

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

BETWEEN:

ROYAL BANK OF CANADA

Applicant

- and -

AHM TRANSPORT INC., AISHKA EXPRESS 2016 INC., AISHKA EXPRESS INC., AISHKA
RECYCLING INC. and TANUSH TRANSPORT INC.

Respondents

**APPLICATION UNDER SECTION 243(1) OF THE *BANKRUPTCY AND
INSOLVENCY ACT*, RSC 1985, c B-3. AS AMENDED AND UNDER SECTION 101
OF THE *COURTS OF JUSTICE ACT*, RSO 1990, cC43, AS AMENDED**

**AIDE MEMOIRE OF THE RECEIVER
(Hearing May 4, 2026)**

1. msi Spergel inc., as appointed receiver (in such capacity, the “**Receiver**”), without security, over the assets, undertakings and property of the Respondents, AHM Transport Inc. (“**AHM**”), Aishka Express 2016 Inc. (“**Aishka 2016**”), Aishka Express Inc. (“**Aishka Express**”), Aishka Recycling Inc. (“**Aishka Recycling**”), and Tanush Transport Inc. (“**Tanush**”) (collectively, the “**Debtors**”) has scheduled this motion for May 4, 2026 seeking, among other relief, Orders:
 - a. compelling the Debtors and the Principals to deliver Missing Property.
 - b. declaring that the Debtors and the Principals breached the Asset Recovery Order.
 - c. declaring that the Debtors and the Principals are in contempt of Court.(the “**Receiver’s Motion**”).
2. On February 12, 2026, the Honourable Justice Dietrich, endorsed a timetable for the Receiver’s Motion (the “**Timetable**”).

3. Pursuant to the Timetable, the Responding material was to be delivered on or before March 13, 2026. The Receiver had followed with counsel to the Respondents with respect to the delivery of materials. The Respondents did not deliver Responding material to date.
4. As a result of the Respondents' failure to deliver responding material under the terms of the Timetable, the Receiver returned the matter for a chambers appointment with this Court. On April 21, 2026, the Honourable Justice Black issued an endorsement, a copy of which is attached at **Tab 1**.
5. On April 30, 2026, at 3:22 pm, the Receiver received the Respondents' Responding Record by e-mail. The Responding Record contains the affidavit of Puvanenthiran Jeyabalasingam (the "**Affiant**") sworn April 30, 2026 (the "**Responding Affidavit**").
6. The Responding Affidavit places evidence on the record that requires further review, and potentially reply by the Receiver as further detailed below.

Returned Property

7. The Affiant deposes to the fact that the Returned Property (as defined at paragraph 17 of the Responding Affidavit), was delivered to Ritchie Bros. Auctioneers (Canada) Ltd. (the "**Auctioneer**") in June of 2025.
8. At no time was the Receiver advised that the Affiant or the Respondents had delivered the Returned Property to the Auctioneer. The Receiver is investigating this issue with the Auctioneer and to date has been advised that certain property was returned to the Auctioneer. The extent of the property returned is to be confirmed.
9. The Receiver is advised that the Auctioneer was unable to determine the owner of the subject property returned, and as such did not advise the Receiver that the Auctioneer was in possession of same.
10. At no time was the Receiver advised by the Respondents nor the Affiant that the Returned Property was delivered to the Auctioneer.

Book and Records

11. The Affiant disposes to the fact that the Receiver took possession of the Respondents' hard drives and related computer equipment (the "**Equipment**"), and that the Equipment was sold by the Receiver. The Receiver can confirm that the Equipment was sold. More importantly, the Receiver did confirm that no data was available to the Receiver on the Equipment.

CRA

12. The Affiant disposes to the fact that Canada Revenue Agency ("**CRA**") executed search warrants and took possession of all computers, including the Equipment sold by the Receiver.
13. The Receiver did have e-mail correspondence with counsel to the Respondents on this very issue (the books and records and series seizure of same). The Receiver was advised by counsel to the Respondents that "the computers seized belonged to a different entity other than any of the Respondent debtors."

Conclusion

14. As a result of the late service of the Responding Record and the new evidence now on record in respect of the Returned Equipment and the seizure of computers by CRA, the Receiver needs to review its position with a view to replying to the Responding Affidavit.
15. The Receiver has accordingly concluded that the Receiver's Motion cannot proceed on May 4 on its merits, and requests that the Court set the matter over to a case conference to be spoken to over the next several weeks to allow the Receiver to investigate and consider a supplementary reply report.

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Lawyers for the Receiver,
msi Spergel inc.

Tab 1



ONTARIO SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: CV-24-00725055-00CL DATE: APRIL 21, 2026

NO. ON LIST: 1

TITLE OF PROCEEDING: ROYAL BANK OF CANADA v. AHM TRANSPORT INC. et al

BEFORE: JUSTICE W.D. BLACK

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

Name of Person Appearing	Name of Party	Contact Info

For Defendant, Respondent, Responding Party:

Name of Person Appearing	Name of Party	Contact Info
Howard F. Manis, Counsel	AHM Transport Inc., Aishka Express 2016 Inc., Aishka Express Inc., Aishka Recycling Inc., Tanush Transport Inc., Puvanenthiran Jeyabalasingam and Thushita Puvanenthiran	hmanis@manislaw.ca

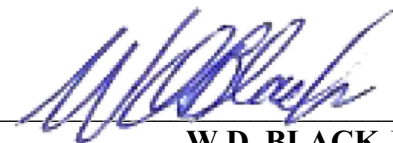
For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
Timothy C. Hogan, Counsel	Receiver, msi Spergel inc.	thogan@harrisonpensa.com

ENDORSEMENT

- [1] The Receiver booked this appointment in circumstances in which, contrary to the endorsement of J. Dietrich J. on February 12, 2026, setting out a timetable for exchange of materials culminating in a hearing on May 4, 2026, the respondents have failed to deliver responding materials by March 13, 2026, as Her Honour directed.

- [2] The Receiver's main concern is to ensure that the motion proceeds on May 4 as scheduled. The court shares that concern; time on this list is precious, and not to be squandered absent exceptional circumstances. Counsel for the Receiver also, understandably, wants to avoid any last-minute surprises, and suggested that the court should not be prepared to consider any responding materials delivered now or later, given that any such materials would be arriving so far past the date specified by J. Dietrich J.
- [3] Mr. Manis was in attendance on behalf of the respondents, as was an individual principal of the respondent companies.
- [4] Mr. Manis explained that he has encouraged his clients to comply with the court's order and deadline, and even prepared draft materials, but that so far no finalized materials have been produced, let alone delivered. Mr. Manis added that he expects, if and when responding materials are delivered, they will contain no surprises, and will be comprised of documents the Receiver has already seen.
- [5] In the circumstances, with Mr. Manis' concurrence, I explained to the parties in attendance that this is a serious matter, and that among the relief sought by the Receiver is a finding of contempt, which could, if ordered, have significant consequences.
- [6] It remains to be seen whether or not the respondents deliver any material. If they do, it will be up to Mr. Hogan of counsel for the Receiver, and ultimately up to this court, as to whether or not to accept any such responding materials.
- [7] If, as Mr. Manis anticipates, the responding materials, if any, contain no surprises, it seems likely that the matter can proceed on May 4, 2026, as scheduled. This is the strong preference of the court.
- [8] However, if responding materials are delivered that cause any concerns or surprise for Mr. Hogan (and his client), the court will be open to hearing his submissions as to what should occur, be it a rejection of the materials as being significantly after the court-ordered deadline or, if the court feels that the materials should be allowed notwithstanding their lateness, an opportunity for the Receiver to respond expeditiously.
- [9] The May 4, 2026 hearing date is confirmed, and, subject to the discussion set out above, the court expects the Receiver's motion to proceed that day.



W.D. BLACK J.

DATE: APRIL 21, 2026

ROYAL BANK OF CANADA

v.

AHM TRANSPORT INC., et al.

Applicant

Respondents

Court File No. CV-24-00725055-00CL

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PROCEEDING COMMENCED AT
TORONTO, ONTARIO

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