

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)**

**B E T W E E N:**

**CANADIAN IMPERIAL BANK OF COMMERCE**

**Plaintiff**

**- and -**

**SIMRANJIT DHILLON, MANDHIR DHILLON, SARBJIT DHILLON,  
MANDEEP DHILLON, 908593 ONTARIO LIMITED, operating as Eagle Travel  
Plaza, 1393382 ONTARIO LIMITED, 2145744 ONTARIO LIMITED, 2145754  
ONTARIO LIMITED, 1552838 ONTARIO INC., 2189788 ONTARIO INC.,  
2123618 ONTARIO LIMITED, 1849722 ONTARIO LTD., 2469244 ONTARIO  
LIMITED, 2364507 ONTARIO LIMITED, 1254044 ONTARIO LIMITED and  
2612550 ONTARIO LIMITED**

**Defendants**

**FIRST REPORT OF BDO CANADA LIMITED, IN ITS CAPACITY  
AS COURT APPOINTED RECEIVER AND MANAGER**

**October 4, 2019**

**TABLE OF CONTENTS**

---

Background.....	3
Purpose of this Report.....	4
Scope and Terms of Reference .....	4
Retrieval of Documents from the Storage Locker .....	4
Access to the Records.....	5

## Background

1. By way of an order of the Honourable Justice Hailey dated September 30, 2019 (the “Appointment Order”), BDO Canada Limited was appointed as the receiver and manager (in such capacities, the “Receiver”), without security, of all of the assets, undertakings and properties of 908593 ONTARIO LIMITED, operating as Eagle Travel Plaza (“908”), 1393382 ONTARIO LIMITED, 2145744 ONTARIO LIMITED, 2145754 ONTARIO LIMITED, 1552838 ONTARIO INC., 2189788 ONTARIO INC., 2123618 ONTARIO LIMITED, 1849722 ONTARIO LTD, 2469244 ONTARIO LIMITED, 2364507 ONTARIO LIMITED, 1254044 ONTARIO LIMITED and 2612550 ONTARIO LIMITED (collectively, the “Debtors”) acquired for, or used in relation to a business carried on by the Debtors.
2. 908 is the principal Debtor. 908 operates four truck service centres and fueling stations in Southwestern Ontario, and a business that sells truck fleet refueling cards for use in Canada and the United States. The service centres are located in Tilbury, Chatham, and Sarnia (two locations). The remaining Debtors are related companies who own, operate and/or guarantee related businesses and/or assets.
3. At the September 30 hearing, the Honourable Justice Hailey granted two additional orders in this proceeding, as follows:
  - (a) an order to allow entry and search of the premises (the “Anton Piller Order”);  
and
  - (b) a mareva injunction order (the “Mareva Order”).
4. The orders were made pursuant to Rules 40.01 and 41.02, which permit such orders to be made in a pending or intended proceeding. In addition to the Debtors, the defendants to the intended proceeding are: Simranjit Dhillon, Mandhir Dhillon, Sarbjit Dhillon, and Mandeep Dhillon (collectively, the “Dhillon Defendants”).

### **Purpose of this Report**

5. This constitutes the Receiver's first report to the Court in this matter (the "First Report"). It is filed in support of the applicant CIBC's request for an order, *inter alia* (the "CIBC Motion"):

- (a) granting the Receiver access to the Records seized from the Storage Unit (defined below).

### **Scope and Terms of Reference**

6. This First Report has been prepared in support of the CIBC Motion and for the use of this Court. Accordingly, the reader is cautioned that the First Report may not be appropriate for any other purpose. The Receiver will not assume responsibility or liability for losses incurred by the reader as a result of the circulation, publication, reproduction or use of the First Report for purposes other than as set out herein.

7. All court materials (other than those sealed by Court order) and orders and endorsements issued and filed in these receivership proceedings are available on the Receiver's website at: [www.extranets.bdo.ca/eagletravelplaza](http://www.extranets.bdo.ca/eagletravelplaza) and will remain available on the website for a period of six (6) months following the Receiver's discharge.

### **Retrieval of Documents from the Storage Locker**

8. Pursuant to the Anton Piller Order, the Receiver was appointed as an "Authorized Person" for all purposes under that order. The Receiver, with its counsel Aird & Berlis, is to fulfill the function of Independent Supervising Solicitor for any searches conducted by the Receiver pursuant to the Anton Piller Order.

9. On Monday, September 30, 2019, at approximately 7:55 p.m., Brad Newton of the Receiver, together with Damian Lu of A&B, attended at the storage facility located at 7690 Queen's Line, Chatham (the "Storage Facility"), which Storage Facility is identified at paragraph 1 of the Anton Piller Order. The Storage Facility was identified as Maple City Mini Storage.

10. Mr. Lu spoke with Richard Jansen, the operator of the Storage Facility, who was in attendance. Mr. Lu explained the Anton Piller Order to Mr. Jansen, and subsequently provided him with a copy of same.

11. Mr. Jansen advised Mr. Newton and Mr. Lu that Unit 21J (the “Storage Unit”) was rented to the defendant Sarbjit Dhillon. Mr. Jansen provided Mr. Newton and Mr. Lu with access to the Storage Unit.

12. The only items in the Storage Unit were seven file boxes of documents (the “Records”).

13. Mr. Newton and Mr. Lu took custody of the Records, and removed them to the Chatham service centre. The Receiver has continued to maintain custody of the Records in a secure location at the Chatham service centre. For clarity, the Receiver has taken possession of the Chatham service centre pursuant to the Appointment Order.

#### **Access to the Records**

14. The Receiver has reviewed the affidavit of Brian King sworn October 3, 2019, attaching a reporting letter dated October 3, 2019, relating to surveillance efforts under the supervision of the King International Advisory Group (the “King Report”).

15. The King Report identifies that Sarbjit Dhillon used a vehicle owned by 908 to transport three file boxes from his home to the Storage Facility. Sarbjit Dhillon stopped at the Tilbury service center along the way.

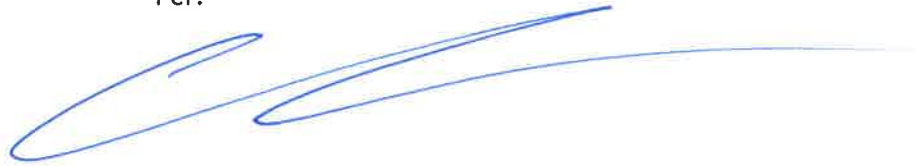
16. On the basis of the foregoing, the Receiver believes that the Records likely relate to the Debtors’ operations, such that they form part of the property of the Debtors over which the Receiver has been appointed as receiver and manager.

All of which is respectfully submitted this 4<sup>th</sup> day of October 2019.

**BDO CANADA LIMITED,**

solely in its capacity as Court-appointed receiver and manager of SIMRANJIT DHILLON, MANDHIR DHILLON, SARBJIT DHILLON, MANDEEP DHILLON, 908593 ONTARIO LIMITED, operating as Eagle Travel Plaza, 1393382 ONTARIO LIMITED, 2145744 ONTARIO LIMITED, 2145754 ONTARIO LIMITED, 1552838 ONTARIO INC., 2189788 ONTARIO INC., 2123618 ONTARIO LIMITED, 1849722 ONTARIO LTD., 2469244 ONTARIO LIMITED, 2364507 ONTARIO LIMITED, 1254044 ONTARIO LIMITED and 2612550 ONTARIO LIMITED

Per:



Christopher J. Mazur, CIRP, LIT  
Senior Vice President  
National Commercial Practice Leader