



SUPERIOR COURT OF JUSTICE

COUNSEL SLIP/ENDORSEMENT

COURT FILE NO.: CV-21-00667820-00CL DATE: October 18, 2022

NO. ON LIST: 4

TITLE OF PROCEEDING: TD BANK v. 9052526 CANADA INC

BEFORE JUSTICE: JUSTICE KIMMEL

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party, Crown:

Name of Person Appearing	Name of Party	Contact Info
Robert Danter	Lawyers for the Applicant, The Toronto-Dominion Bank	rdanter@harrisonpensa.com

For Defendant, Respondent, Responding Party, Defence:

Name of Person Appearing	Name of Party	Contact Info
Kristine Holder	k.holder@nanda.ca	Lawyers for the Respondent, 9052526 Canada Inc.

For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
R. Graham Phoenix	Lawyers for the Proposed Receiver, BDO Canada Limited	gphoenix@loonix.com

ENDORSEMENT OF JUSTICE KIMMEL:

1. BDO Canada Limited, the court appointed receiver of all of the undertakings, properties and assets of 9052526 Canada Inc. (the "Debtor"), seeks various administrative/disclosure orders against the principal of the Debtor (Sad Alam Sheikh, a/k/a Saad Sheikh, "Mr. Sheikh") and two non-arm's length companies, a company that says it is a sub-tenant of the Debtor's premises (1890194 Ontario Inc. o/a Jamuna Foods, "Jamuna") and a supermarket that appears to be a significant customer of the Debtor (11347314 Canada Inc. o/a Victoria Supermarket, "Victoria Supermarket").
2. The receiver has been in contact with these non-arm's length non-parties, Jamuna and Victoria Supermarket, by email and they were served with this motion on October 6, 2022 at the email addresses that the Receiver has been using to communicate with them throughout. They have not responded or objected to the relief sought.
3. Mr. Sheikh's counsel appeared on this motion and indicated that he is not objecting to the relief sought against him, other than to ask for some additional time to provide the information and materials ordered, which the Receiver agreed to grant to him.
4. The relief sought is within the scope of the Receiver's jurisdiction under the applicable sections of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3 and the terms of the Receiver's appointment, and is supported by the First Report of the Receiver dated October 6, 2022. The relief sought is reasonable, appropriate and justified in the circumstances.
5. Order to go in the revised form signed by me today. Certain changes were made to the draft order presented to ensure that the scope of the Order was not too broad, particularly as it relates to the potential examinations of non-parties to trace payments out of the Debtor's accounts.

A handwritten signature in black ink that reads "Kimmel J." The signature is written in a cursive, flowing style.

KIMMEL J.