

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

BUSINESS DEVELOPMENT BANK OF CANADA

Applicant

- and -

2868335 ONTARIO INC.

Respondent

**APPLICATION UNDER SUBSECTION 243(1) OF THE *BANKRUPTCY AND INSOLVENCY ACT*,
R.S.C. 1985, c. B-3, AS AMENDED AND SECTION 101 OF THE *COURTS OF JUSTICE ACT*,
R.S.O. 1990, c. C.43, AS AMENDED**

SUPPLEMENTAL APPLICATION RECORD

(returnable July 3, 2025 at 10:00 am)

June 30, 2025

AIRD & BERLIS LLP

Barristers & Solicitors

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Lawyers for the Business Development Bank of Canada

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ACT, R.S.C. 1985, c. B-3, AS AMENDED AND SECTION 101 OF THE COURTS OF JUSTICE
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	Exhibit “B” – The Post-Adjournment Correspondence

TAB 1

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**SUPPLEMENTAL AFFIDAVIT OF ADAM LAIKEN
(sworn June 30, 2025)**

I, Adam Laiken, of the City of Toronto, in the Province of Ontario, **MAKE OATH AND
SAY AS FOLLOWS:**

1. I am a Director, Business Restructuring of the Business Development Bank of Canada (the “**Lender**” or “**BDC**”). The Lender is a secured creditor of 2868335 Ontario Inc. (the “**Debtor**”), the respondent herein, and I am one of the individuals employed by BDC responsible for management of the Debtor’s accounts and credit facilities. As such, I have personal knowledge of the matters to which I hereinafter depose. Where I do not have personal knowledge of the matters set out herein, I have stated the source of my information and, in all such cases, believe it to be true.

2. This Affidavit is sworn in support of the pending receivership application against the Debtor, and is sworn further to my Affidavit sworn April 1, 2025 (the “**Initial Laiken Affidavit**”). All capitalized terms herein not defined shall have the meaning set out in the Initial Laiken Affidavit.

3. I am swearing this Affidavit in support of an application by the Lender for an Order appointing Grant Thornton Limited (“**GTL**”) as receiver of all the assets, undertakings and properties of the Debtor acquired for or used in relation to the business carried on by the Debtor, including the real properties located at the addresses municipally known as: (i) 40 West Drive, Brampton, Ontario (“**40 West Drive**”), and (ii) 44 West Drive, Brampton, Ontario (“**44 West Drive**” and collectively, the “**Real Properties**”), and all proceeds thereof (collectively with the Real Properties, the “**Property**”).

4. On May 16, 2025, the parties attended the initial hearing of this application before the Honourable Justice Derstine which was adjourned until July 3, 2025. The endorsement following the hearing and adjournment is attached hereto as Exhibit “A” (the “**Endorsement**”).

5. Among other things, the Endorsement provides that: (i) there is a shareholder dispute between two parties controlling the Debtor (the “**Principals**” and each, a “**Principal**”), (ii) the Principals requested an adjournment to retain counsel to respond to BDC’s materials, (iii) on consent, the Principals agreed to pay the Lender the sum of \$120,000 to address interest accruing over the adjournment period (the “**Accrued Adjournment Interest**”), and (iv) the adjournment is on a peremptory basis.

6. I am advised by Shaun Parsons, the Lender's co-counsel at Aird and Berlis LLP, that, as of the date of this Affidavit, the Debtor has not indicated that they have retained counsel or advised that they have, or made attempts, to retain counsel.

7. As of the date of this Affidavit, the Debtor has not paid the Accrued Adjournment Interest to BDC.

8. On June 20, 2025, Santosh Sharma and Rimple Joshi, one set of the Principals, sent correspondence to the service list that, among other things: (i) advised that the other Principal was operating the Debtor's business without their agreement, knowledge or input, and (ii) requested the Lender proceed with the receivership, as "the receivership will be a blessing" (the "**Post-Adjournment Correspondence**"). A copy of the Post-Adjournment Correspondence is attached hereto as Exhibit "B"

9. This affidavit is thus made in support of the within application for the appointment of GTL as Receiver over the Property, and for no other improper purpose.

Affirmed remotely by video conference on June 30, 2025 in the City of Toronto, in the Province of Ontario, with the affiant before me in the City of Toronto, in accordance with O. Reg 431/20, Administering Oath or Declaration Remotely.

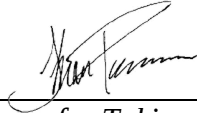
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Commissioner for Taking Affidavits

Signed by:

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ADAM LAIKEN

This is Exhibit "A" referred to in the Affidavit of Adam Laiken
sworn before me, this 30th, day of June, 2025.



Commissioner for Taking Affidavits

SUPERIOR COURT OF JUSTICE – ONTARIO

7755 Hurontario Street, Brampton ON L6W 4T6

RE: BUSINESS DEVELOPEMENT BANK OF CANADA, plaintiff

AND:

2868335 ONTARIO INC., defendant

BEFORE: Justice D. Derstine

COUNSEL: PARSON, S, for the plaintiff
sparsons@airdberlis.com
LAIKEN, A, for the defendant
adam.laiken@bdc.ca
SARAI, H, for the defendant
Self- Represented - harneksarai@gmail.com
SANTOSH, Sharma

HEARD: May 16, 2025, by video conference

ENDORSEMENT

- [1] The Applicant Business Development Bank of Canada makes an application for receivership order appointing Grant Thornton as a receiver without security of all the assets of the Respondent including the real property located at 40 West Drive, Brampton and 44 West Drive, Brampton.
- [2] The Respondent appeared and two persons made representations indicating that there was a form of shareholder dispute within the company but that they both wanted to obtain counsel to be able to properly respond to the materials. They indicated that they would be prepared to pay the

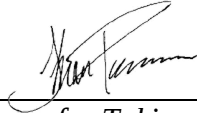
Business Development Bank of Canada the proper payments for the period from today to the date of return of the motion. Given that concession I am prepared to adjourn the motion to July 3, 2025 peremptory on the Respondent. The Respondent is ordered on consent to pay the Business Development Bank of Canada the sum of \$120,000 by the return of the motion.



Derstine, J.

Released: May 16, 2025

This is Exhibit "B" referred to in the Affidavit of Adam Laiken
sworn before me, this 30th, day of June, 2025.



Commissioner for Taking Affidavits

From: [Highway Xpress Transport](#)
Cc: [Shaun Parsons](#); dan.wootton@doane.gt.ca; osbservice-bsfservice@ised-isde.gc.ca; [AGC-PGC.Toronto-Tax-Fiscal@justice.gc.ca](#); insolvency.unit@ontario.ca; [Shivali Joshi](#); [Kyle Plunkett](#); [Mackenzie Consitt](#)
Subject: Re: Application Record - Business Development Bank of Canada - CV-25-00001828-0000
Date: June 20, 2025 4:50:15 PM



Hello,

It has been 31 months since Harnek Sarai has been solely using the properties against our wishes and agreement.

He runs his whole J and G Forwarding operations utilizing almost all the parking of 40 and 44 west drive.

He even fully utilizes the 40 west drive warehouse for his personal usage and operations of J&G forwarding.

This was not the plan going into the purchase of both properties.

He was also renting out the offices of 40 west drive to the PC candidate, Tim Iqbal, without the agreement or knowledge of us his partners, Rimple and Santosh.

He has taken over both properties and does not let any property be sold or rented out.

He does what he wants how he wants without his other partners input and has been a bully throughout.

Because of his illegal usage of the property and parking the city of Brampton has sent multiple fines and orders but he refuses to empty.

We are trapped, please free us from this horrible partnership.

We both, Rimple and Santosh, have given up at this point so please empty out the properties as soon as possible since Harnek is not cooperating and the only one who has been using both against our wishes and agreement. Partnership is about equality and fairness, something that has been missing since day one. We tried to make it work but he refuses to rent out anything unless he can secretly do so and pocket it in his personal account. He refuses to take his operations out of the warehouse or parking in order for us to be able to rent to others and earn something. We even have videos of him using it over the years and his trucks, goods and operations on the property. He trapped, used and screwed us.

The receivership will be a blessing. Please proceed with it asap.

Thank you,

Santosh and Rimple

***We provide cross docking & warehousing in the heart of
Brampton/Mississauga***

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Court File No. CV-25-00001828-0000

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Proceedings commenced at Brampton

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