



TDB Restructuring Limited
Licensed Insolvency Trustee

65 Queen St. West, Suite 605
Toronto, ON M5H 2M5

info@tdbadvisory.ca

416-575-4440

416-915-6228

tdbadvisory.ca

Estate No.: 33-3371910

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL
OF CYMI CANADA INC.

OF THE CITY OF TORONTO, IN THE PROVINCE OF ONTARIO

FOURTH REPORT OF TDB RESTRUCTURING LIMITED

AS PROPOSAL TRUSTEE OF
CYMI CANADA INC.

SEPTEMBER 30, 2026

Contents

1.0	INTRODUCTION	2
2.0	BACKGROUND	5
3.0	ACTIVITIES OF THE PROPOSAL TRUSTEE	7
4.0	ACTIVITIES OF THE COMPANY	7
5.0	CASH FLOW FORECAST	11
6.0	EXTENSION OF THE STAY OF PROCEEDINGS	12
7.0	CONCLUSION AND RECOMMENDATION	13

1.0 INTRODUCTION

1. This report is being submitted by TDB Restructuring Limited in its capacity as proposal trustee (the “**Proposal Trustee**”) of CYMI Canada Inc. (“**CYMI**” or the “**Company**”) in connection with the Notice of Intention to Make a Proposal (the “**NOI**”) filed by CYMI on May 12, 2026, pursuant to Section 50.4(1) of the *Bankruptcy and Insolvency Act*.
2. The principal purposes of the NOI proceedings (these “**Proceedings**”) are to provide for a stay of proceedings to allow the Company to consider options, including, a liquidating proposal designed to maximize recoveries for creditors through an orderly realization of CYMI’s assets; and provide a formal process for CYMI’s creditors and stakeholders to obtain information about the Company.
3. On June 9, 2026, this Honourable Court granted a Stay Extension and Ancillary Order (the “**Initial Proposal Order**”), which among other things:
 - a) extended the time for CYMI to file a proposal to July 8, 2026;
 - b) approved the First Report of the Proposal Trustee dated June 5, 2026, and the activities described therein;
 - c) granted an Administration Charge (as defined below) in the amount of \$150,000; and
 - d) adjourned the balance of the relief sought, including approval of the proposed debtor-in-possession financing facility (the “**DIP Facility**”), the associated DIP Charge (as defined below), the balance of the requested Administration Charge and the requested extension of the stay of proceedings.
4. On July 7, 2026, this Honourable Court granted a further Order (the “**July 7 Order**”), which, among other things:
 - a) extended the time for CYMI to file a proposal and the corresponding stay of proceedings up to and including August 21, 2026;

- b) approved the Second Report of the Proposal Trustee dated July 3, 2026 (the “**Second Report**”) and the activities described therein;
 - c) approved the DIP Facility and granted a charge over CYMI’s assets in the maximum amount of \$500,000 as security for amounts advanced under the DIP Facility;
 - d) increased the Administration Charge from \$150,000 to \$500,000; and
 - e) granted a sealing order in respect of a material agreement between CYMI and Signature on the Saint Lawrence Construction G.P. (“**SSLC**”) (the “**CYMI-SSLC Agreement**”) and established a process whereby SSLC would be provided notice of any proposed disclosure of the CYMI-SSLC Agreement and afforded an opportunity to object prior to its disclosure to stakeholders and interested parties.
5. On August 20, 2026, this Honourable Court granted a further Order (the “**August 20 Order**”), which, among other things:
- a) extended the time for CYMI to file a proposal and the corresponding stay of proceedings up to and including October 5, 2026;
 - b) approved the Third Report of the Proposal Trustee dated August 19, 2026 (the “**Third Report**”) and the activities described therein; and
 - c) directed that CYMI schedule a case conference for the purpose of establishing a timetable for the adjudication of CYMI’s dispute with Mosaic Transit Constructors General Partnership (“**Mosaic**”) concerning approximately \$4.99 million in contractual and statutory holdback funds claimed by CYMI (the “**Mosaic Holdback**”).
6. On September 17, 2026, the Court approved a litigation timetable as agreed to between Mosaic and CYMI regarding the resolution of the Mosaic Holdback, as described below.
7. As further described below, since the granting of the August 20 Order, the Proposal Trustee has continued to monitor CYMI's activities, receipts and disbursements,

assisted management in evaluating and pursuing recoveries on its principal assets, attended meetings with the Company and stakeholders, and consulted with CYMI and its professional advisors regarding the continued development of a proposal to creditors.

8. The Certificate of Filing, together with the Court documents related to the NOI proceeding, have been posted on the Proposal Trustee's website, which can be found here: <https://tdbadvisory.ca/insolvency-case/cymi/> (the "**Case Webpage**").
9. Capitalized terms not defined herein have the meaning ascribed to them in the Fourth Tomé Affidavit (as defined below).

1.1 Purpose of the Fourth Report to Court

10. The purpose of this report (the "**Fourth Report**") is to provide the Court with further information related to the relief sought by the Company. This Fourth Report specifically provides information regarding:
 - a) the Proposal Trustee's activities since the Third Report;
 - b) an update on CYMI's activities and the continued development of a proposal to creditors;
 - c) the Proposal Trustee's comments on the Company's performance against the 13-week cash flow forecast for the period from August 10, 2026, to November 8, 2026 (the "**Cash Flow Forecast**"); and
 - d) CYMI's motion for an Order which includes, among other things:
 - i. extending the period in which CYMI can make a proposal to its creditors and the corresponding stay of proceedings up to and including November 11, 2026 (the "**Stay Extension**"); and
 - ii. approving the Fourth Report and the activities of the Proposal Trustee described herein.

1.2 Terms of Reference

11. In preparing this Fourth Report and making the comments herein, the Proposal Trustee has relied upon information from third-party sources (collectively, the **“Information”**). Certain information contained in the Fourth Report may refer to, or is based on, the Information. As the Information has been provided by other parties or obtained from documents filed with the Court in this matter, the Proposal Trustee has relied on the Information and, to the extent possible, reviewed the Information for reasonableness. However, 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 pursuant to the Chartered Professional Accountants Canada Handbook and, accordingly, the Proposal Trustee expresses no opinion or other form of assurance in respect of the Information.
12. An examination of the Cash Flow Forecast as outlined in the Chartered Professional Accountants of Canada Handbook has not been performed. Future oriented financial information relied upon in this Fourth Report is based upon the Company’s assumptions regarding future events; actual results achieved may vary from this information and these variations may be material. The Proposal Trustee expresses no opinion or other form of assurance on whether the Cash Flow Forecast will be achieved.
13. Unless otherwise stated, all dollar amounts contained in the Fourth Report are expressed in Canadian dollars.

2.0 BACKGROUND

14. The background to these Proceedings, including CYMI’s business, financial circumstances, assets and liabilities, and the events leading to the filing of the NOI, and a description of CYMI’s activities during the Proceedings is described in detail in the affidavits of Oscar De la Fuente Tomé, the sole director of CYMI, sworn June 5, 2026 (the **“First Tomé Affidavit”**), July 2, 2026 (the **“Second Tomé Affidavit”**), August 18, 2026 (the **“Third Tomé Affidavit”**) and September 30, 2026 (the

“Fourth Tomé Affidavit” and, collectively, the **“Tomé Affidavits”**). The Tomé Affidavits should be read in conjunction with this Fourth Report.

15. The First Tomé Affidavit provides, among other things, background information regarding CYMI and its business, the circumstances leading to its financial difficulties and the commencement of these Proceedings, CYMI’s principal assets and liabilities, and the Company’s restructuring objectives.
16. The Second Tomé Affidavit provides an update on developments following the commencement of these Proceedings, including CYMI’s efforts to realize on its principal assets, engagement with its creditors and other stakeholders, the development of a proposal to creditors, and the relief sought and subsequently granted pursuant to the July 7 Order.
17. The Third Tomé Affidavit provides a further update on developments since the July 7 Order, including CYMI’s realization efforts including the Mosaic Holdback, its continued engagement with creditors and other stakeholders including SSLC, Canada Revenue Agency (**“CRA”**) and Bridging North America Corporation and the continued development of a proposal to creditors.
18. The Fourth Tomé Affidavit provides a further update on developments since the August 20 Order, including CYMI’s efforts to pursue recovery of the Mosaic Holdback, its continued engagement with its creditors and other stakeholders, including BNA, CRA and certain suppliers asserting construction trust claims, its discussions with Control y Montajes Industriales CYMI, S.A. (**“CYMI Spain”**) regarding sponsorship of a proposal, and the continued development of a proposal to creditors. The Fourth Tomé Affidavit also provides additional information in support of the relief sought by CYMI in this motion.
19. Copies of the First Tomé Affidavit, Second Tomé Affidavit and Third Tomé Affidavit are included as exhibits to the Fourth Tomé Affidavit, which forms part of CYMI’s Motion Record dated September 30, 2026.

3.0 ACTIVITIES OF THE PROPOSAL TRUSTEE

20. Since the Third Report, the Proposal Trustee has continued to supervise the NOI Proceedings and assist CYMI in advancing its restructuring efforts. In particular, the Proposal Trustee has, among other things:
- a) monitored CYMI's receipts and disbursements and ongoing cash requirements;
 - b) participated in regular meetings and discussions with CYMI's management and legal counsel regarding the progress of the restructuring proceedings;
 - c) reviewed information relating to the Company's principal assets and anticipated recoveries;
 - d) reviewed with its counsel information provided by stakeholders and participated in meetings and discussions with Company counsel regarding resolution of stakeholder queries and positions;
 - e) corresponded with various stakeholders respecting the restructuring process;
 - f) reviewed the Company's ongoing cash requirements and liquidity needs;
 - g) consulted with CYMI regarding the development of a proposal to creditors;
 - h) reviewed the relief sought in connection with the within motion;
 - i) maintained the Case Webpage for these Proceedings; and
 - j) prepared this Fourth Report.

4.0 ACTIVITIES OF THE COMPANY

21. Since the August 20 Order, the Company, with the assistance of the Proposal Trustee and its legal counsel, has continued to advance its restructuring efforts, including pursuing potential realizations for the benefit of its creditors and addressing matters relevant to the formulation of a proposal. As described below, these efforts have included:
- a) pursuing the Mosaic Holdback;

- b) monitoring the potential recovery in respect of the CYMI-SSLC Agreement; and
- c) engaging with key creditors and stakeholders including BNA, CRA and certain suppliers, regarding their claims and the terms of a potential proposal, and continuing discussions with CYMI Spain regarding its potential sponsorship of a proposal.

4.1 Mosaic Holdback Receivable

- 22. As described in the Third Report, CYMI is owed approximately \$4.988 million in holdback funds under its contract with Mosaic in connection with CYMI's role as the principal contractor responsible for the core rail electrification infrastructure on the Toronto Transit Commission's Line 6 (Finch West LRT) project. The Mosaic Holdback represents a significant potential recovery for the Company and a potential source of funding for a proposal to creditors.
- 23. Pursuant to the August 20 Order and related Endorsement of Justice Dunphy, CYMI scheduled and attended a case conference before the Commercial List on September 17, 2026, to address the process for the determination of CYMI's claim against Mosaic for payment of the Mosaic Holdback.
- 24. At the September 17, 2026, case conference, the Court ordered that CYMI's application against Mosaic (the "**Mosaic Application**") be heard on the Commercial List and established an expedited timetable for its determination, including, among other things:
 - a) CYMI was required to file its application materials by September 23, 2026;
 - b) Mosaic is required to deliver its responding materials by October 13, 2026;
 - c) all cross-examinations are to be completed by October 21, 2026;
 - d) the parties are to file and serve their factums by November 6, 2026; and
 - e) the Mosaic Application is scheduled to be heard on November 12, 2026, by videoconference.

25. In accordance with the timetable established by the Court, CYMI delivered application materials on September 18, 2026 and commenced the Mosaic Application seeking, among other relief, declarations that approximately \$4.989 million in contractual and statutory holdback funds are owing and payable to CYMI, together with interest and costs.
26. The Mosaic Holdback remains one of CYMI's most significant potential realizations and is expected to be a material component of any proposal to creditors. Accordingly, the outcome of the Mosaic Application, or any consensual resolution reached with Mosaic prior to the hearing, is expected to have a significant impact on the Company's restructuring efforts and the recoveries available to its creditors and stakeholders.

4.2 CYMI-SSLC Agreement

27. As described in the Third Report, CYMI is party to the CYMI-SSLC Agreement in connection with work performed in respect of the Champlain Bridge project. The Company estimates that the potential receivable arising in connection with the CYMI-SSLC Agreement is approximately \$11.4 million.
28. The Proposal Trustee understands that there have been no material developments in respect of this potential receivable since the Third Report. The amount and timing of any recovery remain uncertain and are contingent upon the outcome of litigation between the head contractor and the project owner, which is not currently expected to proceed to trial until 2029. CYMI continues to monitor this matter and assess any potential recovery that may ultimately be available for the benefit of its creditors while also evaluating whether any enforcement steps are advisable having regard to the costs, potential net benefit and resources available to pursue such enforcement.

4.3 Stakeholder Engagement and Development of a Proposal

29. Since the Third Report, CYMI has continued to engage with its principal creditors and stakeholders regarding matters relevant to the formulation and implementation of a proposal to creditors. These discussions have included, among others, BNA, CRA, certain suppliers asserting construction trust claims and CYMI Spain.

30. As described in prior reports, BNA is a significant contingent creditor of CYMI. The Proposal Trustee understands that CYMI has confidentially shared aspects of its proposal concept with BNA and discussions between the parties remain ongoing. The resolution or determination of BNA's claim remains relevant to the formulation of the terms of a proposal.
31. With respect to CRA, the Proposal Trustee understands that CRA issued a reassessment in respect of additional HST asserted to be owing by CYMI, beyond approximately \$502,000 of HST that CYMI acknowledges is outstanding. The proposed reassessment was initially for an additional approximately \$233,000 and, following submissions made by CYMI regarding the treatment of certain input tax credits, CRA reduced the reassessment to an additional approximately \$217,000. CYMI has until December 1, 2026 to file an objection to the reassessment and intends to do so. Certain suppliers have also asserted construction trust claims in connection with the Mosaic Holdback. In particular:
- a) Barton Malow, formerly known as Alltrade Industrial Contractors Inc., has asserted a construction trust claim of approximately \$1.3 million;
 - b) SICE has asserted a construction trust claim of approximately \$42,000; and
 - c) ABB has asserted a claim of approximately \$573,000 in connection with the Mosaic project and appears to assert trust rights in respect of the Mosaic Holdback.
32. CYMI has engaged with these claimants. The Proposal Trustee understands that Barton Malow has agreed, for the time being, to refrain from pursuing enforcement steps while CYMI continues its proposal efforts, SICE is awaiting the outcome of the proposal process and ABB has not taken any further steps to enforce at this time.
33. CYMI has also continued discussions with CYMI Spain regarding sponsorship and support for a proposal. The Proposal Trustee understands that the structure and quantum of any such sponsorship remain dependent, in part, upon obtaining greater certainty regarding the BNA claim and the anticipated recovery from the Mosaic Holdback.

34. Based on discussions with CYMI and its legal counsel, and as further described in the Fourth Tomé Affidavit, the Proposal Trustee understands that the Company's current proposal concept contemplates, among other things:
- a) pursuing recoveries in respect of the Mosaic Holdback and the CYMI-SSLC Agreement and realizing on any other assets;
 - b) establishing a reserve from the Mosaic Holdback to fund potential warranty claims in respect of the Line 6 Project;
 - c) establishing a reserve to fund the professional costs associated with completing and implementing the proposal;
 - d) satisfying amounts secured by the Court-ordered priority charges granted in these Proceedings;
 - e) addressing the construction trust claims from the proceeds of the Mosaic Holdback;
 - f) addressing CRA's claim;
 - g) resolving or determining the BNA claim;
 - h) distributing the remaining proceeds to creditors in accordance with their settled or proven claims; and
 - i) obtaining certain third-party releases in connection with the proposal.
35. The Company, with the assistance of the Proposal Trustee and its legal counsel, continues to advance the foregoing matters with a view to finalizing and filing a proposal to creditors.

5.0 CASH FLOW FORECAST

36. Since the Third Report, the Proposal Trustee has continued to monitor the Company's actual cash receipts and disbursements against the Cash Flow Forecast for the period from August 10, 2026, to November 8, 2026.

37. Based on the Proposal Trustee's review of the Company's post-filing operations and available financial information, the Proposal Trustee is satisfied that the Company's actual receipts and disbursements have generally tracked the assumptions contained in the Cash Flow Forecast. Variances from the Cash Flow Forecast have primarily been attributable to the timing of certain receipts and disbursements.
38. Based on the Company's current cash position and anticipated receipts and disbursements, the Proposal Trustee is of the view that the Company is expected to have sufficient liquidity to continue these Proceedings through the proposed Stay Extension.
39. The Proposal Trustee will continue to monitor the Company's cash position throughout the NOI Proceedings.

6.0 EXTENSION OF THE STAY OF PROCEEDINGS

40. The Company is seeking the Court's approval for the Stay Extension.
41. The Company believes that in order to formulate a plan for the restructuring process and maximize recoveries for all stakeholders, it will require additional time.
42. The Proposal Trustee has considered the Company's request for the Stay Extension and is supportive of this request for the following reasons:
 - a) the Company is acting in good faith and with due diligence;
 - b) the Stay Extension will provide the Company with an appropriate period in which to conduct the restructuring to the benefit of its creditors including formulating a viable proposal; and
 - c) the Stay Extension does not appear to materially prejudice any of the Company's creditors.
43. The requested Stay Extension is the final extension available to CYMI pursuant to section 50.4(9) of the *Bankruptcy and Insolvency Act*. Accordingly, CYMI must file a

proposal by November 11, 2026, failing which CYMI will be deemed to have made an assignment in bankruptcy.

7.0 CONCLUSION AND RECOMMENDATION

44. The Proposal Trustee respectfully recommends that this Court grant the relief sought by CYMI in the draft Order to maximize realizations for all creditors and stakeholders.

All of which is respectfully submitted to this Court as of this 30th day of September 2026.

TDB RESTRUCTURING LIMITED, solely in its capacity
as Proposal Trustee *re* CYMI Canada Inc. and not in its
personal or corporate capacity

Bryan A. Tannenbaum

Per: Signer ID: ZRRWRPZN24...
Bryan A. Tannenbaum, FCPA, FCA, FCIRP, LIT
Managing Director

**THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF
CYMI CANADA INC. FILED IN THE CITY OF OTTAWA, IN THE PROVINCE
OF ONTARIO**

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

PROCEEDING COMMENCED AT
TORONTO

FOURTH REPORT OF THE PROPOSAL TRUSTEE

Cassels Brock & Blackwell LLP

Suite 3200, Bay Adelaide Centre – North Tower
40 Temperance Street
Toronto, ON M5H 0B4

Monique Sassi LSO#: 63638L

Tel: (416) 860-6886
msassi@cassels.com

Eva-Louise A. A. Hyderman LSO#: 90084W

Tel: (416) 860-2920
ehyderman@cassels.com

Lawyers for the Proposal Trustee, TDB Restructuring Limited