

IN THE SUPREME COURT OF BRITISH COLUMBIA

**IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT, R.S.C. 1985, c.
C-36, AS AMENDED**

AND

**IN THE MATTER OF SYMPHONY HOMES (MOONLIGHT SONATA) LIMITED, 1168386 B.C.
LTD., 1197030 B.C. LTD., 1197062 B.C. LTD., SYMPHONY HOMES (WAYBURNE) LTD., and
663466 B.C. LTD.**

PETITIONERS

**SUPPLEMENT TO THE SECOND REPORT OF ALIXPARTNERS RESTRUCTURING, INC.
AS MONITOR**

July 29, 2026

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1.0 Introduction

1. This report (the "**Supplemental Report**") supplements and should be read in conjunction with the Second Report of the Monitor dated July 21, 2026 (the "**Second Report**"). Capitalized terms not otherwise defined herein have the meanings given to them in the Second Report.
2. The purpose of this Supplemental Report is not to respond to every allegation contained in the Petitioners' responding materials filed on July 28, 2026 (the "**Responding Materials**"). Many of the allegations concern historical disputes between the Petitioners and KingSett that pre-date these CCAA proceedings and have no bearing on the issues presently before the Court.
3. Rather, this Supplemental Report addresses those allegations directed at the conduct of the Monitor and those matters relevant to the Petitioners' request that the Monitor be removed and replaced.
4. Having reviewed the Responding Materials, nothing contained therein causes the Monitor to reconsider the conclusions or recommendations contained in its Second Report. To the contrary, many of the explanations offered by the Petitioners reinforce the concerns previously identified by the Monitor.

1.1 Restrictions

1. This Supplemental Report is subject to the same restrictions as the Second Report.

2.0 The Role of the Monitor

1. Throughout the Responding Materials, the Petitioners repeatedly criticize the Monitor for allegedly failing to "advance the Project." Respectfully, those criticisms fundamentally misunderstand the role of a Court-appointed monitor in a debtor-in-possession restructuring.
2. These proceedings remain a debtor-in-possession restructuring under the CCAA. The Petitioners continue to operate their business and remain responsible for the management of the Project, subject to the oversight and restrictions imposed by this Court.
3. The Monitor is not responsible for managing construction activities, selecting contractors, negotiating with trades, directing consultants or otherwise operating the Project. Those responsibilities remain with the Petitioners.

4. Rather, the Monitor is an independent officer of this Court. Its duties are owed exclusively to the Court and not to the Petitioners, KingSett or any other stakeholder. The Monitor's role is to independently oversee the restructuring process, monitor the Petitioners' business and financial affairs, report to the Court and assist in preserving the integrity of these proceedings.
5. Where the Petitioners seek the Monitor's approval or support for a proposed course of action, the Monitor must independently assess whether the proposal is consistent with the CCAA, the Orders of this Court and the interests of the estate. The Monitor cannot simply approve proposals because management believes they are appropriate.
6. The Monitor is AlixPartners Restructuring, Inc., a licensed insolvency trustee affiliated with AlixPartners LLP, a global restructuring and advisory firm. The engagement partner responsible for this mandate, Noah Goldstein, has practiced exclusively in insolvency and restructuring for more than fifteen years and has acted in numerous CCAA proceedings, including multiple complex real estate restructurings in British Columbia, including seven current Court appointed real estate mandates in British Columbia. The Monitor's conduct throughout these proceedings has been guided by its obligations as an independent Court officer.

3.0 Allegation that the Monitor Failed to Advance the Project

1. The Petitioners allege in their Responding Materials that the Monitor has taken no meaningful steps to advance the Project. That allegation is incorrect.
2. Since its appointment, the Monitor has participated in frequent meetings and communications with Gurdeep and his advisors concerning potential strategies to preserve value and restart construction.
3. A summary of calls and meetings that the Monitor has had with Gurdeep is reflected below.

Date	Meeting Description
June 19, 2026	In person introductory meeting between the Monitor and management of the Petitioners.
June 22, 2026	Video-conference call with management of the Petitioners, BTY and KingSett to discuss the preparation of an updated construction budget for the Project.
June 23, 2026	Video-conference call with management of the Petitioners to discuss the Project cash flow.

June 30, 2026	Video-conference call with management of the Petitioners and KingSett to discuss several high priority items concerning the status of the Project and the Monitor's outstanding information requests.
July 8 2026	Video-conference call with management of the Petitioners and KingSett to discuss several high priority items concerning the status of the Project and the Monitor's outstanding information requests.
July 10, 2026	Video-conference call with management of the Petitioners, BTY and KingSett to discuss the status of the preparation of an updated construction budget for the Project.
July 14, 2026	Video-conference call with management of the Petitioners and KingSett to discuss several high priority items concerning the status of the Project and the Monitor's outstanding information requests.

4. The meetings noted above are in addition to numerous email correspondence that the Monitor has exchanged with management of the Petitioners.
5. The Petitioners repeatedly proposed re-engaging existing trades that were owed significant pre-filing obligations.
6. The Monitor advised the Petitioners that it could not simply authorize payment of selected pre-filing creditors, especially given that the Initial Order does not authorize pre-filing payments. Such payments require careful consideration and appropriate justification, particularly where other unsecured creditors would not receive similar treatment.
7. The Monitor therefore requested that the Petitioners provide an analysis demonstrating why the incumbent trades were required to complete the Project or, alternatively, provide competitive quotations demonstrating that retaining those trades represented the most economical solution for the estate.
8. Despite repeated requests by the Monitor, the Petitioners failed to provide this information. To date, the Petitioners have only provided the Monitor with a qualitative memo stating the reasons they believe that the costs of switching certain trades may exceed the value, but fails to provide any quantitative analysis to support this claim.
9. The Monitor did not refuse to consider restarting construction. Rather, the Petitioners failed to provide the information necessary to permit the Monitor to assess whether the proposed course of action was appropriate and consistent with the Orders of this Court.

10. Further, restarting construction is not entirely within the control of the Petitioners or the Monitor. Construction is contingent upon the Petitioners securing continued advances from KingSett under the Interim Lending Facility. These advances are subject to KingSett's approval of cash flow projections and budgets. The Monitor's outstanding information requests are part of assessing Project feasibility, in order to determine if the Petitioners can access the required construction funding.

4.0 Consultants

1. The Petitioners further allege that the Monitor failed to engage with project consultants. That characterization omits important context.
2. Gurdeep scheduled a group meeting involving numerous consultants and invited the Monitor without first consulting the Monitor regarding either its availability or whether such a meeting was an appropriate forum.
3. Given the differing contractual relationships, commercial interests and potential leverage held by various consultants, the Monitor did not consider it appropriate to convene all consultants collectively without first discussing the purpose and objectives of such a meeting.
4. The Monitor requested that future meetings involving consultants first be coordinated with the Monitor.
5. Nevertheless, representatives of the Monitor attended at the originally scheduled meeting time. Gurdeep did not attend the meeting at the scheduled time and the Monitor, along with the consultants, continued to wait in the virtual meeting "lobby" for at least 20 minutes, waiting to be let into the meeting, before eventually dropping from the meeting.
6. Approximately 28 minutes after the scheduled time for the meeting, Gurdeep sent an email to the Monitor advising that he had now started the meeting and opened the meeting link. By that time, the Monitor had other commitments and was unavailable to participate.
7. The contemporaneous email correspondence attached as **Appendix "A"** reflects these events.
8. The Petitioners' suggestion that the Monitor declined to participate is inaccurate.

5.0 Site Attendance

1. The Petitioners further allege that the Monitor has never attended the Project site. That allegation is incorrect.
2. Representatives of the Monitor have attended the Project site, including on July 28, 2026 prior to the responding court materials being served. Earlier that same day, presumably before Gurdeep swore his affidavit, the Monitor advised Gurdeep that representatives of the Monitor would be attending the Project.
3. The allegation contained in the Petitioners' application was therefore inaccurate.
4. Furthermore, the overall premise of the Petitioners objection appears to suggest that monitoring a construction project requires continuous physical presence by the Monitor at the site. The Monitor does not agree with this statement. The Monitor is a court officer whose function is oversight, verification, and reporting to the court and stakeholders, not construction supervision. The construction supervision falls within the scope of the construction manager, consultants of record and the quantity surveyor. The Monitor's job is to receive, review, and report on what the aforementioned project team produces.

6.0 Rezoning

1. The Petitioners criticize the Monitor for questioning the proposed rezoning application.
2. Respectfully, the Monitor considers it entirely appropriate that it be consulted before the Petitioners undertake any material step capable of affecting the value of the Project, the rights of existing presale purchasers, the restructuring process or stakeholder recoveries. The proposed rezoning was a significant development.
3. In the Monitor's experience acting in numerous Court-supervised real estate restructurings, it is highly unusual for a debtor to pursue a material rezoning initiative without first consulting the Court-appointed Monitor, particularly where the proposal may affect existing presale obligations and restructuring alternatives.
4. The Monitor's inquiries concerning the proposed rezoning were therefore entirely consistent with its duties as an officer of this Court.

7.0 HST Refund

1. The Responding Materials reference a “GST/HST refund” obtained by the Petitioners in the amount of \$86,185.66 (the “**HST Refund**”). The Petitioners did not disclose the HST Refund to the Monitor despite receiving the funds during the course of these CCAA Proceedings, and the Monitor making multiple requests for information regarding the Petitioners’ GST/HST account. The Monitor only learned of the HST Refund through communication with the CRA on July 27, 2026.
2. Immediately following discovery of the HST Refund, the Monitor’s counsel asked the Petitioners’ counsel about the funds, noting they should be under the Monitor’s control pursuant to terms of the ARIO. The Petitioners’ counsel only responded that the HST Refund would be addressed in the Responding Materials.
3. In any event and despite purported justification raised in the Responding Materials, the HST Refund is an asset of the Petitioners, is subject to these CCAA Proceedings, and must be controlled by the Monitor pursuant to the terms of the ARIO.

8.0 The Petitioners' Explanations Reinforce the Monitor's Concerns

1. The Monitor notes that many of the explanations advanced by the Petitioners in the Responding Materials do not alleviate the concerns identified in the Monitor's Second Report. Rather, they reinforce them. For example:
 - a) the Petitioners acknowledge that inaccurate bank statements were provided to the Monitor. The Monitor’s records show that the inaccurate bank statements were uploaded to the Monitor’s data room by the Petitioners’ Controller, “Jay Hothi”, not an anonymous “family member” as alleged in the Responding Materials;
 - b) the Petitioners acknowledge that banking responsibilities had been delegated to the anonymous “family member”;
 - c) the Petitioners acknowledge that expenditures exceeding Court-imposed approval thresholds occurred;
 - d) the Petitioners acknowledge that two deficient presales deposits are from non-arm’s length parties; and

- e) with respect to the presale deposits, the Petitioners' Responding Materials do not address one of the Monitor's principal concerns. Prior to the issuance of the Monitor's Second Report, Gurdeep advised the Monitor that purchasers under the Executed Sale Agreements were only required to pay an initial deposit of \$10,000, with additional deposits becoming payable upon the occurrence of specified construction milestones, including when the applicable unit was ready for painting and upon issuance of a completion notice. However, that explanation is inconsistent with the Executed Sale Agreements reviewed by the Monitor, which contemplate staged deposits payable at specified times rather than construction milestones. The Petitioners' responding materials do not reconcile or explain this inconsistency.
2. While the Petitioners seek to explain these matters, the Monitor respectfully submits that these explanations do not diminish the concerns previously identified. Instead, they further support the need for enhanced oversight of the Petitioners' activities during these proceedings.

9.0 Conclusion

1. The Monitor respectfully submits that the Petitioners' criticisms largely arise because the Monitor exercised the independent judgment expected of a Court-appointed officer.
2. The Monitor has not acted as an advocate for any stakeholder, nor has it assumed the role of project manager. Rather, it has fulfilled its statutory and Court-ordered responsibilities by independently assessing the Petitioners' proposals, requesting supporting information where necessary, investigating significant irregularities brought to its attention and reporting its findings to this Court.
3. Having reviewed the Petitioners' application materials, the Monitor respectfully submits that nothing therein alters the conclusions reached in the Second Report. If anything, the Petitioners' own evidence further demonstrates why the enhanced oversight sought by KingSett remains appropriate.

* * *

All of which is respectfully submitted,

AlixPartners Restructuring, Inc.

**ALIXPARTNERS RESTRUCTURING, INC.,
IN ITS CAPACITY AS MONITOR OF
SYMPHONY HOMES (MOONLIGHT SONATA) LIMITED,
1168386 B.C. LTD., 1197030 B.C. LTD., 1197062 B.C. LTD.,
SYMPHONY HOMES (WAYBURNE) LTD., AND 663466 B.C. LTD.
AND NOT IN ITS PERSONAL CAPACITY**

Appendix “A”

From: [Tallat, Murtaza](#)
To: [Oculus Engineering](#); [Zeeshan Wahla](#)
Cc: [Bobby Sandhu](#); [Gurdeep Singh Kainth](#); [Shamus Sachs](#); [Tyson Cotnam Bcls](#); [Farzad Hemmati](#); [Farhad Hemmati](#); [Michael Patterson](#); [K Ma](#); [Matt Kokan](#); [steven@nemetz.com](#); [Jay Hothi](#); [Goldstein, Noah](#); [Young, Andrew](#)
Subject: RE: Moonlight Sonata: Consultants - Meet the Monitor
Date: July 15, 2026 5:59:00 PM
Attachments: [image001.png](#)

All,

It is not the Monitor's meeting invite and we are not sure whether this call is moving forward. We waited approximately 20 minutes and then had to jump for another meeting.

We want to take this opportunity however to reassure you that we will be reaching out to the consultants individually and we will reconvene with you to discuss the project. We also want to clarify our role as the Monitor – we do not work for the company or any particular creditor, lender etc. The Monitor is a court-officer and is an independent and objective party that assists to facilitate a successful restructuring and is required to report periodically back to Court.

Please look out for an email from someone from our office over the next few days to discuss directly.

Kind regards,

Murtaza Tallat
Partner

t: [416.932.6031](tel:416.932.6031)
m: [647.640.4248](tel:647.640.4248)

From: Oculus Engineering <info@oeng.ca>
Sent: July 15, 2026 5:41 PM
To: Zeeshan Wahla <zee@emec.ca>
Cc: Bobby Sandhu <sandhu@geopacific.ca>; Gurdeep Singh Kainth <gurdeep@symphonygroup.ca>; Shamus Sachs <shamuss@integra-arch.com>; Tyson Cotnam Bcls <tyson@bennettsurveys.com>; Farzad Hemmati <farzadh@bmactc.com>; Farhad Hemmati <farhadh@bmactc.com>; Michael Patterson <mp@perryandassociates.ca>; K Ma <kma.gbs@gmail.com>; Matt Kokan <kokan@geopacific.ca>; steven@nemetz.com; Jay Hothi <accounts@symphonygroup.ca>; Murtaza Tallat <mtallat@ksvadvisory.com>; Tallat, Murtaza <murtaza.tallat@alixpartners.com>; William Stransky <wstransky@mcewanpartners.com>; Goldstein, Noah <noah.goldstein@alixpartners.com>; Young, Andrew <ayoung@alixpartners.com>
Subject: Re: Moonlight Sonata: Consultants - Meet the Monitor

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

I am also waiting. Is it on?

Regards,

Shoaib Khan



Shoaib Khan P.Eng., PMP, CWBSP
Principal Engineer
OCULUS ENGINEERING LTD

■ C: (778) 262 0541
■ O: (778) 372 9886 Ext: 101
■ shoaib.khan@oeng.ca
■ www.oeng.ca
■ 235-970 Burrard St, Vancouver, V6Z 2R4

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On Wed, Jul 15, 2026 at 2:39 PM Zeeshan Wahla <zee@emec.ca> wrote:

I am also waiting

Sent from [Outlook for iOS](#)

From: Bobby Sandhu <sandhu@geopacific.ca>

Sent: Wednesday, 15 July 2026 14:38:41

To: Gurdeep Singh Kainth <gurdeep@symphonygroup.ca>; Shamus Sachs <shamuss@integra-arch.com>; Tyson Cotnam Bcls <tyson@bennettsurveys.com>; Farzad Hemmati <farzadh@bmactc.com>; Farhad Hemmati <farhadh@bmactc.com>; Michael Patterson <mp@perryandassociates.ca>; Zeeshan Wahla <zee@emec.ca>; K Ma <kma.gbs@gmail.com>; Matt Kokan <kokan@geopacific.ca>; info@oeng.ca <info@oeng.ca>; steven@nemetz.com <steven@nemetz.com>; Jay Hothi <accounts@symphonygroup.ca>; Murtaza Tallat <mtallat@ksvadvisory.com>; Tallat, Murtaza <murtaza.tallat@alixpartners.com>

Cc: William Stransky <wstransky@mcewanpartners.com>; Goldstein, Noah <noah.goldstein@alixpartners.com>; Young, Andrew <ayoung@alixpartners.com>

Subject: RE: Moonlight Sonata: Consultants - Meet the Monitor

Hi All,

Is the meeting on teams?

Thanks,

Bobby S. Sandhu

B.Eng., P.Eng.

Project Engineer



1779 W. 75th Avenue

Vancouver, B.C., V6P 6P2

Office: 604 439 0922

Cell: 778 893 1304

-----Original Appointment-----

From: Matt Kokan <kokan@geopacific.ca> **On Behalf Of** Gurdeep Singh Kainth

Sent: July 13, 2026 11:03 AM

To: Gillian Williams; Bobby Sandhu

Subject: FW: Moonlight Sonata: Consultants - Meet the Monitor

When: July 15, 2026 2:30 PM-3:30 PM (UTC-08:00) Pacific Time (US & Canada).

Where: Office: 5648 Imperial Street, Burnaby

Gill I am not sure what we are meant to be doing here. I believe this is a project that I am EOR for with Bobby doing most of the day to day work

-----Original Appointment-----

From: Gurdeep Singh Kainth <gurdeep@symphonygroup.ca>

Sent: July 13, 2026 10:59 AM

To: Gurdeep Singh Kainth; Shamus Sachs; Tyson Cotnam Bcls; Farzad Hemmati; Farhad Hemmati; Michael Patterson; Zeeshan Wahla; K Ma; Matt Kokan; info@oeng.ca; steven@nemetz.com; Jay Hothi; Murtaza Tallat; Tallat, Murtaza

Cc: William Stransky; Goldstein, Noah; Young, Andrew

Subject: Moonlight Sonata: Consultants - Meet the Monitor

When: July 15, 2026 2:30 PM-3:30 PM (UTC-08:00) Pacific Time (US & Canada).

Where: Office: 5648 Imperial Street, Burnaby

MOONLIGHT SONATA — CONSULTANTS OF RECORD AND THE MONITOR

Wednesday 15 July 2026 · 14:30–15:30 · Microsoft Teams

Convened by Symphony Homes (Wayburne) Ltd., as Construction Manager.

PURPOSE

To introduce the consultants of record to the Monitor appointed in the CCAA proceedings, and to give each consultant the opportunity to put questions on payment, process and re-engagement directly to the Monitor.

SCOPE OF THIS CALL

Payment, process and re-engagement. Technical and design matters continue to be dealt with between each consultant and Symphony directly, in the ordinary course, and are not required for this call.

AGENDA

1. Introductions

Symphony; the Monitor (KSV / AlixPartners); the consultants of record.

2. The Monitor

The Monitor to introduce itself, its role under the Order, and its involvement in the project to date.

3. The proceedings — status Symphony

The project is subject to a court-ordered restructuring. Symphony remains in possession and continues as Construction Manager. The objective of the Order is completion.

4. The consultants' position Symphony

Each consultant is a registered professional of record who filed a Schedule B at building permit. Continuity of engagement is a condition of Schedule C-B certification, and therefore of occupancy.

5. Pre-filing amounts

Symphony

Symphony has itemized the pre-filing amounts by cost code and submitted the breakout to the Monitor and to the lender's quantity surveyor. The mechanism for settlement is a direction that rests with the Monitor.

6. Questions to the Monitor

Open

Each consultant may put its questions on payment, process and re-engagement directly.

7. Next steps and dates

The date by which the consultants can expect the Monitor's direction on the payment mechanism, and the sequencing of re-engagement.

A written note of the meeting will be circulated the same day.

Microsoft Teams meeting

Join: <https://teams.microsoft.com/meet/293583933669665?p=Dwe3zvdGPPDPY4hLeQ>

Meeting ID: 293 583 933 669 665

Passcode: nD2ff6Xe

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Phone conference ID: 643 886 832#

For organizers: [Meeting options](#) | [Reset dial-in PIN](#)

Murtaza Tallat
Partner

AlixPartners
Toronto
t: [416.932.6031](tel:416.932.6031)
m: [647.640.4248](tel:647.640.4248)
murtaza.tallat@alixpartners.com
AlixPartners.com

From: [Gurdeep Singh Kainth](#)
To: [Murtaza Tallat](#); [Tallat, Murtaza](#)
Cc: [Tyson Cotnam Bcls](#); [K Ma](#); [Michael Patterson](#); [Shamus Sachs](#); [Farhad Hemmati](#); [Farzad Hemmati](#); [William Stransky](#); [Goldstein, Noah](#); [Zeeshan Wahla](#); [Matt Kokan](#); [Young, Andrew](#); [Bobby Sandhu](#); [Jason McDougall](#); [Isaac La Roy](#); [Giovany Comin](#); [Tiara Winata](#); [info@oeng.ca](#); [steven@nemetz.com](#); [Jay Hothi](#); [franci@nemetz.com](#)
Subject: Re: Moonlight Sonata: Consultants - Meet the Monitor
Date: July 15, 2026 5:58:42 PM
Attachments: [image.png](#)

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Subject: RE: Moonlight Sonata — Consultants Call

Murtaza,

We're on the consultants call now and don't see you yet. Let me know if you're joining or if you'd prefer we reschedule.

Thanks,



Gurdeep Singh Kainth | Managing Director

Symphony Group of Companies

P +1 604 671 7878

E gurdeep@symphonygroup.ca

W www.symphonygroup.ca

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From: Gurdeep Singh Kainth

Sent: Monday, July 13, 2026 10:58 AM

To: Shamus Sachs <shamuss@integra-arch.com>; Tyson Cotnam Bcls <tyson@bennettsurveys.com>; Farzad Hemmati <farzadh@bmactc.com>; Farhad Hemmati <farhadh@bmactc.com>; Michael Patterson <mp@perryandassociates.ca>; Zeeshan Wahla <zee@emec.ca>; K Ma <kma.gbs@gmail.com>; Matt Kokan <kokan@geopacific.ca>; info@oeng.ca <info@oeng.ca>; steven@nemetz.com <steven@nemetz.com>; Jay Hothi <accounts@symphonygroup.ca>; Murtaza Tallat <mtallat@ksvadvisory.com>; Tallat, Murtaza <murtaza.tallat@alixpartners.com>; franci@nemetz.com <franci@nemetz.com>

Cc: William Stransky <wstransky@mcewanpartners.com>; Goldstein, Noah

<noah.goldstein@alixpartners.com>; Young, Andrew <ayoung@alixpartners.com>; Bobby Sandhu <sandhu@geopacific.ca>; Jason McDougall <jm@perryandassociates.ca>; Isaac La Roy <Isaac.LaRoy@geopacific.ca>; Giovany Comin <giovanyc@bmactc.com>; Tiara Winata <tiara.winata@geopacific.ca>

Subject: Moonlight Sonata: Consultants - Meet the Monitor

When: Wednesday, July 15, 2026 2:30 PM-3:30 PM.

Where: Office: 5648 Imperial Street, Burnaby

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Meeting ID: 293 583 933 669 665

Passcode: nD2ff6Xe

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