

ONTARIO
SUPERIOR COURT OF JUSTICE
IN BANKRUPTCY & INSOLVENCY

**IN THE MATTER OF THE BANKRUPTCY OF
2011791 ONTARIO LTD. o/a TRIPLE M DEMOLITION
OF THE CITY OF BRANTFORD, IN THE PROVINCE OF ONTARIO**

AFFIDAVIT OF KEVIN J. TREACY

I, **KEVIN J. TREACY**, of the City of Burlington, in the Province of Ontario,

MAKE OATH AND SAY:

1. I am the Senior Vice-President of KPMG Inc. Trustee ("Trustee") of the estate of the bankrupt, 2011791 Ontario Ltd. o/a Triple M Demolition ("Triple M"), and as such have knowledge, information and belief of the matters hereinafter deposed.
2. I swear this Affidavit in support of the Trustee's application for orders, *inter alia*, approving the First Report of the Trustee, instituting a Construction Lien and Trust Claims process, and directing the Trustee with respect to the proper treatment of certain wage claims made by the Union.

Construction Lien and Trust Claims

3. Given the nature of the Triple M business, some of the creditors of Triple M may have rights pursuant to the *Construction Lien Act*, R.S.O. 1990, c. C.30 as amended (the "CLA"). Triple M also has lien rights pursuant to the CLA with respect to some of its receivables.
4. Triple M has registered two liens pursuant to the CLA against the following projects:
 - a. Trent University Athletics Complex, 1600 West Bank Drive, Peterborough, Ontario (the "Trent Lien"); and
 - b. Milton Properties Ltd., 2999 James Snow Parkway, Milton, Ontario (the "Milton Lien").

Attached hereto and respectively marked as **Exhibit "A"** and **Exhibit "B"** are true copies of the Trent Lien and the Milton Lien.

5. A search of Triple M's books and records indicated that the following creditors have placed liens pursuant to the CLA (the "Construction Liens") on various Triple M projects throughout Ontario:
 - a. Matthews Equipment Limited o/a Hertz Equipment rental (the "Matthews Lien");
 - b. PCR Contractors Inc. (the "PCR Lien").

Attached hereto and respectively marked as **Exhibit "C"** and **Exhibit "D"** are true copies of the Matthews Lien and the PCR Lien.

6. As indicated in the Trustee's First Report, Triple M's books and records indicated there were outstanding accounts receivable of \$1,049,244.00 as at the date of bankruptcy.
7. In our attempts to realize upon the receivables, most of Triple M's customers (the "Customers") have advised that they have not paid their outstanding receivable because they are concerned about the unpaid Claimants, who either have asserted or may assert a claim against them pursuant to the *CLA*, or otherwise. We advised the Customers that they would be protected from their exposure by maintaining their 10% holdback, however, some customers have advised that they may make payments directly to certain Claimants without notice to any other Claimant. This would result in an inequitable distribution of the assets to some Claimants while prejudicing the claims of others.
8. On January 19, 2010, a meeting of inspectors was held, wherein it was agreed that it would be in the best interest of the estate for the Trustee to establish and implement a formal claims process in order to deal with the collection of receivables from Customers and the related amounts due to the Claimants.
9. In order to avoid uncertainty or further delay resolving the status of the Claims, the Trustee wishes to establish a fair, equitable and efficient process wherein all parties are aware of the timelines. Accordingly, I do verily believe that it is fair and equitable to bar Claims that were not made prior to the claims bar date sought herein, which would crystallize the rights of all Claimants.
10. Based on the foregoing it is my belief that a formal claims process is necessary to provide for equitable and cost efficient treatment of all claims, and that the recommended Construction Lien and Trust Claims Process outlined in the

Trustee's First Report will resolve these issues.

Union Claims

11. Much of the Triple M workforce was unionized. Triple M's employees were members of the Labourers International Union of North America locals 183, 625, 837, 1081 and 1089 ("LIUNA") and/or members of the International Union of Operating Engineers local 793 ("IUOE") (collectively the "Unions"). Each of the Unions filed a proof of claim on behalf of their members. Attached hereto and respectively marked as **Exhibit "E"** and **Exhibit "F"** are true copies of the Proofs of Claim of LIUNA and IUOE.
12. The Unions' claims were comprised of a secured claim pursuant to section 81.5 of the BIA for unremitted pension contributions of \$101,854.62 (the "Pension Claims"), and a secured claim pursuant to section 81.3 of the BIA for unpaid wages of \$34,756.94 (the "Wage Claims").
13. The Pension Claims are not at issue, and have been paid. However, the treatment of the Wage Claims under section 81.3 of the BIA remains uncertain, since they include amounts withheld from the Union Members' pay on behalf of the Union as well as contributions which should have been made by Triple M directly.
14. I am advised by Mark Mancini, counsel for the Trustee, and believe that the definition of "wages" under the BIA and Wage Earner Protection Program Act, S.C. 2005, c. 47 ("WEPPA") was recently considered by the British Columbia Court in *Re: Ted Leroy Trucking Ltd.*, which is helpful in determining the issue, but not a binding decision.

15. The quantum of the secured portion of the Wage Claims is therefore uncertain and subject to change in the event that this Honourable Court disagrees with the decision of the British Columbia Court..
16. The Trustee therefore respectfully requests the direction and assistance of This Honourable Court in Determining the proper quantum of the secured portion of the Wage Claims, as outlined in the outlined in the Trustee's First Report.

SWORN before me
at the City of Hamilton,
in the Province of Ontario on this
7th day of May, 2010

Mary Patricia Chamberlain
A COMMISSIONER ETC.



KEVIN J. TREACY

MARY PATRICIA CHAMBERLAIN, a Commissioner, etc.,
Province of Ontario, for KPMG Inc., Trustee
in Bankruptcy and KPMG LLP Chartered Accountants.
Expires August 15, 2011.

TO: 2011791 ONTARIO LTD. o/a
TRIPLE M DEMOLITION OF THE CITY
OF BRANTFORD, IN THE PROVINCE
OF ONTARIO.

TAKE NOTICE that an Application for
Bankruptcy Order be made in respect of
your property will be heard before the
presiding Bankruptcy Judge (or, if
unopposed, before the Registrar in
Chambers), at 330 University Avenue, in
the City of Toronto, on the 25 day of
May, 2010, at the hour of 10:00 o'clock
in the forenoon, or so soon thereafter as
the Application can be heard;

AND TAKE NOTICE that if notice of
cause against the Application is not
filed in Court and a copy thereof served
on the solicitor for the Applicant at least
two days before the hearing, the Court
may make an Application for Bankruptcy
Order on such proof of the statements in
the Application as the Court shall think
sufficient.

DATED at Toronto this 5th day of
May, 2010.

**ONTARIO
SUPERIOR COURT OF JUSTICE
IN BANKRUPTCY**

Court File No. 32-158012

IN THE MATTER OF THE
BANKRUPTCY OF 2011791 ONTARIO
LTD. o/a TRIPLE M DEMOLITION OF
THE CITY OF BRANTFORD, IN THE
PROVINCE OF ONTARIO

**AFFIDAVIT OF
KEVIN J. TREACY**

DEVRY, SMITH & FRANK LLP
Barristers & Solicitors
95 Barber Greene Road
Suite 100
Toronto, Ontario M3C 3E9

(416) 449-1400
(416) 449-7071 (fax)

Mark R. Mancini
LSUC #51082N

Lawyers for KPMG Inc.
Trustee of 2011791 Ontario Ltd.
o/a Triple M Demolition

**This is Exhibit "A" referred to in the
Affidavit of KEVIN J. TREACY sworn
before me on this 7th Day of
May, 2010**

Mary Patricia Chamberlain

A Commissioner Etc.

MARY PATRICIA CHAMBERLAIN, a Commissioner, etc.,
Province of Ontario, for KPMG Inc., Trustee
in Bankruptcy and KPMG LLP Chartered Accountants.
Expires August 15, 2011.

Properties

PIN	28108 - 0036 LT
Description	LT A PL 130 PETERBOROUGH CITY; LT I PL 130 PETERBOROUGH CITY; LT J PL 130 PETERBOROUGH CITY; LT K PL 130 PETERBOROUGH CITY; PT RUBIDGE ST PL 1 TOWN OF PETERBOROUGH BTN N LIMIT LONDON ST & THE S LIMIT DUBLIN ST, AS CLOSED BY R165844, AS IN R177148, S/T R177148; PT LT 14 N OF LONDON ST & W OF GEORGE ST PL 1 TOWN OF PETERBOROUGH AS IN R148561; PT LT 14 S OF DUBLIN ST & W OF GEORGE ST PL 1 TOWN OF PETERBOROUGH AS IN R161083; PT LT 13 N OF LONDON ST & W OF GEORGE ST PL 1 TOWN OF PETERBOROUGH AS IN R137657; PT LT 12 N OF LONDON ST & W OF GEORGE ST PL 1 TOWN OF PETERBOROUGH AS IN R155607 & R149310, S/T & T/W R149310, IF ANY; S/T R177148E PETERBOROUGH CITY
Address	579 STEWART ST PETERBOROUGH
PIN	28108 - 0038 LT
Description	PT LT 12 S OF DUBLIN & W OF GEORGE ST PL 1 TOWN OF PETERBOROUGH; PT LT 13 S OF DUBLIN & W OF GEORGE ST PL 1 TOWN OF PETERBOROUGH AS IN R176932; PETERBOROUGH CITY
Address	591 STEWART ST PETERBOROUGH
PIN	28129 - 0110 LT
Description	PT LT 21 CON 3 (SMITH), AS IN R138730A, LYING E OF 45R5930 & LYING N OF T15474; PETERBOROUGH
Address	PETERBOROUGH
PIN	28129 - 0112 LT
Description	PT LT 21 CON 3 (SMITH), PT 3 45R5438; LTS 4, 5 & 6 RCP 271; LTS 1-13 AND ROAD ALLOWANCE PL 75T (SMITH); S/T R456025; PETERBOROUGH
Address	PETERBOROUGH
PIN	28129 - 0173 LT
Description	LT 2, RCP 271; PETERBOROUGH
Address	1485 WATER ST PETERBOROUGH
PIN	28130 - 0053 LT
Description	PT LT 21 CON 3 SMITH; LT 22 CON 3 SMITH AS IN R137349 & R209100 EXCEPT PCL B IN R303159, T/W R137349; S/T R97571, T16891 PETERBOROUGH CITY
Address	PETERBOROUGH
PIN	28130 - 0055 LT
Description	PT LT 6 CON 11 DOURO AS IN R209099 (FIRSTLY); PETERBOROUGH CITY
Address	PETERBOROUGH
PIN	28130 - 0057 LT
Description	PT LT 5 CON 11 DOURO; PT LT 6 CON 11 DOURO; PT RDAL BTN LTS 5 & 6 CON 11 DOURO AS CLOSED BY BY-LAW G10187 AMENDED BY BY-LAW G10190 AS IN FIFTHLY & SIXTHLY DESC IN R309931 & PTS 4 & 6 45R9209; PETERBOROUGH CITY
Address	PETERBOROUGH
PIN	28130 - 0058 LT
Description	PT LT 5 CON 11 DOURO AS IN R309931 (FIRSTLY); PETERBOROUGH CITY
Address	PETERBOROUGH
PIN	28130 - 0059 LT
Description	PT LT 6 CON 10 DOURO AS IN R163970; PT LT 7 CON 10 DOURO AS IN R223556 & PT 1 45R7600 & EXPROPRIATED BY R137289; PT LT 8 CON 10 DOURO; PT LT 9 CON 10 DOURO EXPROPRIATED BY R138730A & PTS 1 TO 6 45R9210; S/T G9366, G9367, G9581, R104104, R95842 PETERBOROUGH CITY
Address	PETERBOROUGH
PIN	28130 - 0060 LT
Description	PT LT 5 CON 11 DOURO PT 5 45R9209; PETERBOROUGH CITY
Address	PETERBOROUGH

Properties

PIN 28130 - 0062 LT
Description PT LT 6 CON 11 DOURO AS IN R148869, R148812 & R148740, S/T R148889, EXCEPT PT 10 45R1635 & R303158 ; PETERBOROUGH CITY
Address PETERBOROUGH

PIN 28130 - 0087 LT
Description PT LT 22 CON 4 SMITH AS IN R143747 & R132265 ; PETERBOROUGH CITY
Address PETERBOROUGH

PIN 28174 - 0105 LT
Description LT 4-5 CON 10 DOURO EXCEPT PT 8 45R1635; PETERBOROUGH
Address 2330 UNIVERSITY AVE
 PETERBOROUGH

PIN 28352 - 0400 LT
Description PT LT 18 CON 16 HARVEY PT 1 & 9 45R11331; S/T DEBTS IN R300944; S/T RIGHT IN R656585; GAL-CAV AND HAR
Address PETERBOROUGH

PIN 28352 - 0401 LT
Description PT LT 18 CON 16 HARVEY PT 6 & 8 45R11331; S/T DEBTS IN R300944; S/T RIGHT IN R656585; GAL-CAV AND HAR
Address PETERBOROUGH

PIN 28352 - 0431 LT
Description PT LT 17-18 CON 17 HARVEY PT 2-5 45R11331; S/T R656585; GAL-CAV AND HAR
Address PETERBOROUGH

PIN 28411 - 0348 LT
Description PT LT 21 CON 3 (SMITH) AS IN R138730A, R311885; PT LT 21 CON 3 (SMITH), PT PT 1, 45R5438, LYING W OF PT 4, 45R5030 ; PETERBOROUGH
Address PETERBOROUGH

PIN 28464 - 0075 LT
Description PT LT 6 CON 11 DOURO; PT LT 5 CON 11 DOURO; PT RDAL BTN LTS 5 & 6, CON 11 DOURO AS CLOSED BY G3081 AS IN R209069 (SECONDLY), EXCEPT THE EASEMENT THEREIN ; PETERBOROUGH CITY
Address PETERBOROUGH

PIN 28478 - 0233 LT
Description LANE PL 15G DOURO; PT LT C PL 15G DOURO; PT LT D PL 15G DOURO EXCEPT PT 1 45R1667; PT W 1/2 LT 4 CON 11 DOURO; PT LT 5 CON 11 DOURO AS IN R138730A & R309931 (THIRDLY), EXCEPT R600008 & R640203 ; PETERBOROUGH CITY
Address PETERBOROUGH

PIN 28478 - 0234 LT
Description PT LT 5 CON 11 DOURO; PT LT 6 CON 11 DOURO; PT RDAL BTN LTS 5 & 8 CON 11 DOURO CLOSED BY BY LAW G2068 AS IN R309931 (FOURTHLY) ; PETERBOROUGH CITY
Address PETERBOROUGH

PIN 28479 - 0306 LT
Description PT LT 5 CON 11 DOURO AS IN R309931 (2NDLY); PT LT D PL 15 DOURO AS IN R141493; PT E 1/2 LT 4 CON 11 DOURO; PT W 1/2 LT 4 CON 11 DOURO AS IN R138697 ; PETERBOROUGH CITY
Address PETERBOROUGH

Consideration

Consideration \$ 174,132.88

The applicant(s) hereby applies to the Land Registrar.

yyyy mm dd Page 3 of 4

Claimant(s)

Name 2011791 ONTARIO LTD. O/A TRIPLE M DEMOLITION
Address for Service c/o Devry, Smith & Frank LLP, 95 Barber Greene Road, Suite 100, Toronto,
Ontario, M3C 3E9 (Attn: Mark R. Mancini)

I, Kevin J. Tracey, Senior Vice-President of KPMG Inc. (Trustee), am the agent of the lien claimant and have informed myself of the facts stated in the claim for lien and believe them to be true.

This document is not authorized under Power of Attorney by this party.

Statements

Name and Address of Owner Trent University, 1600 West Bank Drive, Peterborough, Ontario, K9J 7B8 Name and address of person to whom lien claimant supplied services or materials Graham Construction and Engineering Inc., 6106 Edwards Boulevard, Mississauga, Ontario, L5T 2V7 Time within which services or materials were supplied from 2009/06/18 to 2009/11/06 Short description of services or materials that have been supplied Selective demolition and preparation for new construction, Trent University Athletics Complex. Contract price or subcontract price \$333,000.00 (inclusive of PST, exclusive of GST) plus extras. Amount claimed as owing in respect of services or materials that have been supplied \$174,132.88 (inclusive of PST and GST).

The lien claimant claims a lien against the interest of every person identified as an owner of the premises described in said PIN to this lien.

Schedule: See Schedules

Signed By

John Todd Holmes 100-95 Barber Greene Rd. acting for Signed 2009 12 21
Toronto Applicant(s)
M3C 3E9
Tel 4164491400
Fax 4164497071

I have the authority to sign and register the document on behalf of the Applicant(s).

Submitted By

DEVRY, SMITH & FRANK 100-95 Barber Greene Rd. 2009 12 21
Toronto
M3C 3E9
Tel 4164491400
Fax 4164497071

Fees/Taxes/Payment

Statutory Registration Fee \$60.00
Total Paid \$60.00

File Number

Claimant Client File Number : KPMG001

AFFIDAVIT OF VERIFICATION OF LIEN CLAIM UNDER SECTION 34 OF THE ACT

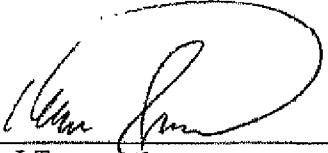
I, Kevin J. Treacy, of the City of Burlington, in the Province of Ontario make oath and say (or affirm) as follows:

1. I am the authorized signatory of the lien claimant named in the attached claim for lien;
2. I have informed myself of the facts stated in the claim for lien, and I believe those facts to be true.

SWORN (or affirmed) before me at the
City of Hamilton
this 21st day of December, 2009

Mary Patricia Chamberlain

A COMMISSIONER FOR
TAKING AFFIDAVITS, ETC.


Kevin J. Treacy

MARY PATRICIA CHAMBERLAIN, a Commissioner, etc.,
Province of Ontario, for RPSM Inc., Trustee
in Bankruptcy and RPSM LLP Chartered Accountants.
Expires August 15, 2011.

**This is Exhibit "B" referred to in the
Affidavit of KEVIN J. TREACY sworn
before me on this 7th Day of
May, 2010**

Mary Patricia Chamberlain

A Commissioner Etc.

**MARY PATRICIA CHAMBERLAIN, a Commissioner, etc.,
Province of Ontario, for KPMG Inc., Trustee
in Bankruptcy and KPMG LLP Chartered Accountants.
Expires August 15, 2011.**

Properties

PIN 24977 - 0120 LT
Description PCL BLOCK 1-1, SEC 20M530 ; BLK 1, PL 20M530 ; S/T H436353 MILTON
Address MILTON

PIN 24977 - 0121 LT
Description PCL BLOCK 2-1, SEC 20M530 ; BLK 2, PL 20M530 ; S/T H436353 MILTON
Address MILTON

PIN 24977 - 0122 LT
Description PCL BLOCK 3-1, SEC 20M530 ; BLK 3, PL 20M530 ; S/T H436345,H436353 MILTON
Address MILTON

PIN 24977 - 0123 LT
Description PCL BLOCK 4-1, SEC 20M530 ; BLK 4, PL 20M530 ; S/T H436345 MILTON
Address MILTON

PIN 24977 - 0124 LT
Description PCL BLOCK 5-1, SEC 20M530 ; BLK 5, PL 20M530 ; S/T H436345 MILTON
Address MILTON

PIN 24977 - 0125 LT
Description PCL BLOCK 6-1, SEC 20M530 ; BLK 6, PL 20M530 ; S/T H436345 MILTON
Address MILTON

PIN 24977 - 0126 LT
Description PCL BLOCK 7-1, SEC 20M530 ; BLK 7, PL 20M530 ; S/T H436345 MILTON
Address MILTON

PIN 24977 - 0127 LT
Description PCL BLOCK 8-1, SEC 20M530 ; BLK 8, PL 20M530 ; S/T H436345 MILTON
Address MILTON

PIN 24977 - 0134 LT
Description PCL BLOCK 15-1, SEC 20M530 ; BLK 15, PL 20M530 ; S/T H436345 MILTON
Address MILTON

PIN 24977 - 0135 LT
Description PCL BLOCK 16-1, SEC 20M530 ; BLK 16, PL 20M530 ; S/T H436345 MILTON
Address MILTON

Consideration

Consideration \$45,811.50

Claimant(s)

Name 2011791 ONTARIO LTD.
Address for Service 1440 Colborne Street East
 Brantford, Ontario
 N3T 5L4

I, Tim Maguire, am the agent of the lien claimant and have informed myself of the facts stated in the claim for lien and believe them to be true.

I, Tim Maguire, have the authority to bind the corporation.

This document is not authorized under Power of Attorney by this party.

Statements

Name and Address of Owner Milton Properties, Ltd., c/o GFS Canada Company Inc., 12411 Horseshoe Way, Richmond, British Columbia V7A 4X6. Name and address of person to whom lien claimant supplied services or materials John Bate & Associates Ltd., 5800 Ambler Drive, Unit 114, Mississauga, Ontario L4W 4J4 Time within which services or materials were supplied from 2008/12/08 to 2009/01/16 Short description of services or materials that have been supplied Complete removal of stair landings and walls around stairwell and removal of concrete curbs and walls around maintenance and battery rooms and removal of battery room slab. Contract price or subcontract price \$45,811.50 Amount claimed as owing in respect of services or materials that have been supplied \$45,811.50

The lien claimant claims a lien against the interest of every person identified as an owner of the premises described in said PIN to this lien

Schedule: 2011791 ONTARIO LTD. O/A TRIPLE M DEMOLITION

Signed By

Shelley Marie Stanzlik 120 Jackson St. E. acting for Signed 2009 02 09
Hamilton Applicant(s)
L8N 1L3

Tel 9057771155

Fax 9057771142

Submitted By

SHELLEY STANZLIK LAW OFFICE 120 Jackson St. E. 2009 02 24
Hamilton
L8N 1L3

Tel 9057771155

Fax 9057771142

Fees/Taxes/Payment

Statutory Registration Fee	\$60.00
Total Paid	\$60.00

File Number

Claimant Client File Number : 61030

**This is Exhibit "C" referred to in the
Affidavit of KEVIN J. TREACY sworn
before me on this 7th Day of
May, 2010**

Mary Patricia Chamberlain

A Commissioner Etc.

MARY PATRICIA CHAMBERLAIN, a Commissioner, etc.,
Province of Ontario, for KPMG Inc., Trustee
in Bankruptcy and KPMG LLP Chartered Accountants.
Expires August 15, 2011.

Properties

PIN 64050 - 0132 LT

Description PT LT F, PL 898, PT 9 59R274 EXCEPT RO455009; PT LT 1 & 2, PL 904 AS IN RO163896, RO163897 & PT 9 59R274 EXCEPT RO455009; PT LT 3, PL 904 AS IN RO163895; LT 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 & 18, PL 904; LT 31, PL 904; LT 19, PL 904 EXCEPT RO677265; T&W RO138850; DESCRIPTION MAY NOT BE ACCEPTABLE IN FUTURE AS IN RO163896 & RO163897; BLK I, PL 898; BLK H, PL 898 EXCEPT PT 3, 59R708; PT WELLAND ST. (AS CLOSED BY BYLAW 2352), AS IN BB74779; PT LT G, PL 898, PTS 2 & 4, 59R708; DESCRIPTION MAY NOT BE ACCEPTABLE IN FUTURE AS IN TT10667; THOROLD

Address CARLETON STREET NORTH
THOROLD

Consideration

Consideration \$ 3,346.88

Claimant(s)

Name PROVINCIAL CONTRACTORS INC.

Address for Service 6369 Division Street
Niagara Falls, ON L2G 1J0

I am the lien claimant and the facts stated in the claim for lien are true.

I, John Pullia, have the authority to bind the corporation.

This document is not authorized under Power of Attorney by this party.

Statements

Schedule: See Schedules

Signed By

Harry Korosis

9th Floor 80 King St. PO Box 760
St. Catharines
L2R 6Y8

acting for
Applicant(s)

Signed

2009 11 18

Tel 9056884500

Fax 9056880015

I have the authority to sign and register the document on behalf of the Applicant(s).

Submitted By

CHOWN, CAIRNS LLP

9th Floor 80 King St. PO Box 760
St. Catharines
L2R 6Y8

2009 11 18

Tel 9056884500

Fax 9056880015

Fees/Taxes/Payment

Statutory Registration Fee \$60.00

Total Paid \$60.00

File Number

Claimant Client File Number :

21672-03

LRO # 59 Construction Lien.

Received as SN264457 on 2009 11 18 at 16:37

The applicant(s) hereby applies to the Land Registrar.

yyyy mm dd Page 1 of 1

Properties

PIN 64055 - 0081 LT

Description PCL 76-5 SEC M28; LT 84 PL M28 THOROLD; PT LT 77 PL M28 THOROLD PT 1-12
59R3955, T/W OVER PT LT 83 PL M28 PT 1 59R8505 AS IN LT100608, PLAN M28 IS
NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT;
THOROLD

Address 1560 FALLS STREET
THOROLD

Consideration

Consideration \$ 4,547.81

Claimant(s)

Name PROVINCIAL CONTRACTORS INC.

Address for Service 6369 Division Street
Niagara Falls, ON L2G 1J0

I am the lien claimant and the facts stated in the claim for lien are true.

I, John Pullia, have the authority to bind the corporation.

This document is not authorized under Power of Attorney by this party.

Statements

Schedule: See Schedules

Signed By

Harry Korosis

9th Floor 80 King St. PO Box 760 acting for
St. Catharines Applicant(s)
L2R 6Y8

Signed 2009 11 18

Tel 9056884500

Fax 9056880015

I have the authority to sign and register the document on behalf of the Applicant(s).

Submitted By

CHOWN, CAIRNS LLP

9th Floor 80 King St. PO Box 760
St. Catharines
L2R 6Y8

2009 11 18

Tel 9056884500

Fax 9056880015

Fees/Taxes/Payment

Statutory Registration Fee \$60.00

Total Paid \$60.00

File Number

Claimant Client File Number : 21672-02

This is Exhibit "D" referred to in the
Affidavit of KEVIN J. TREACY sworn
before me on this ^{7th} Day of
May, 2010

Mary Patricia Chamberlain
A Commissioner Etc.

MARY PATRICIA CHAMBERLAIN, a Commissioner, etc.,
Province of Ontario, for KPMG Inc., Trustee
in Bankruptcy and KPMG LLP Chartered Accountants.
Expires August 15, 2011.

The applicant(s) hereby applies to the Land Registrar.

Properties

PIN 01324 - 0520 LT

Description LTS 396, 397, 399 TO 401 (INCL.), 410 TO 412 (INCL.), PT LTS 402 TO 409 (INCL.), PT LTS 1 TO 3 (INCL.), PL 1054 AND PT LT 92, CON 2 DESIGNATED AS PTS 2 & 4, PL 12R23687; ALLEY, PL 1054 ABUTTING LTS 1 TO 3 (INCL.), 396, 397, 399 TO 412 (INCL.), PL 1054; WINDSOR SUBJECT TO AN EASEMENT IN GROSS OVER PTS 1 TO 6 (INCL.), PL 12R24034 AS IN CE394712

Address 1255 TECUMSEH ROAD, EAST
WINDSOR

Consideration

Consideration \$ 37,634.26

Claimant(s)

Name MATTHEWS EQUIPMENT LIMITED O/A HERTZ EQUIPMENT RENTAL

Address for Service 5225 County Road 42
R. R. # 2
Tecumseh, ON N8N 2M1

I, Dean Schwemler, am the agent of the lien claimant and have informed myself of the facts stated in the claim for lien and believe them to be true.

This document is not authorized under Power of Attorney by this party.

Statements

Name and Address of Owner Greater Essex County District School Board, 451 Park Street West, Windsor, ON N9A 6K1 Name and address of person to whom lien claimant supplied services or materials 2011791 Ontario Ltd., o/a Triple M Demolition, 1440 Colborne Street East, Brantford, ON N3T 5L4 Time within which services or materials were supplied from 2009/08/07 to 2009/11/26 Short description of services or materials that have been supplied Rental of construction equipment, excavation equipment scaffolding and supplies Contract price or subcontract price \$37,634.26 incl GST Amount claimed as owing in respect of services or materials that have been supplied \$37,634.26 incl GST

The lien claimant claims a lien against the interest of every person identified as an owner of the premises described in said PIN to this lien

Signed By

Ivy Denise Smith 680 Waterloo Street acting for Signed 2010 01 04
London Applicant(s)
N6A 3V8

Tel 5196722251

Fax 5196729296

I have the authority to sign and register the document on behalf of the Applicant(s).

Submitted By

SISKINDS LLP 680 Waterloo Street 2010 01 04
London
N6A 3V8

Tel 5196722251

Fax 5196729296

Fees/Taxes/Payment

Statutory Registration Fee \$60.00

Total Paid \$60.00

File Number

Claimant Client File Number : 826443