel on timing of motion.
Duwyn, R	03/10/2020	0.5	Discuss service of motion with counsel. Review original service motion and determine proper service. Update website
Duwyn, R	03/11/2020	0.2	Review notice to service list, discuss with counsel.
Duwyn, R	03/12/2020	0.4	Updates to website. Discuss timing of motion and special appointment.
Duwyn, R	03/16/2020	0.2	Confirm adjournment of motion as court is closed.

Staff	Date	Time	Narrative
Duwyn, R	03/17/2020	0.3	Email to and from Creditor Re: 4th report and motion. Send documents.
Duwyn, R	03/30/2020	0.2	Discuss setting up virtual court attendance
Duwyn, R	04/13/2020	0.3	Review emails to and from counsel to Ayerswood. Discuss response with counsel and review and approve draft.
Duwyn, R	05/14/2020	0.1	Update to creditor
Duwyn, R	05/15/2020	0.2	Discuss moving file to Commercial List to move up timeline for hearing.
Duwyn, R	05/26/2020	0.3	Update on status of claim with counsel.
Duwyn, R	05/27/2020	0.5	Review and approve email form BDO counsel to Ayerswood counsel, multiple emails and calls.
Duwyn, R	06/02/2020	0.2	Call and email with counsel on booking motion
Duwyn, R	06/04/2020	0.4	Discuss action on motion with counsel. Review letter to court, comments to counsel.
Duwyn, R	06/05/2020	0.1	Review letter form court Re: motion
Duwyn, R	07/02/2020	0.2	Call with Dave Re: update on Ayerswood and current status of project.
Duwyn, R	07/20/2020	0.2	Emails with Ayerswood counsel on August motion.
Duwyn, R	07/24/2020	0.2	Update to counsel to prepare for court date.
Duwyn, R	08/04/2020	0.5	Update on Aug 13 motion with counsel.
Duwyn, R	08/05/2020	0.3	Call with counsel on letter to counsel to Ayerswood
Duwyn, R	08/07/2020	0.2	Review email to Ayerswood from BDO counsel.
Duwyn, R	08/13/2020	0.6	Court motion Re: Ayerswood scheduling
Duwyn, R	08/14/2020	0.5	Call and emails to update CBM counsel.
Duwyn, R	08/18/2020	0.3	Update with creditor.
Duwyn, R	08/19/2020	0.2	Email to creditor following court motion.
Duwyn, R	08/25/2020	0.3	Email with counsel on attendance at the case conf. And special hearing.
Duwyn, R	08/31/2020	0.6	Review Factum of Trustee counsel.
Duwyn, R	09/10/2020	0.5	Case conference
Duwyn, R	09/29/2020	0.3	Update call with creditor.
Duwyn, R	10/09/2020	0.3	Update with creditor on status
Duwyn, R	10/13/2020	1.4	Review responding material from Ayerswood counsel. Call with BDO counsel and staff how to respond, content and format.
Duwyn, R	10/14/2020	1.5	Draft response to Ayerswood.
Duwyn, R	10/19/2020	0.6	Review supplement to 4th report. Edits to same and discuss with counsel.
Duwyn, R	10/20/2020	0.5	Complete response and send to counsel for service. Update material on website
Duwyn, R	10/22/2020	0.3	Update to creditor on Nov 18 motion.
Duwyn, R	10/26/2020	0.1	Update with counsel on responses from other parties to Nov 18 motion.
Duwyn, R	10/29/2020	0.2	Update with CLAC on Guelph project
Duwyn, R	11/03/2020	0.5	Discuss upcoming motion with counsel. Reach out to lien parties re: participation and question.
Duwyn, R	11/05/2020	0.8	Review offer to settle from Ayerswood. Discuss with legal counsel. Discuss with BDO staff. Review email from BDO counsel to Ayerswood
Duwyn, R	11/06/2020	0.2	Update call from counsel on support for Ayerswood motion.

Staff	Date	Time	Narrative
Duwyn, R	11/12/2020	0.2	Review notice from counsel, question on Factum of Ayerswood.
Duwyn, R	11/13/2020	2.1	Review factum and book of authority. Discuss with counsel and further review of camara affidavit. Review past cases from factum.
Duwyn, R	11/16/2020	0.9	Discuss file with counsel. Review and provide comments on responding factum of Trustee.
Duwyn, R	11/17/2020	1	Review reports, facums and affidavits prior to court hearing.
Duwyn, R	11/18/2020	2.6	Review material prior to hearing. Attend special appointment.
Duwyn, R	11/20/2020	0.3	Debrief with counsel on motion and possible next steps.
Duwyn, R	12/02/2020	0.4	Email from Ayerswood RE: CLAC claim. Send claim to Ayerswood.
Duwyn, R	12/08/2020	0.1	Update with counsel on order.
Duwyn, R	12/14/2020	0.8	Review decisions. Call with counsel on same.
Duwyn, R	12/24/2020	0.4	Review notice of appeal and discuss with counsel.
Duwyn, R	01/04/2021	1.1	Appeal issues, discuss with counsel and review response Re: Evidence to Ayerswood
Duwyn, R	01/12/2021	0.2	Email with counsel Re: correction of Ayerswood appeal filing.
Duwyn, R	01/13/2021	0.3	Review draft order from Ayerswood. Discuss correcting appeal with counsel.
Duwyn, R	01/19/2021	0.4	Update on status of appeal to creditor.
Duwyn, R	01/22/2021	0.3	Review motion material from Ayerswood for appeal extension
Duwyn, R	01/29/2021	0.3	Update to creditor.
Duwyn, R	02/01/2021	0.4	Review status of appeal and any o/s items for BDO.
Duwyn, R	02/04/2021	0.2	Update on status of appeal with Ayerswood.
Duwyn, R	02/08/2021	0.3	Update on appeal from Ayerswood counsel, discuss same with BDO counsel.
Duwyn, R	02/22/2021	0.1	Update from Ayerswood
Duwyn, R	02/26/2021	0.2	Update from counsel on status of appeal- reserve decision.
Duwyn, R	03/31/2021	0.1	Update on court of appeal timing
Duwyn, R	04/05/2021	0.4	Update call with creditor on status of file and appeal.
Duwyn, R	04/19/2021	0.2	Update on timing of appeal
Duwyn, R	04/28/2021	0.3	Review letter from Ayerswood to appeal court.
Duwyn, R	05/05/2021	0.3	Email update to counsel for Cotton
Duwyn, R	05/06/2021	0.1	Email with counsel to Cooper.
Duwyn, R	06/01/2021	0.1	Update with counsel on timing
Duwyn, R	06/25/2021	0.2	Update on appeal
Duwyn, R	06/30/2021	0.2	Review appeal timeline, update call with counsel on status of appeal.
Duwyn, R	07/08/2021	0.1	F/u with Ayerswood counsel.
Duwyn, R	07/12/2021	0.1	Update from appeal court
Duwyn, R	08/09/2021	0.2	Follow up
Duwyn, R	08/23/2021	0.1	Update to Doak
Duwyn, R	08/26/2021	0.1	Update with counsel and email to Ayerswood Re: decision on appeal update.
Duwyn, R	09/15/2021	0.2	F/u with counsel on decision from appeal court.
Duwyn, R	09/20/2021	0.4	Call with counsel delays with appeal court and options. Email to Ayerswood counsel.
Duwyn, R	09/30/2021	0.3	Update on appeal

Staff	Date	Time	Narrative
Duwyn, R	10/01/2021	0.1	Obtain order allowing Ayerswood to file appeal.
Duwyn, R	10/05/2021	0.3	Review email from counsel on next steps and process
Duwyn, R	10/07/2021	0.4	Call with counsel to review appeal filed by Ayerswood and next steps/responding material from Trustee.
		46.7	Total Time

Staff	Position	Rate	Time
Duwyn, R	Vice President	\$375	46.7



Invoice # 10132021
Sirius Concrete – Parking Lot
HST Reg # 101518124RT0001

Sirius Concrete

October 13, 2021

Re: Parking Lot

For professional services rendered for the period November 26, 2019 through January 14, 2020 as per the detail:

Our Fee	\$750.00
HST	97.50
Total	<u>\$847.50</u>

REMITTANCE ADVICE

Cheque Payments to:
BDO Canada Limited
100-633 Colborne Street
London, ON N6B 2V3

Invoice # 10132021

Amount \$847.50

Staff	Date	Time	Narrative
Robyn Duwyn	11/26/2019	1.0	update call with Newton, memo to file.
Robyn Duwyn	01/14/2020	1.0	call with Newton group and confirm payment is on the way.
		2.0	Total Time

Staff	Position	Rate	Time
Duwyn, R	Vice President	\$375	2.0

**Summary of Trustee's Accounts for the period
October 24, 2019 through October 13, 2021**

Project	Invoice Date	Hours Expended	Fees & Disbursements	HST	Invoice Total
Guelph	October 13, 2021	46.7	17,512.50	2,276.62	19,789.12
Parking Lot	October 13, 2021	2.0	750.00	97.50	847.50
Claims Process	October 13, 2021	20.8	7,330.00	952.90	8,282.90
			25,592.50	3,327.02	28,919.52

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

AFFIDAVIT OF STEPHEN CHERNIAK

HARRISON PENZA LLP
Barristers & Solicitors
450 Talbot Street
London, ON N6A 5J6

Melinda Vine (LSO #53612R)

Tel : (519) 679-9660

Fax: (519) 667-3362

Email: mvine@harrisonpensa.com

Solicitors for the Trustee,
BDO Canada Limited

APPENDIX "B"

**ONTARIO
SUPERIOR COURT OF JUSTICE
IN THE BANKRUPTCY AND INSOLVENCY**

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

**AFFIDAVIT OF ROBERT DANTER
(Sworn October 25, 2021)**

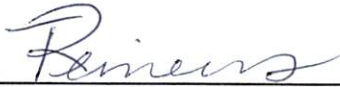
I, **ROBERT DANTER**, of the City of London, in the Province of Ontario, **MAKE OATH AND SAY:**

1. I am a solicitor qualified to practice law in the Province of Ontario and I am a lawyer with Harrison Pensa ^{LLP}, who acts as counsel for BDO Canada Limited as the Insolvency Trustee for the Estate of Sirius Concrete Inc. (the "**Trustee**") in the within proceeding and as such I have knowledge of the matters to which I hereinafter depose except for those matters based expressly upon information and belief.
2. Attached hereto and marked as Exhibit "A" is a summary of the time incurred by professionals at Harrison Pensa ^{LLP}, the hourly rate and fees associated with such and disbursements for the period of October 1, 2019 to October 8, 2021.
3. Attached hereto and marked as Exhibit "B" are particulars of time spent by professionals at Harrison Pensa ^{LLP} in connection with this matter for the period of October 1, 2019 to October 8, 2021.
4. The fees and disbursements of Harrison Pensa from October 1, 2019 to October 8, 2021 are \$66,908.75.
5. The weighted average hourly rate charged by professionals at Harrison Pensa is \$204.17.

6. The hourly billing rates set out in the Exhibits are comparable to the hourly rates charged by Harrison Pensa ^{LLP} for services rendered in relation to similar proceedings.
7. I make this Affidavit in support of among other things, approval of fees and disbursements of the counsel for the Receiver.

Sworn or Affirmed before me: (select one): in person OR by video conference

at the of City of London in the Province of Ontario, on October 25, 2021.



Signature of Commissioner (or as may be)



ROBERT DANTER

<p>Taylor Elizabeth Reiners, Commissioner for Taking Affidavits, Province of Ontario, LSO #P14450</p>
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**ONTARIO
SUPERIOR COURT OF JUSTICE
IN THE BANKRUPTCY AND INSOLVENCY**

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

EXHIBITS

TABS "A" TO "B" ARE THE
EXHIBITS TO THE AFFIDAVIT OF
ROBERT DANTER
SWORN THIS 25th DAY OF OCTOBER, 2021



A Commissioner for taking Affidavits

**Tayler Elizabeth Reiners,
Commissioner for Taking Affidavits,
Province of Ontario,
LSO #P14450**

EXHIBIT A

(From October 1, 2019 to October 8, 2021)

	NAME	YEAR OF CALL	ACTUAL HOURS	HOURLY RATE	TOTAL
Partners	Timothy Hogan	1995	.50	\$450.00	\$225.00
	Melinda Vine	2007	108.44	\$350.00	\$37,953.49
Associate	Rob Danter	2015	14.00	\$225.00	\$3,150.00
	Rob Danter	2015	31.30	\$250.00	\$7,825.00
	Thomas Masterson	2019	2.50	\$175.00	\$437.50
	Thomas Masterson	2019	1.40	\$185.00	\$259.00
	Jonathan Mahoney	2020	2.00	\$100.00	\$200.00
	Jason DiFruscia	2021	3.30	\$100.00	\$330.00
	Jason DiFruscia	2021	0.10	\$175.00	\$17.50
Clerks	Lindsay Provost		35.00	\$165.00	\$5,775.00
	Jana Streith		.10	\$175.00	\$17.50
Students	Justin Larson		1.70	\$100.00	\$170.00
TOTAL FEES					\$56,359.99
HST ON FEES					\$7,326.80
TOTAL TAXABLE DISBURSEMENTS					\$2,438.68
TOTAL NON-TAXABLE DISBURSEMENTS					\$466.25
HST DISBURSEMENTS					\$317.03
TOTAL FEES, DISBURSEMENTS AND HST					\$66,908.75
Allocation to Construction Projects					\$57,000.18
Allocation to Bankrupt Estate					\$9,908.57

EXHIBIT B



HARRISON PENSA
 450 Talbot Street
 P.O. Box 3237
 LONDON ON N6A 4K3

Telephone: (519) 679 9660
 Facsimile: (519) 667 3362

BDO Canada Limited
 51 Breithaupt Street, Unit 300
 Kitchener, ON N2H 5G5

October 13, 2021
 Invoice #: 218225
 Account #: 218225-177459

File #: 177459/Melinda Vine
 RE: Sirius Concrete Inc.

SUMMARY OF THIS INVOICE

Total Fees	\$ 56,359.99
Total Disbursements	\$ 2,904.93
Total Tax	\$ <u>7,643.83</u>
TOTAL	\$ 66,908.75
APPLIED FROM TRUST	\$ <u>0.00</u>
TOTAL THIS INVOICE	\$ 66,908.75
TOTAL PRIOR OUTSTANDING INVOICES	\$ <u>0.00</u>
TOTAL DUE AND OWING:	\$ <u>66,908.75</u>

**PLEASE REMIT WITH PAYMENT
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 450 Talbot Street
 P.O. Box 3237
 LONDON ON N6A 4K3

Telephone: (519) 679 9660
 Facsimile: (519) 667 3362

BDO Canada Limited
 51 Breithaupt Street, Unit 300
 Kitchener, ON N2H 5G5

October 13, 2021
 Invoice #: 218225
 Account #: 218225-177459

File #: 177459/Melinda Vine
 RE: Sirius Concrete Inc.

TO ALL PROFESSIONAL SERVICES RENDERED in connection with the above-noted matter, including:

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
1-Oct-19	To conference client; to correspondence with Statham;	.24	\$83.49	MVI
1-Oct-19	To lien discharges;	.20	\$70.00	MVI
2-Oct-19	To e-mail correspondence with counsel;	.10	\$16.50	LFE
3-Oct-19	To conference client;	.20	\$70.00	MVI
3-Oct-19	To correspondence with Statham;	.50	\$175.00	MVI
3-Oct-19	To conference client;	.20	\$70.00	MVI
3-Oct-19	To correspondence with client and Statham;	.20	\$70.00	MVI
4-Oct-19	To various acknowledgement and directions re: lien discharge;	.20	\$70.00	MVI
4-Oct-19	To various correspondence with Statham and the Trustee; to conference client;	.50	\$175.00	MVI
7-Oct-19	To correspondence with Statham;	.20	\$70.00	MVI
7-Oct-19	To correspondence with client;	.20	\$70.00	MVI
7-Oct-19	To correspondence to Forrest;	.20	\$70.00	MVI
7-Oct-19	To conference client;	.20	\$70.00	MVI
8-Oct-19	To correspondence to Cherniak;	.20	\$70.00	MVI
8-Oct-19	To various correspondence with Statha and client re: holdback;	.30	\$105.00	MVI
9-Oct-19	To review various correspondence from Statham;	.30	\$105.00	MVI
9-Oct-19	To correspondence with client;	.20	\$70.00	MVI
10-Oct-19	To correspondence from Wilscot;	.20	\$70.00	MVI
11-Oct-19	To call to Statham;	.10	\$35.00	MVI

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
15-Oct-19	To various correspondence re: forms;	.50	\$175.00	MVI
15-Oct-19	To call to Statham;	.20	\$70.00	MVI
15-Oct-19	To correspondence with Skyrise;	.20	\$70.00	MVI
15-Oct-19	To correspondence with Skyrise;	.20	\$70.00	MVI
16-Oct-19	To correspondence with client;	.20	\$70.00	MVI
21-Oct-19	To conference client;	.20	\$70.00	MVI
21-Oct-19	To correspondence to Statham;	.20	\$70.00	MVI
21-Oct-19	To conference with Statham;	.20	\$70.00	MVI
21-Oct-19	To correspondence with Statham;	.10	\$35.00	MVI
21-Oct-19	To correspondence from Statham;	.20	\$70.00	MVI
21-Oct-19	To correspondence with client re: parking lot holdback payment;	.20	\$70.00	MVI
21-Oct-19	To conference with client;	.20	\$70.00	MVI
21-Oct-19	To review report;	.30	\$105.00	MVI
22-Oct-19	To conference client; to correspondence to Statham;	.20	\$70.00	MVI
24-Oct-19	To correspondence with client;	.20	\$70.00	MVI
24-Oct-19	To review Court Report;	.80	\$280.00	MVI
24-Oct-19	To conference client;	.20	\$70.00	MVI
24-Oct-19	To draft fee affidavit ;	.80	\$280.00	MVI
24-Oct-19	To review correspondence from counsel;	.10	\$16.50	LFE
25-Oct-19	To fee Affidavit;	.10	\$16.50	LFE
25-Oct-19	To correspondence with Statham;	.20	\$70.00	MVI
25-Oct-19	To conference with client;	.20	\$70.00	MVI
25-Oct-19	To correspondence with Statham;	.20	\$70.00	MVI
25-Oct-19	To correspondence with client;	.20	\$70.00	MVI
28-Oct-19	To conference client;	.20	\$70.00	MVI
28-Oct-19	To draft Notice of Motion;	1.00	\$350.00	MVI
28-Oct-19	To correspondence from BDO;	.20	\$70.00	MVI
28-Oct-19	To edit Notice of Motion and draft Order;	1.20	\$198.00	LFE
28-Oct-19	To prepare exhibits for trustee's report;	1.60	\$264.00	LFE
29-Oct-19	To prepare motion materials for serving and filing;	.50	\$82.50	LFE
29-Oct-19	To amend Notice of Motion and Order;	.90	\$148.50	LFE
29-Oct-19	To Notice of Motion; to Discharge Certificate; to Order;	1.50	\$525.00	MVI
29-Oct-19	To correspondence with client;	.30	\$105.00	MVI

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
29-Oct-19	To motion record and exhibits;	.30	\$105.00	MVI
29-Oct-19	To various correspondence with client;	.20	\$70.00	MVI
30-Oct-19	To service and filing of materials;	.20	\$70.00	MVI
30-Oct-19	To review correspondence from Sutherland; to correspondence with Trustee;	.40	\$140.00	MVI
30-Oct-19	To conference client; to conference Sutherland;	.30	\$105.00	MVI
30-Oct-19	To correspondence with Savoie Cranes;	.20	\$70.00	MVI
30-Oct-19	To prepare motion materials for filing;	1.10	\$181.50	LFE
30-Oct-19	To e-mail correspondence with service list;	.10	\$16.50	LFE
30-Oct-19	To draft Affidavit of Service;	.20	\$33.00	LFE
30-Oct-19	To phone call with Rob Savoie;	.10	\$16.50	LFE
30-Oct-19	To draft memo to process server;	.10	\$16.50	LFE
1-Nov-19	To correspondence with process server;	.10	\$16.50	LFE
1-Nov-19	To conference client;	.20	\$70.00	MVI
1-Nov-19	To correspondence with Statham;	.20	\$70.00	MVI
1-Nov-19	To conference Statham;	.20	\$70.00	MVI
4-Nov-19	To review order from Statham; to conference Statham;	.50	\$175.00	MVI
4-Nov-19	To correspondence with Statham; to motion confirmation;	.20	\$70.00	MVI
4-Nov-19	To correspondence with client;	.20	\$70.00	MVI
4-Nov-19	Review PINs re November 22 Order, liens	.90	\$202.50	RDA
4-Nov-19	To draft and issue motion confirmation;	.20	\$33.00	LFE
4-Nov-19	To draft order;	.10	\$16.50	LFE
5-Nov-19	To review property searches;	.40	\$66.00	LFE
5-Nov-19	To prepare amended Notice of Motion for serving and filing;	.70	\$115.50	LFE
5-Nov-19	Draft/revise order re waterloo, guelph liens	3.00	\$675.00	RDA
5-Nov-19	To various lien discharge issues;	.20	\$70.00	MVI
5-Nov-19	To correspondence with client; to motion return issues;	.30	\$105.00	MVI
5-Nov-19	To various issues regarding discharge of liens;	.20	\$70.00	MVI
6-Nov-19	To correspondence to Statham;	.20	\$70.00	MVI
6-Nov-19	Finalize order (re liens)	.80	\$180.00	RDA
6-Nov-19	To update file re memo to process server;	.10	\$16.50	LFE
7-Nov-19	Further revise order	.50	\$112.50	RDA
7-Nov-19	To conference counsel for Roc;	.20	\$70.00	MVI

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
7-Nov-19	To correspondence from Statham;	.20	\$70.00	MVI
8-Nov-19	To Order;	.20	\$70.00	MVI
11-Nov-19	To review amended order and Notice;	.30	\$105.00	MVI
11-Nov-19	To correspondence with client;	.20	\$70.00	MVI
11-Nov-19	To correspondence with Statham;	.20	\$70.00	MVI
11-Nov-19	Revise notice of motion, draft ancillary order	1.70	\$382.50	RDA
13-Nov-19	To correspondence with Statham;	.20	\$70.00	MVI
14-Nov-19	To correspondence from Statham;	.20	\$70.00	MVI
14-Nov-19	To instructions re: amended Order and certificate;	.20	\$70.00	MVI
15-Nov-19	To conference client;	.20	\$70.00	MVI
15-Nov-19	To amended Order;	.50	\$175.00	MVI
15-Nov-19	To correspondence with Statham;	.20	\$70.00	MVI
15-Nov-19	To correspondence with client;	.20	\$70.00	MVI
15-Nov-19	Revise Ancillary Order re payment certificate, draft certificate	1.80	\$405.00	RDA
15-Nov-19	Revise amended notice of motion	.50	\$112.50	RDA
18-Nov-19	To review correspondence from Statham; to call to Statham; to call to client; to review correspondence from Statham; to conference Statham; to review Statement of Defence anc Counterclaim of Ayerswood; to various correspondence with client;	1.50	\$525.00	MVI
18-Nov-19	To motion confirmation;	.20	\$70.00	MVI
18-Nov-19	To e-mail correspondence with counsel re motion confirmation;	.10	\$16.50	LFE
18-Nov-19	To update file re Statement of Defence;	.10	\$16.50	LFE
18-Nov-19	To draft and issue motion confirmation;	.20	\$33.00	LFE
18-Nov-19	To phone call with Stephenson Rental, creditor;	.10	\$16.50	LFE
18-Nov-19	To review voicemail from creditor;	.10	\$16.50	LFE
19-Nov-19	To correspondence with client;	.20	\$70.00	MVI
19-Nov-19	To correspondence with counsel for Roc;	.20	\$70.00	MVI
19-Nov-19	To conference Turton;	.20	\$70.00	MVI
20-Nov-19	To correspondence with Turton;	.20	\$70.00	MVI
20-Nov-19	To conference client;	.20	\$70.00	MVI
20-Nov-19	To conference Statham;	.20	\$70.00	MVI
20-Nov-19	To amended Order;	.20	\$70.00	MVI

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
20-Nov-19	To correspondence with client;	.20	\$70.00	MVI
20-Nov-19	To review correspondence from Statham; to correspondence to Statham;	.30	\$105.00	MVI
20-Nov-19	Revise ancillary/distribution orders	.60	\$135.00	RDA
21-Nov-19	Finalize ancillary order, send to counsel	.60	\$135.00	RDA
21-Nov-19	All communications with counsel re revised ancillary order.	.30	\$67.50	RDA
21-Nov-19	Research Re; OC's Defense	2.00	\$200.00	JOM
21-Nov-19	To correspondence with client and Statham;	.20	\$70.00	MVI
21-Nov-19	To correspondence to service list;	.20	\$70.00	MVI
21-Nov-19	To correspondence with O'Connor;	.20	\$70.00	MVI
21-Nov-19	To correspondence from Forrest;	.10	\$35.00	MVI
21-Nov-19	To email from Statum;	.10	\$35.00	MVI
21-Nov-19	To correspondence with ROC;	.20	\$70.00	MVI
21-Nov-19	To conference Blay;	.10	\$35.00	MVI
21-Nov-19	To consent from Roc;	.10	\$35.00	MVI
21-Nov-19	To conference Kopach;	.20	\$70.00	MVI
21-Nov-19	To call to Turton;	.20	\$70.00	MVI
21-Nov-19	To various issue with respect to Order and dismissing of actions;	.30	\$105.00	MVI
21-Nov-19	To prepare consents for motion;	.20	\$33.00	LFE
21-Nov-19	To prepare motion materials for motion;	.30	\$49.50	LFE
21-Nov-19	To e-mail correspondence with service list;	.10	\$16.50	LFE
21-Nov-19	To prepare orders;	.10	\$16.50	LFE
22-Nov-19	To e-mail correspondence with service list re issued orders;	.20	\$33.00	LFE
22-Nov-19	To update file with issued orders;	.20	\$33.00	LFE
22-Nov-19	To prepare orders for motion;	.40	\$66.00	LFE
22-Nov-19	To follow on Doka consent;	.20	\$70.00	MVI
22-Nov-19	Preparation for motions court	.80	\$180.00	RDA
22-Nov-19	Attend at motions court (approval, distribution, ancillary orders)	2.00	\$450.00	RDA
25-Nov-19	To review file and correspondence with client;	.30	\$105.00	MVI
25-Nov-19	To conference client;	.20	\$70.00	MVI
25-Nov-19	To correspondence and conferece with Friedman;	.30	\$105.00	MVI

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
25-Nov-19	To review bill of costs;	.20	\$33.00	LFE
25-Nov-19	To e-mail correspondence with counsel;	.10	\$16.50	LFE
25-Nov-19	To amend service list;	.30	\$49.50	LFE
26-Nov-19	To correspondence with Statham;	.20	\$70.00	MVI
28-Nov-19	To correspondence with client;	.20	\$70.00	MVI
28-Nov-19	To conference client;	.20	\$70.00	MVI
3-Dec-19	To e-mail correspondence with Robyn Duwyn;	.10	\$16.50	LFE
6-Dec-19	To phone call from creditor;	.10	\$16.50	LFE
7-Dec-19	To correspondence from Dave and to client;	.20	\$70.00	MVI
9-Dec-19	To conference with client;	.20	\$70.00	MVI
11-Dec-19	To correspondence with Minden Gross;	.20	\$70.00	MVI
11-Dec-19	To review report;	.30	\$105.00	MVI
11-Dec-19	To draft offer to settle;	.10	\$16.50	LFE
12-Dec-19	To draft offer to settle;	.50	\$82.50	LFE
12-Dec-19	To correspondence to Turton;	.20	\$70.00	MVI
12-Dec-19	To review lien discharges and order;	.30	\$105.00	MVI
12-Dec-19	To Offer to Settle and correspondence with client;	.30	\$105.00	MVI
12-Dec-19	To correspondence with client;	.20	\$70.00	MVI
12-Dec-19	To correspondence with client;	.20	\$70.00	MVI
12-Dec-19	To conference Forbes;	.20	\$70.00	MVI
12-Dec-19	To review report; to conference client;	.40	\$140.00	MVI
16-Dec-19	To conference client re: leave and costs; to instructions to student;	.50	\$175.00	MVI
16-Dec-19	To review Statement of Defence and Contract;	.50	\$175.00	MVI
16-Dec-19	To draft Statement of Defence;	.80	\$280.00	MVI
16-Dec-19	To correspondence with client;	.20	\$70.00	MVI
16-Dec-19	To review progress valuations;	.20	\$70.00	MVI
16-Dec-19	To correspondence with client re: Guelph distribution;	.20	\$70.00	MVI
16-Dec-19	Locate orders	.20	\$45.00	RDA
16-Dec-19	To correspondence with client;	.20	\$70.00	MVI
16-Dec-19	To review defence and counterclaim;	.20	\$33.00	LFE
16-Dec-19	Research	2.50	\$437.50	THM
18-Dec-19	To preparation of orders;	.20	\$33.00	LFE
18-Dec-19	To edit Notice of Motion;	.20	\$33.00	LFE

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
18-Dec-19	To review progress invoices; to correspondence to client;	.30	\$105.00	MVI
18-Dec-19	Review/revise notice of motion	.30	\$67.50	RDA
18-Dec-19	To review Order and draft Notice of Motion;	1.20	\$420.00	MVI
18-Dec-19	To conference client;	.10	\$35.00	MVI
18-Dec-19	To draft Order and Schedules;	1.00	\$350.00	MVI
19-Dec-19	To correspondence with Statham;	.20	\$70.00	MVI
19-Dec-19	To correspondence with client;	.20	\$70.00	MVI
19-Dec-19	To correspondence to Turton;	.20	\$70.00	MVI
20-Dec-19	To correspondence with Statham;	.20	\$70.00	MVI
20-Dec-19	To call to Turton;	.20	\$70.00	MVI
27-Dec-19	To correspondence from Statham; to review changes; to correspondence to client;	.40	\$140.00	MVI
30-Dec-19	To review motion record and service list;	.30	\$105.00	MVI
30-Dec-19	To correspondence with client;	.20	\$70.00	MVI
30-Dec-19	To service of motion record;	.20	\$70.00	MVI
30-Dec-19	To draft Affidavit of Service;	.20	\$33.00	LFE
30-Dec-19	To e-mail correspondence with service list;	.10	\$16.50	LFE
30-Dec-19	To prepare motion record for serving and filing;	.90	\$148.50	LFE
31-Dec-19	To conference with Friedman;	.20	\$70.00	MVI
31-Dec-19	To correspondence with counsel for Doka and client;	.30	\$105.00	MVI
2-Jan-20	To correspondence to Turton;	.20	\$70.00	MVI
2-Jan-20	To correspondence with Cherniak;	.20	\$70.00	MVI
2-Jan-20	To conference client;	.20	\$70.00	MVI
2-Jan-20	To correspondence from and call to Mike Myers;	.20	\$70.00	MVI
2-Jan-20	To review Claims Procedure Order;	.20	\$70.00	MVI
2-Jan-20	To Doka Notice of Discontinuance;	.20	\$70.00	MVI
2-Jan-20	To correspondence to Frideman;	.20	\$70.00	MVI
2-Jan-20	To conference Turton;	.20	\$70.00	MVI
2-Jan-20	To draft memo to process server;	.10	\$16.50	LFE
2-Jan-20	To prepare motion record for filing;	.30	\$49.50	LFE
3-Jan-20	To update file re memo to process server;	.10	\$16.50	LFE
6-Jan-20	To draft and issue motion confirmation;	.20	\$33.00	LFE
6-Jan-20	To e-mail correspondence with service re motion confirmation;	.10	\$16.50	LFE

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
6-Jan-20	To motion confirmation;	.20	\$70.00	MVI
6-Jan-20	To correspondence with Statham;	.20	\$70.00	MVI
8-Jan-20	To correspondence to Turton;	.20	\$70.00	MVI
9-Jan-20	To draft Order;	.40	\$66.00	LFE
10-Jan-20	To finalize order;	.20	\$33.00	LFE
10-Jan-20	To Order;	.20	\$70.00	MVI
10-Jan-20	To attendance at Court; to report to client and Statam;	1.50	\$525.00	MVI
10-Jan-20	Preparation time; attend court to deliver motion record	.30	\$30.00	jla
13-Jan-20	To draft memo to process server;	.10	\$16.50	LFE
14-Jan-20	To correspondence with Statham; to follow on Order;	.30	\$105.00	MVI
14-Jan-20	To conference client;	.20	\$70.00	MVI
15-Jan-20	To follow on Order;	.20	\$70.00	MVI
15-Jan-20	To phone call with process server;	.10	\$16.50	LFE
16-Jan-20	To e-mail correspondence with service list;	.10	\$16.50	LFE
16-Jan-20	To arrange issuing of order;	.20	\$33.00	LFE
16-Jan-20	To update file re memo to process server and issued order;	.20	\$33.00	LFE
16-Jan-20	To correspondence with Turton;	.20	\$70.00	MVI
16-Jan-20	To conference client; to follow on Order;	.10	\$35.00	MVI
16-Jan-20	Attendance at Court Office; re dating of order	1.40	\$140.00	jla
20-Jan-20	To correspondence from Diana;	.10	\$35.00	MVI
21-Jan-20	To conference client;	.20	\$70.00	MVI
21-Jan-20	To correspondence to Turton;	.20	\$70.00	MVI
23-Jan-20	To various correspondence with Kopach;	.20	\$70.00	MVI
24-Jan-20	To review question from counsel for Doka;	.20	\$70.00	MVI
24-Jan-20	To correspondence with Doka;	.20	\$70.00	MVI
24-Jan-20	To correspondence from Turton;	.10	\$35.00	MVI
24-Jan-20	To conference with Kopach;	.20	\$70.00	MVI
28-Jan-20	To correspondence to Turton;	.20	\$70.00	MVI
28-Jan-20	To conference client;	.20	\$70.00	MVI
28-Jan-20	To update file re correspondence from counsel;	.10	\$16.50	LFE
29-Jan-20	To correspondence from Turton;	.20	\$70.00	MVI
31-Jan-20	To call to Turton and correspondence with client;	.20	\$70.00	MVI
3-Feb-20	To correspondence with Turton;	.20	\$70.00	MVI

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
3-Feb-20	To conference client;	.20	\$70.00	MVI
4-Feb-20	To correspondence with Turton;	.20	\$70.00	MVI
4-Feb-20	To conference Turton;	.20	\$70.00	MVI
4-Feb-20	To correspondence with client;	.20	\$70.00	MVI
10-Feb-20	To conference Turton;	.20	\$70.00	MVI
18-Feb-20	To correspondence to Turton;	.20	\$70.00	MVI
18-Feb-20	To correspondence from Turton; to review Claims Procedure Order; to review Construction Act;	.50	\$175.00	MVI
18-Feb-20	To conference client;	.20	\$70.00	MVI
20-Feb-20	To correspondence to Turton;	.20	\$70.00	MVI
21-Feb-20	To correspondence from o/c;	.20	\$70.00	MVI
21-Feb-20	To conference client;	.20	\$70.00	MVI
21-Feb-20	To conference client;	.20	\$70.00	MVI
24-Feb-20	To correspondence with client;	.20	\$70.00	MVI
24-Feb-20	To review Motion for Directions;	.20	\$70.00	MVI
24-Feb-20	To correspondence with Turton;	.20	\$70.00	MVI
24-Feb-20	To various correspondence with Turton and BDO;	.20	\$70.00	MVI
26-Feb-20	To conference client;	.20	\$70.00	MVI
27-Feb-20	To correspondence with client;	.20	\$70.00	MVI
27-Feb-20	To review Statement of Defence; to report;	1.50	\$525.00	MVI
27-Feb-20	To review Ayerswood Statement of Defence and Counterclaim;	.10	\$16.50	LFE
28-Feb-20	To correspondence with client;	.20	\$70.00	MVI
2-Mar-20	To report;	.30	\$105.00	MVI
3-Mar-20	To conference client;	.20	\$70.00	MVI
4-Mar-20	To correspondence with Kopach;	.20	\$70.00	MVI
4-Mar-20	To draft Notice of Motion;	1.00	\$350.00	MVI
4-Mar-20	To review and revise motion	.40	\$74.00	THM
5-Mar-20	To correspondence with client;	.20	\$70.00	MVI
5-Mar-20	To correspondence with client;	.20	\$70.00	MVI
6-Mar-20	To put motion together;	.20	\$33.00	LFE
9-Mar-20	Review motion and report	.50	\$225.00	TCH
9-Mar-20	To correspondence with client;	.20	\$70.00	MVI
9-Mar-20	To finalize motion materials;	.20	\$70.00	MVI

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
9-Mar-20	To correspondence with client;	.20	\$70.00	MVI
10-Mar-20	To correspondence with Turton;	.20	\$70.00	MVI
10-Mar-20	To correspondence with client;	.20	\$70.00	MVI
10-Mar-20	To correspondence with Savoie Cranes;	.20	\$70.00	MVI
10-Mar-20	To conference client;	.20	\$70.00	MVI
10-Mar-20	To motion record and service;	.50	\$175.00	MVI
10-Mar-20	To correspondence with Maxine;	.20	\$70.00	MVI
10-Mar-20	To correspondence with Turton;	.20	\$70.00	MVI
10-Mar-20	To e-mail correspondence with service list re motion record;	.20	\$33.00	LFE
10-Mar-20	To prepare motion record for service;	1.70	\$280.50	LFE
11-Mar-20	To draft memo to process server;	.10	\$16.50	LFE
11-Mar-20	To draft Affidavit of Service;	.30	\$49.50	LFE
11-Mar-20	To prepare motion record for filing;	.80	\$132.00	LFE
11-Mar-20	To draft and issue letter to service list re Motion Record;	1.00	\$165.00	LFE
11-Mar-20	To correspondence with client;	.20	\$70.00	MVI
11-Mar-20	To service letter;	.20	\$70.00	MVI
11-Mar-20	To correspondence with client;	.20	\$70.00	MVI
12-Mar-20	To conference client;	.20	\$70.00	MVI
13-Mar-20	To update file re memo to process server	.10	\$16.50	LFE
16-Mar-20	To e-mail correspondence with service list;	.10	\$16.50	LFE
16-Mar-20	To draft and issue motion confirmation;	.20	\$33.00	LFE
16-Mar-20	To conference client; to motion confirmation;	.20	\$70.00	MVI
16-Mar-20	To call with court;	.20	\$70.00	MVI
17-Mar-20	To correspondence with Sullivan;	.20	\$70.00	MVI
17-Mar-20	To correspondence with client;	.20	\$70.00	MVI
19-Mar-20	To review service of order;	.20	\$33.00	LFE
30-Mar-20	To correspondence with client;	.20	\$70.00	MVI
30-Mar-20	To correspondence to Turton;	.20	\$70.00	MVI
30-Mar-20	To correspondence with Turton;	.20	\$70.00	MVI
30-Mar-20	To conference Savoy;	.20	\$70.00	MVI
13-Apr-20	To various correspondence with Turton;	.30	\$105.00	MVI
13-Apr-20	To correspondence with client;	.20	\$70.00	MVI
28-Apr-20	To correspondence re: Certificate of Action removal;	.20	\$70.00	MVI

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
14-May-20	To correspondence with O'Connor;	.20	\$70.00	MVI
14-May-20	To e-mail correspondence with counsel;	.10	\$16.50	LFE
15-May-20	To correspondence with O'Connor;	.20	\$70.00	MVI
15-May-20	To correspondence with Trustee;	.20	\$70.00	MVI
19-May-20	To correspondence with Turton;	.20	\$70.00	MVI
22-May-20	To correspondence with Turton;	.20	\$70.00	MVI
26-May-20	To correspondence with Turton;	.20	\$70.00	MVI
26-May-20	To correspondence from and to Turton;	.30	\$105.00	MVI
26-May-20	To amend motion record;	.20	\$33.00	LFE
26-May-20	To conference Trustee;	.20	\$70.00	MVI
27-May-20	To correspondence with client and Turton;	.80	\$280.00	MVI
2-Jun-20	To various correspondence with client;	.30	\$105.00	MVI
2-Jun-20	To correspondence with Turton;	.20	\$70.00	MVI
3-Jun-20	To correspondence with Turton;	.20	\$70.00	MVI
3-Jun-20	To correspondence with Turton;	.20	\$70.00	MVI
4-Jun-20	To correspondence with Turton;	.20	\$70.00	MVI
4-Jun-20	To draft letter to court;	.50	\$175.00	MVI
4-Jun-20	To correspondence with Turton;	.20	\$70.00	MVI
4-Jun-20	To phone call and e-mail correspondence with court;	.30	\$49.50	LFE
4-Jun-20	To e-mail correspondence with counsel;	.10	\$16.50	LFE
4-Jun-20	To e-mail correspondence with court;	.10	\$16.50	LFE
4-Jun-20	To e-mail correspondence with client;	.10	\$16.50	LFE
4-Jun-20	To draft letter to court re urgent motion;	.60	\$99.00	LFE
5-Jun-20	To e-mail correspondence with court;	.10	\$16.50	LFE
5-Jun-20	To correspondence from Turton;	.20	\$70.00	MVI
5-Jun-20	To review endorsement of Justice Grace;	.20	\$70.00	MVI
5-Jun-20	To correspondence and conference client;	.20	\$70.00	MVI
8-Jun-20	To correspondence with Turton;	.20	\$70.00	MVI
22-Jun-20	To correspondence with Cotton; to review Proof of Claim; to correspondence with client;	.30	\$105.00	MVI
3-Jul-20	To correspondence with client;	.20	\$70.00	MVI
16-Jul-20	To correspondence with Statham;	.20	\$70.00	MVI
17-Jul-20	To motions court;	.20	\$70.00	MVI
17-Jul-20	To motion results and correspondence with client;	.30	\$105.00	MVI

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
20-Jul-20	To correspondence with Turton; to correspondence with client;	.30	\$105.00	MVI
27-Jul-20	To correspondence re: RBC;	.20	\$70.00	MVI
27-Jul-20	Review file re DOKA action, orders	.60	\$150.00	RDA
27-Jul-20	Emails with RBC re DOKA action	.20	\$50.00	RDA
27-Jul-20	Email to Oshawa trial coordinator re DOKA action	.20	\$50.00	RDA
3-Aug-20	To correspondence with client;	.20	\$70.00	MVI
4-Aug-20	To conference client;	.20	\$70.00	MVI
4-Aug-20	To prepare invoicing;	.20	\$33.00	LFE
5-Aug-20	To conference client;	.20	\$70.00	MVI
7-Aug-20	To correspondence with client;	.20	\$70.00	MVI
7-Aug-20	To correspondence with Turton;	.20	\$70.00	MVI
7-Aug-20	To correspondence from Turton;	.20	\$70.00	MVI
7-Aug-20	To conference client;	.20	\$70.00	MVI
7-Aug-20	To correspondence with court; to correspondence with Turton;	.30	\$105.00	MVI
7-Aug-20	To filing materials with the court;	.20	\$70.00	MVI
7-Aug-20	To various correspondence with Turton;	.20	\$70.00	MVI
7-Aug-20	To review motion materials; To e-mail correspondence with service list; To e-mail correspondence with court;	.50	\$82.50	LFE
10-Aug-20	To e-mail correspondence with court and service list;	.10	\$16.50	LFE
10-Aug-20	To draft motion confirmation;	.20	\$33.00	LFE
10-Aug-20	To e-mail correspondence with counsel;	.10	\$16.50	LFE
10-Aug-20	To materials to Turton;	.20	\$70.00	MVI
10-Aug-20	To motion confirmation;	.20	\$70.00	MVI
12-Aug-20	To review motion materials;	.20	\$33.00	LFE
12-Aug-20	Email to RBC re doka action	.20	\$50.00	RDA
12-Aug-20	To review Doka action;	.20	\$70.00	MVI
13-Aug-20	To conference Sutherland law;	.20	\$70.00	MVI
13-Aug-20	To prepare for motions court;	.50	\$175.00	MVI
13-Aug-20	To attend at motions court;	1.00	\$350.00	MVI
13-Aug-20	To report to client;	.20	\$70.00	MVI
14-Aug-20	To follow on Sirius endorsement;	.10	\$35.00	MVI
14-Aug-20	To conference client;	.10	\$35.00	MVI

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
14-Aug-20	Review file re ayerswood factum	.10	\$25.00	RDA
17-Aug-20	Draft/revise factum	1.90	\$475.00	RDA
17-Aug-20	To follow on Endorsement;	.10	\$35.00	MVI
17-Aug-20	To correspondence with client;	.20	\$70.00	MVI
17-Aug-20	To telephone conference with client;	.20	\$70.00	MVI
17-Aug-20	To review Orders re: payment of fees;	.20	\$70.00	MVI
17-Aug-20	To correspondence with client;	.20	\$70.00	MVI
17-Aug-20	To e-mail correspondence with process server;	.10	\$16.50	LFE
20-Aug-20	To e-mail correspondence with process server;	.10	\$16.50	LFE
21-Aug-20	Research re resulting trust	2.00	\$500.00	RDA
21-Aug-20	Draft/revise factum	1.50	\$375.00	RDA
24-Aug-20	Draft/revise factum	6.40	\$1,600.00	RDA
24-Aug-20	To e-mail correspondence with service list;	.20	\$33.00	LFE
24-Aug-20	To review cost to complete report;	.20	\$33.00	LFE
24-Aug-20	To correspondence to Service List;	.20	\$70.00	MVI
25-Aug-20	To review Factum;	.50	\$175.00	MVI
25-Aug-20	To update file re endorsement from motion;	.10	\$16.50	LFE
26-Aug-20	To conference re: factum;	.20	\$70.00	MVI
26-Aug-20	Revise factum	.40	\$100.00	RDA
27-Aug-20	Revise factum	.60	\$150.00	RDA
28-Aug-20	Revise factum	1.30	\$325.00	RDA
28-Aug-20	To e-mail correspondence with court;	.10	\$16.50	LFE
28-Aug-20	To update file re Case Conference and Special Appointment;	.10	\$16.50	LFE
31-Aug-20	To factum;	.30	\$105.00	MVI
31-Aug-20	To correspondence with BDO;	.20	\$70.00	MVI
31-Aug-20	To conference client;	.20	\$70.00	MVI
31-Aug-20	To call to Miller Thomson;	.20	\$70.00	MVI
31-Aug-20	To edit factum;	.70	\$115.50	LFE
1-Sep-20	To message from McGurrin;	.20	\$70.00	MVI
1-Sep-20	Revise affidavit	1.20	\$300.00	RDA
1-Sep-20	Email to client re ESA certificates	.20	\$50.00	RDA
4-Sep-20	Review Book of authorities	.50	\$125.00	RDA
4-Sep-20	Final revisions to factum	.30	\$75.00	RDA

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
4-Sep-20	To update file re Case Conference Brief of the Respondent;	.20	\$33.00	LFE
4-Sep-20	To e-mail correspondence with court;	.20	\$33.00	LFE
4-Sep-20	To e-mail correspondence with counsel;	.20	\$33.00	LFE
4-Sep-20	To draft motion confirmation;	.20	\$33.00	LFE
4-Sep-20	To edit factum and draft book of authorities;	1.00	\$165.00	LFE
7-Sep-20	Review respondent case conference brief.	.50	\$125.00	RDA
7-Sep-20	Draft case conference brief	2.00	\$500.00	RDA
8-Sep-20	Draft/revise case conference brief	1.10	\$275.00	RDA
8-Sep-20	Revise case conference brief	2.30	\$575.00	RDA
8-Sep-20	To e-mail correspondence with counsel; To edit case conference brief; To e-mail correspondence with service list; To e-mail correspondence with court;	.50	\$82.50	LFE
8-Sep-20	To various correspondence re: case conference brief;	.20	\$70.00	MVI
8-Sep-20	To service and filing of factum;	.20	\$70.00	MVI
8-Sep-20	To case conference brief;	.50	\$175.00	MVI
8-Sep-20	To review Ayerswood case conference brief;	.20	\$70.00	MVI
9-Sep-20	To e-mail correspondence with court; To e-mail correspondence with service list;	.20	\$33.00	LFE
10-Sep-20	To e-mail correspondence with service list;	.20	\$33.00	LFE
10-Sep-20	To material preparation for case conference;	.10	\$16.50	LFE
10-Sep-20	To prepare for and attend at hearing; to report to client;	.80	\$280.00	MVI
10-Sep-20	To receipt and review of endorsement;	.20	\$70.00	MVI
29-Sep-20	To review deadlines for responding materials;	.10	\$16.50	LFE
30-Sep-20	To conference client;	.20	\$70.00	MVI
9-Oct-20	To review responding materials;	.30	\$105.00	MVI
13-Oct-20	To conference client;	.20	\$70.00	MVI
13-Oct-20	To conference client;	.20	\$70.00	MVI
13-Oct-20	To conference BDO;	.30	\$105.00	MVI
13-Oct-20	To review timetable and correspondence to BDO;	.20	\$70.00	MVI
19-Oct-20	To review supplemental report;	.70	\$245.00	MVI
19-Oct-20	To finalize report; to correspondence with client;	.30	\$105.00	MVI
20-Oct-20	To correspondence with client;	.20	\$70.00	MVI
20-Oct-20	To conference client;	.20	\$70.00	MVI
20-Oct-20	To service of supplement;	.20	\$70.00	MVI

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
20-Oct-20	To correspondence to service list;	.20	\$70.00	MVI
20-Oct-20	To correspondence with Cherniak;	.20	\$70.00	MVI
20-Oct-20	To prepare supplemental to fourth report for serving and filing; To draft Affidavit of Service; To e-mail correspondence with counsel; To e-mail correspondence with court;	.60	\$99.00	LFE
21-Oct-20	To e-mail correspondence with court;	.10	\$16.50	LFE
26-Oct-20	To e-mail correspondence with court;	.10	\$16.50	LFE
29-Oct-20	To correspondence with Kopach;	.20	\$70.00	MVI
29-Oct-20	To correspondence with BDO;	.20	\$70.00	MVI
30-Oct-20	To e-mail correspondence with court;	.10	\$16.50	LFE
2-Nov-20	To prepare motion materials for filing with the court;	.30	\$49.50	LFE
2-Nov-20	To correspondence with client;	.20	\$70.00	MVI
3-Nov-20	To correspondence with o/c;	.20	\$70.00	MVI
3-Nov-20	To conference BDO;	.20	\$70.00	MVI
3-Nov-20	To correspondence with Kopach;	.20	\$70.00	MVI
3-Nov-20	To e-mail correspondence with counsel;	.10	\$16.50	LFE
3-Nov-20	To review motion materials;	.10	\$16.50	LFE
4-Nov-20	To conference BDO;	.20	\$70.00	MVI
5-Nov-20	To correspondence with service list;	.20	\$70.00	MVI
5-Nov-20	To correspondence from O'Connor;	.10	\$35.00	MVI
5-Nov-20	To correspondence from Doka;	.20	\$70.00	MVI
5-Nov-20	To draft correspondence with Turton;	.20	\$70.00	MVI
5-Nov-20	To correspondence from St. Mary's;	.10	\$35.00	MVI
5-Nov-20	To correspondence with Turton;	.20	\$70.00	MVI
5-Nov-20	To offer from Turton;	.20	\$70.00	MVI
5-Nov-20	To conference and correspondence with Duwyn;	.40	\$140.00	MVI
5-Nov-20	To review offer to settle;	.10	\$16.50	LFE
6-Nov-20	To conference BDO;	.20	\$70.00	MVI
9-Nov-20	To follow with Turton on Factum;	.20	\$70.00	MVI
9-Nov-20	To correspondence with Turton re: factum;	.20	\$70.00	MVI
9-Nov-20	To review endorsement for deadlines;	.10	\$16.50	LFE
12-Nov-20	To draft assignment confirmation; To e-mail correspondence with service list; To e-mail correspondence with court;	.40	\$66.00	LFE

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
12-Nov-20	To motion confirmation;	.20	\$70.00	MVI
12-Nov-20	To correspondence with client;	.20	\$70.00	MVI
13-Nov-20	To review factum;	.50	\$175.00	MVI
13-Nov-20	To conference BDO;	.20	\$70.00	MVI
13-Nov-20	To review book of authorities and law;	1.00	\$350.00	MVI
13-Nov-20	To correspondence with Turton;	.20	\$70.00	MVI
13-Nov-20	To amended motion confirmation;	.20	\$70.00	MVI
13-Nov-20	To correspondence with client;	.30	\$105.00	MVI
13-Nov-20	To e-mail correspondence with counsel; To edit motion confirmation; To e-mail correspondence with court;	.40	\$66.00	LFE
13-Nov-20	Review ayerswood factum, case law	.90	\$225.00	RDA
15-Nov-20	Draft factum	1.20	\$300.00	RDA
16-Nov-20	Draft/revise reply factum	5.70	\$1,425.00	RDA
16-Nov-20	To edit reply factum; To e-mail correspondence with service list; To prepare materials for special appointment;	.90	\$148.50	LFE
16-Nov-20	To e-mail correspondence with court;	.20	\$33.00	LFE
16-Nov-20	To obtaining profile report	.10	\$17.50	JST
16-Nov-20	To correspondence with client;	.20	\$70.00	MVI
16-Nov-20	To supplementary factum;	1.00	\$350.00	MVI
16-Nov-20	To organize zoom hearing;	.20	\$70.00	MVI
16-Nov-20	To correspondence with client;	.20	\$70.00	MVI
17-Nov-20	To correspondence re: support from counsel;	.20	\$70.00	MVI
17-Nov-20	To correspondence with Turton and Kopach re: zoom details;	.20	\$70.00	MVI
17-Nov-20	To correspondence re: Certificate of Readiness;	.20	\$70.00	MVI
17-Nov-20	To conference BDO;	.20	\$70.00	MVI
17-Nov-20	To ensure court materials filed; to arrange zoom call;	.20	\$70.00	MVI
17-Nov-20	To prepare for hearing;	1.50	\$525.00	MVI
17-Nov-20	To preparation for court appearance; To e-mail correspondence with court; To e-mail correspondence with counsel; To draft certificate of readiness;	.90	\$148.50	LFE
18-Nov-20	To various correspondence with client; to review documents; to prepare for hearing;	1.50	\$525.00	MVI
18-Nov-20	To attend at hearing;	1.50	\$525.00	MVI
19-Nov-20	To conference with Cherniak;	.20	\$70.00	MVI

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
24-Nov-20	To correspondence with Kopach;	.20	\$70.00	MVI
25-Nov-20	To correspondence with Kopach;	.20	\$70.00	MVI
27-Nov-20	To conference client;	.20	\$70.00	MVI
1-Dec-20	To correspondence with BDO;	.10	\$35.00	MVI
2-Dec-20	To follow with court;	.20	\$70.00	MVI
2-Dec-20	To correspondence with Turton;	.20	\$70.00	MVI
2-Dec-20	To conference BDO;	.10	\$35.00	MVI
2-Dec-20	TO correspondence with client;	.10	\$35.00	MVI
2-Dec-20	To correspondence with client;	.10	\$35.00	MVI
2-Dec-20	To conference client;	.20	\$70.00	MVI
2-Dec-20	To review motion materials;	.10	\$16.50	LFE
2-Dec-20	To draft Fee Affidavit	1.00	\$185.00	THM
3-Dec-20	To review fees;	.20	\$70.00	MVI
14-Dec-20	To review decision;	.30	\$105.00	MVI
14-Dec-20	TO correspondence with client;	.20	\$70.00	MVI
16-Dec-20	To e-mail correspondence with service list;	.20	\$33.00	LFE
17-Dec-20	To correspondence with Kopach;	.20	\$70.00	MVI
21-Dec-20	To correspondence with client;	.10	\$35.00	MVI
29-Dec-20	To review Notice of Appeal;	.20	\$70.00	MVI
29-Dec-20	To correspondence with client;	.20	\$70.00	MVI
29-Dec-20	To instructions to student;	.20	\$70.00	MVI
29-Dec-20	To conference client;	.10	\$35.00	MVI
29-Dec-20	To review appeal rules;	.20	\$70.00	MVI
29-Dec-20	To review appeal rules;	.20	\$70.00	MVI
29-Dec-20	To conference client;	.20	\$70.00	MVI
29-Dec-20	To Certificate Respecting Evidence;	.30	\$105.00	MVI
29-Dec-20	Researching steps to take on appeal and drafting Certificate Respecting Evidence	2.00	\$200.00	JDI
30-Dec-20	Serving and filing Respondent's Certificate Respecting Evidence and drafting Affidavit of Service	1.20	\$120.00	JDI
30-Dec-20	To e-mail correspondence with service list; To update file re court of appeal materials; To draft and issue affidavit of service;	1.00	\$165.00	LFE
30-Dec-20	To correspondence with Kopach;	.20	\$70.00	MVI
30-Dec-20	To various correspondence re: appeal;	.20	\$70.00	MVI

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
4-Jan-21	To correspondence from CA;	.20	\$70.00	MVI
4-Jan-21	To conference client;	.20	\$70.00	MVI
4-Jan-21	To correspond with OC regarding appeal court file number	.10	\$10.00	JDI
12-Jan-21	To correspondence from Turton;	.20	\$70.00	MVI
13-Jan-21	To correspondence with Turton;	.20	\$70.00	MVI
13-Jan-21	To correspondence with Turton and client;	.40	\$140.00	MVI
13-Jan-21	To review and amend order;	.30	\$105.00	MVI
13-Jan-21	To correspondence with Turton;	.10	\$35.00	MVI
13-Jan-21	To edit order;	.10	\$16.50	LFE
14-Jan-21	To e-mail correspondence with process server;	.10	\$16.50	LFE
14-Jan-21	To correspondence with Turton;	.20	\$70.00	MVI
15-Jan-21	To update file returned memo to Wilson's re filing order; To e-mail correspondence with counsel;	.20	\$33.00	LFE
19-Jan-21	To update file re issued order;	.10	\$16.50	LFE
19-Jan-21	To e-mail correspondence with process server;	.10	\$16.50	LFE
19-Jan-21	To correspondence with Turton;	.20	\$70.00	MVI
20-Jan-21	To follow on Order;	.10	\$35.00	MVI
20-Jan-21	To review draft order; To e-mail correspondence with counsel;	.10	\$16.50	LFE
21-Jan-21	To review consent and order;	.10	\$16.50	LFE
21-Jan-21	To consent;	.20	\$70.00	MVI
22-Jan-21	To review motion to extend; to correspondence to client;	.30	\$105.00	MVI
22-Jan-21	To update file re memo to Wilson's;	.10	\$16.50	LFE
22-Jan-21	To edit consent; To e-mail correspondence with counsel; To update file re Motion to extend time to file Notice of Appeal;	.20	\$33.00	LFE
3-Feb-21	To review timeline for responding materials;	.10	\$16.50	LFE
4-Feb-21	To follow with Turton;	.20	\$70.00	MVI
4-Feb-21	To review correspondence with counsel;	.10	\$16.50	LFE
8-Feb-21	To correspondence from Turton;	.20	\$70.00	MVI
22-Feb-21	To follow with Turton;	.20	\$70.00	MVI
26-Feb-21	TO correspondence re: appeal;	.20	\$70.00	MVI
8-Mar-21	To various correspondence re: Miller Thomas and lien claim;	.20	\$70.00	MVI

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
9-Mar-21	To call with Miller Thomson;	.20	\$70.00	MVI
31-Mar-21	To correspondence with Turton;	.20	\$70.00	MVI
13-Apr-21	To correspondence with Duca;	.20	\$70.00	MVI
19-Apr-21	To follow with Turton;	.20	\$70.00	MVI
23-Apr-21	To correspondence from Statham; to review Statement of Defence;	.30	\$105.00	MVI
27-Apr-21	To conference client;	.30	\$105.00	MVI
27-Apr-21	To review Statement of Defence;	.20	\$70.00	MVI
27-Apr-21	To call to Statum;	.20	\$70.00	MVI
27-Apr-21	To review file;	.30	\$105.00	MVI
27-Apr-21	To conference Statham;	.20	\$70.00	MVI
27-Apr-21	To follow with Turton;	.20	\$70.00	MVI
27-Apr-21	To review file re Statement of Defence of Cotton matter;	.30	\$49.50	LFE
28-Apr-21	To review letter to Court of appeal;	.20	\$70.00	MVI
1-Jun-21	To conference client;	.10	\$35.00	MVI
18-Jun-21	To correspondence with client;	.20	\$70.00	MVI
30-Jun-21	To conference client;	.20	\$70.00	MVI
30-Jun-21	To correspondence with Turton;	.20	\$70.00	MVI
8-Jul-21	To correspondence with Turton;	.20	\$70.00	MVI
12-Jul-21	To correspondence with client;	.20	\$70.00	MVI
23-Jul-21	To various correspondence with Kopach;	.30	\$105.00	MVI
23-Aug-21	To correspondence with counsel;	.20	\$70.00	MVI
24-Aug-21	To correspondence with Kopach;	.20	\$70.00	MVI
26-Aug-21	To correspondence with client;	.20	\$70.00	MVI
20-Sep-21	To call with Trustee;	.20	\$70.00	MVI
20-Sep-21	To correspondence with o/c;	.20	\$70.00	MVI
1-Oct-21	To correspondence to Turton;	.20	\$70.00	MVI
1-Oct-21	To review Order from Court of Appeal;	.20	\$70.00	MVI
1-Oct-21	To review status;	.10	\$16.50	LFE
5-Oct-21	To correspondence from Turton;	.20	\$70.00	MVI
5-Oct-21	To review appeal rules;	.30	\$105.00	MVI
5-Oct-21	To review appeal documents; to communication to Turton; to communications with client;	.50	\$175.00	MVI
6-Oct-21	To conference Myers;	.20	\$70.00	MVI

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
7-Oct-21	To conference client;	.20	\$70.00	MVI
7-Oct-21	To confirmation of filing;	.20	\$70.00	MVI
8-Oct-21	To confirmation of filing Certificate of Evidence;	.20	\$70.00	MVI
8-Oct-21	To review factum;	.30	\$105.00	MVI
8-Oct-21	To various correspondence with Turton;	.30	\$105.00	MVI
8-Oct-21	To correspondence re: filing of materials;	.20	\$70.00	MVI
8-Oct-21	To revise certificate of evidence	.10	\$17.50	JDI

Total Fees:	\$	56,359.99
Plus GST:		0.00
Plus HST:		7,326.80
Total Fees (INCL TAX)		<u>63,686.79</u>

\$ 63,686.79

FEE SUMMARY:

LAWYER	HOURS	RATE	AMOUNT
Timothy C. Hogan	.50	\$450.00	\$225.00
Melinda Vine	108.44	\$350.00	\$37,953.49
Jason DiFruscia	.10	\$175.00	\$17.50
Jason DiFruscia	3.30	\$100.00	\$330.00
Jonathan Mahoney	2.00	\$100.00	\$200.00
Thomas Masterson	1.40	\$185.00	\$259.00
Thomas Masterson	2.50	\$175.00	\$437.50
Danter Rob	31.30	\$250.00	\$7,825.00
Danter Rob	14.00	\$225.00	\$3,150.00
Lindsay Ferguson	35.00	\$165.00	\$5,775.00
Jana Streith	.10	\$175.00	\$17.50
Justin Larson	1.70	\$100.00	\$170.00

NON-TAXABLE DISBURSEMENTS

Government Filing Fees	\$8.00
File Motion Record	\$200.00
Register Application	\$258.25
Total Non-Taxable Disbursements:	<u>466.25</u>

TAXABLE DISBURSEMENTS

Cyberbahn - Corporate Profile	13.46
Court Filings (Wilson's)	82.00
Teranet Search	590.75
Courier	77.37
B&W Photocopies/Printing	433.50
Colour Photocopies/Printing	305.00
Postage	31.15
Westlaw	196.95

Teranet Registration Fee	43.10	
Title Services	80.00	
Registration Services	40.00	
Document Preparation	50.00	
Title Services	200.00	
Registration Services	180.00	
Title Services	40.00	
Document Preparation/Review	75.40	
Total Taxable Disbursements:	\$ 2,438.68	
Plus GST:	0.00	
Plus HST:	<u>317.03</u>	
Total Disbursements (INCL TAX)		\$ <u>3,221.96</u>

TOTAL DUE & OWING **\$ 66,908.75**

THIS IS OUR ACCOUNT HEREIN

HARRISON PENSA LLP



Per: _____
Melinda Vine

E. & O.E.

**Harrison Pensa LLP is a registered payee with most Canadian banks.
Payment can be made online through your bank's website or mobile app.**

GST / HST REGISTRATION NO: R867630543

Interest of 0.5% is charged based on the Courts of Justice Act at time of billing on all invoices over 30 days

**TERMS: DUE UPON RECEIPT
Cheque, Mastercard and VISA also accepted.**

Please make cheque payable to:
HARRISON PENSA LLP, 450 Talbot Street, P.O. Box 3237, London ON N6A 4K3

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

Court File No. 35-2481393
Estate File No. 35-2481393

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at
London, Ontario

AFFIDAVIT OF ROBERT DANTER

HARRISON PENSA ^{LLP}
Barristers and Solicitors
450 Talbot Street, P.O. Box 3237
London, Ontario N6A 4K3

Melinda Vine (LSO #53612R)
Tel: (519) 679-9660
Fax: (519) 667-3362
Email: mvine@harrisonpensa.com

Solicitors for the Trustee,
BDO Canada Limited

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

FIFTH REPORT OF THE TRUSTEE

HARRISON PENZA LLP
Barristers & Solicitors
450 Talbot Street
London, ON N6A 5J6

Melinda Vine (LSO #53612R)

Tel : (519) 679-9660

Fax: (519) 667-3362

Email: mvine@harrisonpensa.com

Solicitors for BDO Canada Limited

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

MOTION RECORD

HARRISON PENZA LLP

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