

ONTARIO  
SUPERIOR COURT OF JUSTICE  
IN BANKRUPTCY AND INSOLVENCY

THE HONOURABLE  
JUSTICE

HOLKIN

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

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

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

**ANCILLARY ORDER**  
**(LIEN DISCHARGE AND DISMISSAL)**

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

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

1. **THIS COURT ORDERS** that:

- a. The claim for lien and certificate of action of Doka Canada Ltd., registered on March 6, 2019 as Instrument No. WC562846 and on May 31, 2019 as Instrument No. WC569135, respectively, in the Land Registry Office for the

Land Titles Division of Wellington, against title to the lands and premises described in Schedule "A", be and is hereby discharged.

- b. The action commenced by Doka Canada Ltd. in Guelph as court file no. CV-19-207 be and is hereby dismissed without costs.
- c. A copy of this order be filed in Guelph court file no. CV-19-207.
- d. The claim for lien and certificate of action of Canada Building Materials Company A Division of St. Marys Cement Inc. (Canada), registered on March 20, 2019 as Instrument No. WC563677 and on March 27, 2019 as Instrument No. WC564107, respectively, in the Land Registry Office for the Land Titles Division of Wellington, against title to the lands and premises described in Schedule "A", be and is hereby discharged.
- e. The action commenced by Canada Building Materials Company A Division of St. Marys Cement Inc. (Canada) in Guelph as court file no. CV-19-113 be and is hereby dismissed without costs.
- f. A copy of this order be filed in Guelph court file no. CV-19-113.
- g. The claim for lien and certificate of action of James Koopman, registered on March 25, 2019 as Instrument No. WC563923 and on May 27, 2019 as Instrument No. WC568466, respectively, in the Land Registry Office for the Land Titles Division of Wellington, against title to the lands and premises described in Schedule "A", be and is hereby discharged.
- h. The action commenced by James Koopman in Guelph as court file no. CV-

19-197 be and is hereby dismissed without costs.

- i. A copy of this order be filed in Guelph court file no. CV-19-197.
- j. The claim for lien and certificate of action of BDO Canada Inc., as trustee for the estate of Sirius Concrete Inc., registered on March 26, 2019 as Instrument No. WC563942 and on May 30, 2019 as Instrument No. WC568809, respectively, in the Land Registry Office for the Land Titles Division of Wellington, against title to the lands and premises described in Schedule "A", be and is hereby discharged.
- k. The claim for lien and certificate of action of Cooper Equipment Rentals Limited, registered on March 29, 2019 as Instrument No. WC564263 and on May 13, 2019 as Instrument No. WC567485, respectively, in the Land Registry Office for the Land Titles Division of Wellington, against title to the lands and premises described in Schedule "A", be and is hereby discharged.
- l. The action commenced by Cooper Equipment Rentals Limited in Guelph as court file no. CV-19-178 be and is hereby dismissed without costs.
- m. A copy of this order be filed in Guelph court file no. CV-19-178.
- n. The claim for lien and certificate of action of AGF Rebar Inc. (Albrecht Division), registered on March 11, 2019 as Instrument No. WC563106 and on May 22, 2019 as Instrument No. WC568118, respectively, in the Land Registry Office for the Land Titles Division of Wellington, against title to the lands and premises described in Schedule "A", be and is hereby discharged.

- o. The action commenced by AGF Rebar Inc. (Albrecht Division) in Guelph as court file no. CV-19-188 be and is hereby dismissed without costs.
- p. A copy of this order be filed in Guelph court file no. CV-19-188.
- q. The claim for lien of Skycrane Limited, registered on March 15, 2019 as Instrument No. WC563355 in the Land Registry Office for the Land Titles Division of Wellington, against title to the lands and premises described in Schedule "A", be and is hereby discharged.
- r. The claim for lien of Michel Roux, registered on March 15, 2019 as Instrument No. WC563384 in the Land Registry Office for the Land Titles Division of Wellington, against title to the lands and premises described in Schedule "A", be and is hereby discharged.

**2. THIS COURT ORDERS that:**

- a. the claim for lien of Gillies Lumber Inc. registered as Instrument Number WR1173899 and the certificate of action of Gillies Lumber Inc. registered as Instrument Number WR1183636;
  - b. the claim for lien of James Koopman as Agent for the Christian Labour Association of Canada Construction Workers' Local 6 registered as Instrument Number WR1175085;
  - c. the claim for lien of Cooper Equipment Rentals Limited registered as Instrument Number WR1175877 and the certificate of action of Cooper Equipment Rentals Limited registered as Instrument Number WR1183662;
- and,

- d. the claim for lien of Sirius Concrete Inc. registered as Instrument Number WR1177274;

each of which was vacated from title to the premises against which they were registered pursuant to the Order of the Honourable Madam Justice Rady made on May 28, 2019 in London SCJ 1038-19; and,

- e. the certificate of action of James Koopman as Agent for the Christian Labour Association of Canada Construction Workers' Local 6, Cooper Equipment Rentals Limited, and Sirius Concrete Inc. registered at Instrument Number WR1186532;

be and hereby are discharged and the Trustee be and is authorized to register discharges of liens and certificates as applicable and as required with respect to the instruments described in this paragraph.

**3. THIS COURT ORDERS that:**

- a. The action commenced by Cooper Equipment Rentals Limited in Kitchener as court file no. CV-19-567 be and is hereby dismissed without costs.
- b. A copy of this order be filed in Kitchener court file no. CV-19-567.
- c. The action commenced by Gillies Lumber Inc. in London as court file no. 963/19 be and is hereby dismissed without costs.
- d. A copy of this order be filed in London court file no. 963/19.
- e. The action commenced by James Koopman as Agent for the Christian Labour

Association of Canada Construction Workers' Local 6 as court file no. CV-19-642 be and is hereby dismissed without costs.

- f. A copy of this order be filed in Kitchener court file no. CV-19-642.



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Justice, *Ontario* Superior Court of Justice

ORDER ENTERED  
NOV 22 2019  
3814

**Schedule "A"**

**DESCRIPTION OF LANDS**

**PIN:**            **71287-0107 (LT)**

**Description:** PT LOTS 90, 91, 92 & 93, PLAN 8, AS IN RO706835 EXCEPT PT 1, 61R11926; SUBJECT TO AN EASEMENT AS IN WC61819; SUBJECT TO AN EASEMENT AS IN ROS635166; CITY OF GUELPH

**Address:**        GUELPH

**PIN:**            **71287-0031 (LT)**

**Description:** PT LOTS 90 & 91, PLAN 8, PARTS 1 & 5, 61R4481; S/T & T/W ROS571224; GUELPH; SUBJECT TO AN EASEMENT AS IN WC538879

**Address:**        52 BAKER ST  
GUELPH

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

Court File No. 35-2481393

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT LONDON

**ORDER**

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MVI/177459