

*ONTARIO*  
SUPERIOR COURT OF JUSTICE

IN THE MATTER OF  
THE PROPOSAL OF  
TKC METAL RECYCLING INC.  
OF THE CITY OF ST. CATHARINES  
IN THE PROVINCE OF ONTARIO

FIRST REPORT OF BDO CANADA LIMITED  
PROPOSAL TRUSTEE

AUGUST 14, 2024

# ***Listing of Appendices***

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- Appendix A - Notice of Intention to Make a Proposal
- Appendix B - Certificate of filing a Notice of Intention to Make a Proposal

# 1.0 INTRODUCTION AND PURPOSE OF THE REPORT

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## 1.1 INTRODUCTION

- 1.1.1 TKC Metal Recycling Inc. (“TKC” or the “Company”) operates a scrap metal recycling facility which buys and sells all types of ferrous and nonferrous scrap metals including electronic waste throughout North America.
- 1.1.2 The Company operates from leased premises at 20 Cushman Road in St. Catharines, Ontario (the “Leased Premises”), subject to a 21 year (less a day) lease agreement entered into May 12, 2017 and expiring May 11, 2038 (the “Lease Agreement”). TKC employs approximately 13 non-unionized employees.
- 1.1.3 The Company commenced operations in July 2017 and its service offerings include buying and processing scrap metal and electronic waste from numerous sources including the Public, Peddlers, Industrial, Municipal/Government, Demolition and Auto Salvage yards.
- 1.1.4 As outlined further below, the Company operated profitably through its fiscal year ending December 31, 2022 (“FY22”) before incurring a significant loss in its fiscal year ending December 31, 2023 (“FY23”). Losses continued to accrue through 2024.
- 1.1.5 The Company determined that as a result of the losses sustained it could not fund ongoing operations nor continue to meet its ongoing obligations as they became due.
- 1.1.6 As a result, on July 26, 2024 (the “NOI Filing Date”), TKC filed a Notice of Intention to Make a Proposal (the “NOI”) pursuant to the *Bankruptcy and Insolvency Act* (the “BIA”), a copy of which is attached hereto as **Appendix A**. BDO Canada Limited consented to act as the Proposal Trustee (“BDO” or the “Proposal Trustee”). TKC’s NOI proceedings are referred to herein as the “NOI Proceedings”. Attached as **Appendix B** is a copy of the Certificate of filing a Notice of Intention to Make a Proposal issued by the Office of the Superintendent of Bankruptcy.
- 1.1.7 As outlined herein, the Company is seeking an extension of the time to make a Proposal and is moving for an order to extend said time, while it undergoes a Sale Process (outlined further below), with the intention of maximizing realizations for all stakeholders, relative to a liquidation.
- 1.1.8 BDO has created a case website to store all public records in this matter, which can be found at the following address:
- <https://www.bdo.ca/services/financial-advisory-services/business-restructuring-turnaround-services/current-engagements/TKCMetal>
- 1.1.9 As outlined in Section 2 herein, since filing the NOI, the Proposal Trustee has been involved in various matters assisting the Company, including reviewing the Company’s cash flow and related assumptions (the “Cash Flow”), assisting with the implementation of a Sale Process (as defined below), and correspondence with various creditors and other stakeholders.

## Operating Losses:

1.1.10 The Company operated profitably through its fiscal years ending December 31, FY 2020 to FY 2022, before incurring a significant loss in FY 2023. The Company's losses continued in 2024 as illustrated in the Company's results through July 31, 2024 ("YTD 2024").

1.1.11 The chart below illustrates the Company's operating results over the periods ending Sept. 30, 2020 through YTD 2024:

TKC Metal Recycling Inc. Summary P&L										
	FY 2020		FY 2021		Unaudited					
					FY 2022	FY 2023				
						YTD 2024				
Revenue	\$	5,452,331	\$	18,652,562	\$	22,646,355	\$	20,178,670	\$	5,136,854
COS		3,520,493		15,825,752		20,336,098		17,919,337		4,574,693
Gross Profit	\$	1,931,838	\$	2,826,810	\$	2,310,257	\$	2,259,333	\$	562,162
Gross Profit %		35%		15%		10%		11%		11%
Expenses	\$	1,383,829	\$	2,395,737	\$	2,155,018	\$	2,851,435	\$	1,364,904
Net Operating Income / (Loss)	\$	548,009	\$	431,073	\$	155,239	\$	(592,102)	\$	(802,743)
Other income / (expenses)		-		-		-		(114,794)		(217,887)
Net Income / (Loss)	\$	548,009	\$	431,073	\$	155,239	\$	(706,896)	\$	(1,020,630)

1.1.12 Management advises that the decline in FY 2023 revenues is a result of weaker market pricing. In addition, operations were significantly affected by a major equipment failure which has since been repaired/replaced and is fully functional. However, scrap commodity prices also dropped by approximately \$100 / net ton over a 3-month period in FY 2023 during the time when the Company committed to fixed pricing on a large project. Additionally, the shareholder purchased Blom Transportation ("Blom") as part of a strategic plan to consolidate freight services in house with a new sister company. There was a need to use Company resources to undertake the acquisition and a significant amount of management time was directed to run Blom and seek to leverage its capabilities to assist with the Company's scrap operations. Blom did not perform to expectations, partly due to a downturn in the trucking industry. This diverted significant Company management attention at the same time that a downturn was beginning to occur in the scrap industry.

1.1.13 YTD 2024 Results reflect decreased revenues as a result of liquidity issues, soft market conditions including weak consumer demand and low levels of scrap generated in the local marketplace. Market conditions are expected to improve in 2025, but the remainder of 2024 will be challenging. The operating challenges facing the Company are exacerbated by the high leverage in the Company's financing structure, which makes current operations under the present capitalization extremely difficult.

1.1.14 As a result of the significant losses incurred, the Company determined it was not able to continue to meet ongoing obligations as they became due and determined that it needed to file a NOI to obtain a stay of proceedings, stabilize the operations and cashflow while pursuing a sale of the Company's assets or business for the benefit of all stakeholders.

1.1.15 The Company operated with a revolving line of credit with Meridian Credit Union, together with term debt in relation to financed equipment, which debt was acquired by 1000909688 Ontario Inc. (“9688” or the “Secured Lender”). 9688 holds a general security interest against all of TKC’s assets which has been registered under the Personal Property Security Act (Ontario) (the “PPSA”). As a result of the Company’s ongoing financial losses, and strained liquidity position, the Company was in default in its loan covenants. Accordingly, 9688 issued demands and a notice of intention to enforce security under the BIA. The parties subsequently entered into a forbearance agreement, on the basis that TKC will continue to operate during the NOI Proceedings and undertake the Sale Process. As a result, 9688 is an unaffected creditor in the NOI Proceedings, but is cooperating with TKC as it is believed to be in the best interests of all stakeholders.

1.1.16 As of the NOI Filing Date TKC was indebted to 9688 in the approximate amount of \$2.2 million. Cozen O’Connor LLP (the “Trustee’s Counsel”) will conduct a full review of the 9688 security and the Proposal Trustee will report to the Court on the outcome of that review in a future Court hearing. Based on its preliminary review of the 9688 security, Trustee’s Counsel is not aware of any issues or concerns with the 9688 Security, subject to the usual assumptions and limitations.

## 1.2 PURPOSE OF THIS REPORT

1.2.1 The purpose of this first report of the Proposal Trustee (the “First Report”) is to provide this Court with information concerning the activities of the Company and the Proposal Trustee since the NOI Filing Date and in particular to outline the Company’s Sale Process, as defined herein, and to seek, among other matters, the Court’s approval of an extension of the stay period in these NOI Proceedings. Accordingly, this report is submitted by the Proposal Trustee to:

- (i) Report on the Trustee’s activities and the efforts made by the Company in these NOI Proceedings; and,
- (ii) Provide the basis for the Proposal Trustee’s support of the Company’s motion for an Order, *inter alia*:
  - a. Approving the Company’s Sale Process;
  - b. Approving an extension of 45 days to the stay of proceedings through to October 9, 2024 to provide the Company the opportunity to complete the Sale Process and to file a proposal;
  - c. Approving the Administration Charge, as described below;
  - d. Approving the Directors’ Charge, as described below; and,
  - e. Such other relief as the Court may deem appropriate.

### 1.3 TERMS OF REFERENCE

- 1.3.1 In preparing this First Report, the Proposal Trustee has relied upon the Company's books and records, unaudited and draft financial information available, certain financial information obtained from third parties, and discussions with various individuals (collectively, the "Information"). The Proposal Trustee has not audited, or otherwise attempted to verify the accuracy or completeness of the Information in a manner that would wholly or partially comply with Canadian Auditing Standards ("CAS") pursuant to the Chartered Professional Accountants of Canada Handbook and, accordingly the Proposal Trustee expresses no opinion or other form of assurance contemplated under the CAS in respect of the Information.
- 1.3.2 This Report has been prepared for the use of this Court in respect of the above-noted relief. This Report should not be relied upon for any other purpose. The Proposal Trustee will not assume responsibility or liability for losses incurred as a result of the circulation, publication, reproduction or use of this Report contrary to the provisions of this paragraph.
- 1.3.3 All references to dollars are in Canadian currency unless otherwise noted.

## **2.0**

## **THE PROPOSAL TRUSTEE'S ACTIVITIES**

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### **2.1 PROPOSAL TRUSTEE'S ACTIVITIES**

**2.1.1** Since the filing of the NOI, the Proposal Trustee has continued to work with the Company in administering its obligations pursuant to the BIA. In particular, the Proposal Trustee has:

- (i) Notified the creditors of the stay of proceedings and filing of the NOI;
- (ii) Reviewed the Company's cash flow and related assumptions, and has filed the Report on the Cash-Flow Statement by the Person Making the Proposal and the Trustee's report on Cash-Flow Statement with the Superintendent of Bankruptcy within the required ten (10) day period and in the prescribed forms;
- (iii) Monitored the business and cash-flow of the Company;
- (iv) Attended meetings with management on matters related to the proposal process;
- (v) Corresponded with the Company's counsel and certain of the Company's stakeholders including, but not necessarily limited to 9688, certain customers and various vendors;
- (vi) Assisted the Company in developing and implementing its Sale Process;
- (vii) Corresponded with the Company's creditors affected by the proposal; and,
- (viii) Prepared reports and correspondence, including this First Report.

**2.2** The Proposal Trustee notes that since the filing of the NOI there have been no material adverse changes with respect to the Company's financial performance.

**2.2.1** The Proposal Trustee is of the opinion that since the filing of the NOI the Company has been acting in good faith and with due diligence with respect to its obligations under the BIA.

### **2.3 GOVERNMENT ACCOUNT - SOURCE DEDUCTIONS**

**2.3.1** Following the NOI Filing Date, the Proposal Trustee notified Canada Revenue Agency ("CRA") of the NOI Proceedings. The Company uses a payroll service provider and based on the Company's records, there are no outstanding source deduction remittances. The Company will request a source deduction trust examination.

### **2.4 GOVERNMENT ACCOUNT - HST**

**2.4.1** TKC has filed all outstanding returns that were due as at the NOI Filing Date. There is a balance of approximately \$104,000 owing in respect of outstanding HST. The Company will request an HST trust examination.

## **2.5 EQUIPMENT LESSORS**

- 2.5.1** The Proposal Trustee's Counsel will review the security documentation and related registrations in respect of the Company's various leased assets and the Proposal Trustee will report further thereon.



### 3.1 SALE PROCESS

3.1.1 The Proposal Trustee, in conjunction with the Company's management commenced a Sale Process with the intention of exposing the Company's assets and business to the market, seeking to maximize realizations relative to liquidation.

3.1.2 By way of overview, the Sale Process includes the following steps:

- (i) The Proposal Trustee prepared an Advertisement, Invitation for Proposals, Sale Process and Bidding Procedures, Form of Offer, and a Confidentiality Agreement;
- (ii) The Advertisement was published in the August 9, 2024 edition of the Financial Post, along with the Insolvency Insiders website and weekly releases (4 editions) which site has approximately 9,000 registered users/readers;
- (iii) The Company prepared a list of prospective and strategic targets who may be interested in purchasing the Company's assets or business (each a "**Potential Bidder**"). On behalf of the Company, the Trustee sent the Invitation for Bids and Confidentiality Agreement to the Potential Bidders plus various auctioneers;
- (iv) Lot Listings have been prepared detailing the Company's assets the ("**Assets**") available for Sale as follows:

Lot #	Description
Lot 1	Machinery and Equipment
Lot 2	Inventory
Lot 3	Office furniture and equipment
Lot 4	Leased Assets
Lot 5	Intangible Assets
Lot 6	The Company's interest, if any, in the Lease Agreement

- (v) Assets excluded from the Sale Process include the Company's cash/bank balances, accounts receivable ("AR") and income tax recoveries, if any;
  - (vi) The Bidding Procedures set a deadline for the submission of bids, being September 5, 2024, including general information on proposed terms and conditions (including the form of offer, deposit details, etc.).
- 3.1.3** Any Potential Bidder that executes the Confidentiality Agreement will be sent a Confidential Information Memorandum ("CIM") and provided access to a Data Room which contains additional financial and other confidential information pertaining to the Company.
- 3.1.4** The Sale Process contemplates that the closing of any sale(s) of the Company's Assets, shall be conditional upon approval of the Court.
- 3.1.5** The Sale Process preserves this Court's authority to approve any sale under section 65.13 of the BIA.
- 3.1.6** Based on the foregoing, the Proposal Trustee respectfully requests that the Court approve the Sale Process.

## 4.0

## EXTENSION OF STAY PERIOD

- 4.1 During the initial 30 day stay period the Company has focused on stabilizing its operations, managing cashflow and commencing and implementing the Sale Process.
- 4.2 Based on the nature of the assets and operations and a reasonable time to allow Prospective Bidders to perform their review of the Assets and submit an offer, the Bid Deadline has been set as September 5, 2024, which date is past the initial 30 day stay of proceedings. Thereafter a period of time will be required to formalize an Asset Purchase Agreement and seek approval of the Court. Accordingly, the Company is seeking a 45 day extension to the stay of proceedings through to October 9, 2024. If the requested extension is granted, the Company and Proposal Trustee will focus their efforts on the Sale Process to maximize realizations.
- 4.3 In support of the relief sought, the Company's projected Cash Flow projection illustrates that the Company will be cash positive through the period and will fund its obligations through the NOI Proceedings. Below is a summary of the Company's Cashflow projection:

TKC Monthly Cashflow Summary	Period Ending		
	2024-08-30	2024-09-27	2024-11-01
Opening	\$ 249,909	\$ 230,826	\$ 199,388
Receipts	816,086	639,806	808,176
Disbursements			
Operating	(555,953)	(445,096)	(577,646)
Overhead	(209,216)	(171,149)	(287,136)
Professional fees	(70,000)	(55,000)	(55,000)
Total Disbursements	(835,169)	(671,244)	(919,782)
Ending	\$ 230,826	\$ 199,388	\$ 87,782

- 4.4 The Proposal Trustee recommends that an extension of the stay of proceedings of 45 days to file a proposal be approved for the following reasons:
- (i) It will provide the Company with the opportunity and time required to proceed with the Sale Process, attend to negotiating an Agreement of Purchase and Sale and seek any necessary Court approval thereof;

- (ii) It will provide the Company with the opportunity and time to stabilize its operations, provide ongoing employment for its employees and maximize realizations for creditors;
- (iii) The Company may be able to make a viable proposal if the extension sought is granted;
- (iv) The Company has been acting in good faith and with due diligence; and,
- (v) No creditor will be materially prejudiced if the extension sought is granted.

## 5.0

## ADMINISTRATION CHARGE

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- 5.1 Based on the Company's Cash Flow projection, there will be sufficient funds to pay the estimated professional fees in relation to the NOI Proceedings, however, in the event there is a material adverse change and/or the Company is unable to fund the professional fees, the Company's counsel, Proposal Trustee, and Trustee's Counsel, request the protection of a \$200,000 charge against the assets, undertakings and property of the Company to secure payment of professional fees and disbursements incurred during these NOI proceedings (the "**Administration Charge**"). The Administration Charge in favour of professionals is common in restructuring proceedings of this nature and is, in the view of the Proposal Trustee, appropriate in the present case.
- 5.2 It is envisioned that the Proposal Trustee will oversee the Proposal Proceedings and Sale Process and will call upon counsel as appropriate to carry out its obligations relating thereto. A summary of essential services to be provided include:
- (i) Administration and monitoring of the Proposal Proceedings, including preparing reports to creditors, the Official Receiver, and this Court including this motion and any future motions as may be required by the BIA, and reviewing the Company's cash-flows and related financial disclosure;
  - (ii) Providing general corporate and specialized restructuring advice to the Company;
  - (iii) Assisting the Company in the preparation of its Proposal and/or financial reporting as may be required under the BIA.
- 5.3 The Proposal Trustee is of the view that the Administration Charge is appropriate in these circumstances:
- (i) It is necessary for the Company to pay the reasonable fees and disbursements associated with the NOI Proceedings;
  - (ii) The Proposal Trustee, Trustee's Counsel and the Company's counsel are not willing to assume the risk of extending further credit to the Company in respect of the proposal proceedings;
  - (iii) The quantum of the proposed Administration Charge is reasonable given the nature and scope of the services provided, and protects from the possibility that the Company might not be able to fund its professional fees.
- 5.4 Section 64.2 of the BIA provides the Court with jurisdiction to grant a super-priority charge such as the Administration Charge requested herein where notice is given to secured creditors. In this regard, the Proposal Trustee is advised by the Company's counsel that all other creditors having registrations against the Company under the PPSA will be served with the Company's motion record.

- 6.1 Based on the Company's Cash Flow projection, the Company anticipates it will meet its obligations in relation to ongoing payroll, related vacation pay, source deductions and HST throughout the NOI Proceedings. However, in the event there is a material adverse change and the Company is unable to meet all or a portion of these obligations, the Company is seeking the protection of a \$200,000 charge against the assets, undertakings and property of the Company to secure payment of director's obligations (the "Directors' Charge").
- 6.2 On the basis that the Directors and Officers will continue to operate the business honestly and in good faith, the Trustee and the Secured Lender support the Company's relief sought that the Company shall indemnify its directors and officers against obligations and liabilities that they may incur as directors or officers of the Company after the commencement of the NOI Proceedings, except to the extent that, with respect to any officer or director, the obligation or liability was incurred as a result of the director's or officer's gross negligence or willful misconduct.

- 7.1 The Proposal Trustee respectfully submits this First Report to the Court in support of the Company's motion for an Order:
- (ii) Approving the Proposal Trustee's First Report;
  - (i) Approving the Sale Process;
  - (ii) Granting a forty-five (45) day extension of time to file a proposal extending the stay of proceedings to and including October 9, 2024;
  - (iii) Granting an Administration Charge (as defined herein);
  - (iv) Granting a Directors' Charge (as defined herein).
- 7.2 The Trustee supports the above Recommendations on the following basis:
- (i) The Company has been acting in good faith and with due diligence;
  - (ii) The primary Secured Lender with an interest in the Company's Assets supports the Sale Process, the Directors' Charge and the Administration Charge; and,
  - (iii) No creditor will be materially prejudiced by the relief sought, including the Sale Process as it appears to be in the best interest of all stakeholders to attempt to maximize realizations.

This First Report is respectfully submitted this 14<sup>th</sup> day of August 2024.

**BDO CANADA LIMITED**  
solely in its capacity as  
Trustee in the Proposal of  
TKC Metal Recycling Inc.  
and not in its personal capacity



Per: Chris Mazur CIRP, LIT  
*Senior Vice President*

## APPENDIX A



District of: Ontario  
Division No. 32 - Hamilton  
Court No.  
Estate No.

- FORM 33 -  
Notice of Intention To Make a Proposal  
(Subsection 50.4(1) of the Act)  
In the Matter of the Proposal of  
TKC Metal Recycling Inc.  
of the City of St.Catharines, in the Province of Ontario

Take notice that:

1. I, TKC Metal Recycling Inc., an insolvent person, state, pursuant to subsection 50.4(1) of the Act, that I intend to make a proposal to my creditors.
2. BDO Canada Limited / BDO Canada Limitée of 25 Main Street West, Suite 805, Hamilton, ON, L8P 1H1, a licensed trustee, has consented to act as trustee under the proposal. A copy of the consent is attached.
3. A list of the names of the known creditors with claims of \$250 or more and the amounts of their claims is also attached.
4. Pursuant to section 69 of the Act, all proceedings against me are stayed as of the date of filing of this notice with the official receiver in my locality.

Dated at the City of St. Catharines in the Province of Ontario, this 26th day of July 2024.



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TKC Metal Recycling Inc.  
Insolvent Person

To be completed by Official Receiver:

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Filing Date

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Official Receiver

District of: Ontario  
 Division No. 32 - Hamilton  
 Court No.  
 Estate No.

- FORM 33 -

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 In the Matter of the Proposal of  
 TKC Metal Recycling Inc.  
 of the City of St.Catharines, in the Province of Ontario

List of Creditors with claims of \$250 or more.			
Creditor	Address	Account#	Claim Amount
1000909688 Ontario Inc	3095 New Street, Suite 200 Burlington ON L7N 1M7		2,206,342.00
1122068 Ontario Limited o/a Select Total Service	PO Box 130, 126 South St. North Port Robinson ON L0S 1K0		1,274.98
2404962 Ontario Inc.	5 Aintree Court Toronto ON M8W 2E1		7,417.96
Advanced Office Solutions	189 South Service Road Grimsby ON L3M 4H6		601.73
Advantage Waste Systems	231 S Service Rd Grimsby ON L3M 1Y6		7,992.11
American Stone Spreader	156 Berryman Ave. St. Catharines ON L2R 3X1		29,298.50
Arrow Scale	P.O. Box 736 Aurora ON L4G 4J9		3,046.03
A-Z Expediting Delivery Service	242 Dunkirk Road St. Catharines ON L2R 7K6		1,506.75
Bateman Manufacturing	5 Winster Road Oro Medonte ON L0L 2L0		3,493.96
Bee & Jay Carton Company Ltd.	910 Brock Road Pickering ON L1W 1Z9		2,034.00
Birmingham Fire Control Thorold	13 Front St. N Thorold ON L2V 1X3		968.67
Canadian Specialty Castings	4248 Broughton Ave Niagara Falls ON L2E 0A4		2,991.30
Clean Works / Pure Life Machinery	453 Eastchester Ave. E St. Catharines ON L2M 6S2		7,512.79
CRA - Sudbury Tax Services Office	PO Box 5548 3 - 451 Talbot St. London ON N6A 4R3	724904727 RT0001	103,542.58

District of: Ontario  
 Division No. 32 - Hamilton  
 Court No.  
 Estate No.

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In the Matter of the Proposal of  
 TKC Metal Recycling Inc.

of the City of St.Catharines, in the Province of Ontario

List of Creditors with claims of \$250 or more.			
Creditor	Address	Account#	Claim Amount
Decora Power Coatings	24 Benfield Dr., Bldg C St. Catharines ON L2S 3V5		7,146.12
Durward Jones Barkwell & Grimsby	570 Highland Road West, Unit 1 Hamilton ON L8W 0C4		30,317.90
Ed Learn Ford Lincoln Ltd.	375 Ontario St. St. Catharines ON L2R 5L3		7,865.69
Elmwood Group	570 Welland Ave St. Catharines ON L2M 5V6		1,774.37
Every Scale Limited	5350 Mainway Unit A3 & A4 Burlington ON L7L 6A4		994.40
Frew Energy	180 cushman Road St. Catharines ON L2M 6T6		5,760.41
Gap International Recycling	201 Rue Montcalm Saint-Joseph-De-Sorel QC J3R 1B9		12,865.84
GFL Environmental Inc.	39 Fenmar Drive North York ON M9L 1M1		371.86
GGG Structures	3559 North Service Road Vineland ON L0R 2E0		1,486.48
Giampaolo Investments Limite	850 Intermodal Drive Brampton ON L6T 0B5		7,542.75
Grimsby Hyundai	569 Main St. West Grimsby ON L3M 1V1		6,483.18
Hedde Marine Service	340 Lakeshore Rd. St. Catharines ON L2M 0A2		11,740.28
Henley Motors Ltd.	308 Lake Street St. Catharines ON L2N 4H3		3,635.83
Kia of Hamilton	1885 Upper James Hamilton ON L9B 1K8		1,525.50
Lakeshore Communications	30 Meteor Drive Toronto ON M9W 1A4		679.02

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List of Creditors with claims of \$250 or more.			
Creditor	Address	Account#	Claim Amount
Landon Roedding	4549 Second Ave. Niagara Falls ON L2E 4H3		983.86
Liebherr Crane	1015 Sutton Dr. Burlington ON L7L 5Z8		2,081.46
Linde Canada Inc.	PO Box 400 STN D Scarborough ON M1R 5M1		27,573.55
Luxyclad	24 Benfield Dr. St. Catharines ON L2S 3V5		6,636.49
Mercedes-Benz Burlington	441 North Service Road Burlington ON L7P 0A3		2,187.66
Merrittville Speedway Entertainment Inc	2371 Merrittville Highway Fonthill ON L0S 1E6		1,695.00
MicroAge Technology Services	188 Bunting Road Unit 2 St. Catharines ON L2M 3Y1		762.08
Miller Waste Systems	335 Townline Road Niagara On The Lake ON L0S 1J0		6,171.57
Mini St. Catharines	268 Lake St. St. Catharines ON L2N 4H1		649.75
Mitsubishi HC Capital Canada Leasing Inc.	401-1100 Burloak Drive Burlington ON L7L 6B2		53,744.00
Mitsubishi HC Capital Canada Leasing Inc.	401-1100 Burloak Drive Burlington ON L7L 6B2		400,977.94
Modern Corporation	2025 Fruitbelt Parkway Niagara Falls ON L2J 0A5		32,983.35
Modern Landfill of Ontario	2025 Fruitbelt Parkway Niagara Falls ON L2J 0A5		34,154.30
National Tank Service - MISSISSAUGA	474 Southdown Road Mississauga ON L5J 2Y4		5,658.58

District of: Ontario  
 Division No. 32 - Hamilton  
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List of Creditors with claims of \$250 or more.			
Creditor	Address	Account#	Claim Amount
National Tank Services - Port Colborne	1 Invertose Drive Port Colborne ON L3K 5X7		1,724.55
Niagara Falls Bridge Commission	PO Box 395 Niagara Falls ON L2E 6T8		1,543.80
Northern Uniform Service	2230 Algonquin Road Sudbury ON P3E 4Z6		2,806.82
Ontario General And Marine	RR# 320 Airport Road Niagara-On-The-Lake ON L0S 1J0		4,589.36
OPHARDT Hygiene Technologies Inc.	4743 Christie Dr. Beamsville ON L0R 1B4		2,132.48
Part Time CFO Services LLP	5115 Oak Hills Road Hamilton Township ON K0L 1E0		16,611.00
Performance Audi	365 Lake St. St. Catharines ON L2N 4H5		1,221.69
Performance BMW	266 Lake St. St. Catharines ON L2N 4H1		1,931.38
Performance Chrysler	357 Ontario St. St. Catharines ON L2R 5L3		1,933.08
Performance Hyundai	342 Ontario St. St. Catharines ON L2R 5L8		2,944.28
Performance Mercedes	371 Ontario St. St. Catharines ON L2R 7A7		1,188.47
Performance Toyota	262 Lake St. St. Catharines ON L2N 4H1		3,018.83
Performance VW	363 Lake St. St. Catharines ON L2N 4H5		7,627.50
Pure Alloys	505 Garyray Drive Toronto ON M9L 1P9		1,059,846.03
Radwell International Canada Automation	570 Welland Ave Unit #2, St. Catharines ON L2M 5V6		11,807.94

District of: Ontario  
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Notice of Intention To Make a Proposal  
 (Subsection 50.4(1) of the Act)

In the Matter of the Proposal of  
 TKC Metal Recycling Inc.  
 of the City of St.Catharines, in the Province of Ontario

List of Creditors with claims of \$250 or more.			
Creditor	Address	Account#	Claim Amount
RCAP Leasing Inc.	5575 North Service Rd. Suite 300 Burlington ON L7L 6M1		53,222.22
Rexall Solutions	27 Keefer Road Thorold ON L2M 6K4		3,123.40
Right Machine Industrial	127 Vine St. St. Catharines ON L2R 3Y3		1,225.93
Rims Transport Flats Hamilton	1818 Burlington St. E. Hamilton ON L8H 3L4		1,130.00
Royal Bank of Canada	10 York Mills Road, 3rd Floor Toronto ON M2P 0A2		79,611.63
Safety Kleen Canada Inc.	P.O. Box 15221, Station A Toronto ON M5W 1C1		5,866.32
Seaway Fluid Power	189 Bunting Road St. Catharines ON L2M 3Y2		4,233.97
Shear Power	910 Wright St. Strathroy ON N7G 3H8		2,755.65
Silver Lining Steel	146 CUSHMAN ROAD UNIT 14 St Catharines ON L2M 6T6		802.90
SLM Recycling	555 Brown Road, Box 142 Welland ON L3B 5P2		124,544.82
Stanlake Services Ltd.	2186 Devlin Drive Burlington ON L7P 2Z7		1,011.82
Star Gas	526 Eastchester Ave. E St. Catharines ON L2M 7P3		3,358.63
Stehling Metals Inc.	550 Industrial Dr. Fort Erie ON L2A 5M4		14,010.43
Strongco Limited Partnership	1640 Enterprise Road Mississauga ON L4W 4L4		5,518.00
Stubbe's Precast	44 Muir Line Henley ON N0E 1E0		45,483.99

District of: Ontario  
 Division No. 32 - Hamilton  
 Court No.  
 Estate No.

- FORM 33 -

Notice of Intention To Make a Proposal  
 (Subsection 50.4(1) of the Act)

In the Matter of the Proposal of  
 TKC Metal Recycling Inc.

of the City of St.Catharines, in the Province of Ontario

List of Creditors with claims of \$250 or more.			
Creditor	Address	Account#	Claim Amount
SunOpta Inc.	337 Four Miles Creek Road St Davids ON L0S 1P0		10,718.74
The Dumpster Service	332 Lake Ave North Hamilton ON L8E 3A2		474.60
The Toronto Dominion Bank	100 King St. W P.O. Box 57148 Hamilton ON L8P 4W9		36,134.68
Tooling Management Group LLC	745 State Circle Ann Arbor MI 48108 USA		49,150.65
Top Lift Enterprises	42 PINELANDS AVE Stoney Creek ON L8E 5X9		3,360.79
Toromont Material Handling	369 Glover Road Stoney Creek ON L8E 6C9		797.55
Twinkle Cleaning and Maintenance	13 Highcourt Crescent St. Catherines ON L2M 3M5		1,265.60
VW Credit Canada Inc.	4865 Marc-Blain St. Suite 300 St-Laurent QC H4R 3B2		29,036.47
Walker Environmental Group	PO Box 100 Thorold ON L2V 3Y8		1,046.35
Waste Management	P.O. Box 4205, Station A Toronto ON M5W 5L4		9,902.56
<b>Total</b>			<b>4,663,187.49</b>



TKC Metal Recycling Inc.  
 Insolvent Person

## APPENDIX B





Industry Canada  
Office of the Superintendent  
of Bankruptcy Canada

Industrie Canada  
Bureau du surintendant  
des faillites Canada

District of Ontario  
Division No. 07 - Hamilton  
Court No. 32-3109134  
Estate No. 32-3109134

In the Matter of the Notice of Intention to make a proposal of:

**TKC Metal Recycling Inc.**

Insolvent Person

**BDO CANADA LIMITED / BDO CANADA LIMITÉE**

Licensed Insolvency Trustee

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Date of the Notice of Intention:

July 26, 2024

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CERTIFICATE OF FILING OF A NOTICE OF INTENTION TO MAKE A PROPOSAL  
Subsection 50.4 (1)

I, the undersigned, Official Receiver in and for this bankruptcy district, do hereby certify that the aforementioned insolvent person filed a Notice of Intention to Make a Proposal under subsection 50.4 (1) of the Bankruptcy and Insolvency Act;

Pursuant to subsection 69. (1) of the Act, all proceedings against the aforementioned insolvent person are stayed as of the date of filing of the Notice of Intention.

Date: July 26, 2024, 12:58

E-File/Dépôt Electronique

Official Receiver

Federal Building - Hamilton, 55 Bay Street N, 9th Floor, Hamilton, Ontario, Canada, L8R3P7, (877)376-9902

**Canada**

IN THE MATTER OF NOTICE OF INTENTION TO MAKE A PROPOSAL OF TKC METAL  
RECYCLING INC.

Court File No. 32-3030651  
District of: Ontario  
Division No.: 07-Hamilton  
Court No.: 32-3109134  
Estate No.: 32-3109134

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

PROCEEDING COMMENCED AT HAMILTON

**FIRST REPORT OF BDO CANADA LIMITED**  
**PROPOSAL TRUSTEE**

**COZEN O'CONNOR LLP**  
Bay Adelaide Centre – North Tower  
40 Temperance Street – Suite 2700  
Toronto, ON M5H 0B

**Steven J. Weisz (32102C)**  
Tel No.: (647) 295-2616  
Email: [sweisz@cozen.com](mailto:sweisz@cozen.com)

Lawyers for the Proposal Trustee,  
BDO Canada Limited