

**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 April 21, 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 a motion scheduled for May 4, 2026 seeking among other relief Orders:
 - a. compelling the Debtors and the Principals to deliver Missing Property.
 - b. that the Debtors and the Principals breached the Asset Recovery Order.
 - c. that the Debtors and the Principals are in contempt.(the “**Receiver’s Motion**”). Attached hereto as **Tab 1** is a copy of the Notice of Motion.

2. Pursuant to the Endorsement of the Honourable Justice Dietrich, dated February 12, 2026 (the “**Endorsement**”), a timetable for the motion was endorsed (the “**Timetable**”). Attached hereto as **Tab 2** is a copy of the Endorsement.
3. Pursuant to the Timetable, the Responding material was to be delivered on or before March 13, 2026. The Receiver has followed with counsel to the Respondents with respect to the delivery of materials. The Respondents not delivered Responding material to date.
4. The failure of the Respondents to file responding materials on or before March 13, 2026 has prejudiced the Receiver, and the Receiver seeks direction with respect to the return of the motion.

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Lawyers for the Receiver,
msi Spergel inc.

Tab 1

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

ROYAL BANK OF CANADA

Applicant

- and -

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

Respondents

**NOTICE OF MOTION
(Returnable May 4, 2026)**

msi Spergel inc. ("**Spergel**") in its capacity as Court-appointed receiver (in such capacity, the "**Receiver**") appointed pursuant to the Order of the Honourable Justice Peter Osborne dated September 16, 2024 (the "**Appointment Order**") of the Property, as defined in the Appointment Order, 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**"), will make a Motion to a Judge to hold the Debtors in contempt of Court.

PROPOSED METHOD OF HEARING: The Motion is to be heard:

- ☐ In writing under subrule 37.12.1 (1) because it is;
- ☐ In writing as an opposed motion under subrule 37.12.1 (4);
- ☐ In person;
- ☐ By telephone conference;
- ☒ By video conference.

at the following location:

On May 4, 2026, at 10:00 a.m., or as soon after that time as the Motion can be heard by judicial teleconference via Zoom at Toronto, Ontario.

THE MOTION IS FOR:

1. An Order abridging and validating (if necessary) the times for service and filing of this Notice of Contempt Motion, the Motion Record filed by the Receiver on the Contempt Motion, and any other materials filed in respect of the Contempt Motion;
2. An Order approving the Second Report of the Receiver dated February 20, 2026 (the **"Second Report"**) and the actions and activities of the Receiver described therein and that only the Receiver, in its personal capacity and only with respect to its own personal liability, shall be entitled to rely upon or utilize in any way the approval of the Second Report;
3. An Order compelling the Debtors and the Principals (as defined herein) to deliver to the Receiver any and all assets, property, or undertakings of the Debtors (the **"Property"**), including the Missing Property (as defined in the Second Report);
4. An Order that the Debtors and the Principals breached the Appointment Order and the Asset Recovery Order of the Honourable Justice Conway of the Ontario Superior Court of Justice (Commercial List) issued May 22, 2025 (the **"Asset Recovery Order"**, and together with the Appointment Order, the **"Orders"**);
5. An Order and Declaration that the Debtors and the Principals are in contempt of Court;
6. An Order that the Principals (as defined herein) be incarcerated for such period of time and on such terms that this Honourable Court deems just;

7. An Order that a Warrant of Committal be issued against the Principals (as defined herein) to enforce the order for imprisonment entered against him;
8. An Order seeking the aid and recognition of foreign courts, as may be necessary, to give effect to the Orders requested herein;
9. The costs of this motion on a substantial indemnity basis; and,
10. Such further and other relief as counsel may request and this Honourable Court deems just.

THE GROUNDS FOR THE MOTION ARE:

The Debtors and the Appointment of the Receiver

1. Each of the Debtors are incorporated pursuant to the laws of the Province of Ontario, with a registered head office in Ontario.
2. Thushitha Puvanenthiran, also known as Thusitha Puvanenthiran ("**Thushitha**") is a director of AHM and Aishka Express. Puvanenthiran Jeyabalasingam ("**Puvanenthiran**") is listed as director of Aishka 2016 and Tanush. Jeyabalasingam Puvanenthiran ("**Jeyabalasingam**") and together with Thushitha and Puvanenthiran, the "**Principals**") is the director of Aishka Recycling.
3. Prior to its appointment as Receiver, Spergel was appointed as Monitor (in such capacity, the "**Monitor**") of the Debtors pursuant to the Order of the Honourable Madam Justice Steele made on August 21, 2024 (the "**Monitor Appointment Order**").
4. Spergel was appointed as the Receiver of all the assets, undertakings, and properties of the Debtors (collectively, the "**Property**") by the Appointment Order, which was made

upon the application of the Debtors' general secured creditor, Royal Bank of Canada ("RBC").

5. The Appointment Order, among other things, empowers the Receiver to take possession of and exercise control over the Property of the Debtors, and obliges the Debtors to assist and cooperate with the Receiver in implementing the Appointment Order.

The Missing Property & the Asset Recovery Order

6. On April 24, 2025, the Receiver filed its First Report to the Court (the "**First Report**") which outlined, *inter alia*, the Receiver's activities since the date of its appointment, including its efforts to take possession of the Property.
7. The First Report outlined that:
 - a. Following the Appointment Order, the Receiver attended at the various business premises and yards of the Debtors to take possession of the assets owned and/or leased by the Debtors;
 - b. The Receiver discovered that certain assets subject to RBC's security were unaccounted for or otherwise not available to the Receiver, and the whereabouts of same were unknown (the "**Missing Property**");
 - c. The Receiver made multiple attempts to correspond with the Debtors in respect of the Missing Property, and specifically advised of the obligation of the Principals and the Debtors under the Appointment Order to provide the Missing Property to the Receiver;
 - d. The Debtors refused or otherwise neglected to respond to the Receiver in respect of the Missing Property.

8. As a result the Debtors' disregard for the Appointment Order, the Receiver brought a motion on notice to the Debtors for, *inter alia*, an Order compelling the Debtors and the Principals to facilitate the recovery of the Missing Property by the Receiver, which motion was returnable on May 6, 2025.
9. Counsel for the Debtors attended the hearing before Justice Conway on May 6, 2025 (the "**May 6th Hearing**"). At the request of the Debtors, and on consent of the Receiver, the portion of the Receiver's motion in respect of the Missing Property was adjourned to May 22, 2025, so that the Debtors could provide the locations and details in respect of the Missing Property to the Receiver.
10. On May 21, 2025, the Receiver filed a Supplemental Report to the First Report (the "**Supplemental Report**") which outlined the Receiver's correspondence with the Debtors since the May 6th Hearing, as follows:
 - a. The Debtors disclosed that some of the Missing Equipment is located at 810 Simcoe Road, Bradford, ON, L3Z 4B3 (the "**Bradford Location**"), and the remaining Missing Property is located at 7820 Boulevard Henri-Bourassa E, Montreal, QC, H1E 1P2 (the "**Montreal Location**");
 - b. Counsel for the Debtors advised the Debtors to arrange to deliver the Missing Property at the Bradford Location to the Receiver;
 - c. The Receiver asked the Debtors to confirm which of the Missing Property were at each of the locations, and provided addresses in Bradford and Montreal for the Missing Property to be delivered.
11. On May 22, 2025, the Court issued the Asset Recovery Order to enforce the provisions of the Appointment Order, to compel the Debtors and the Principals to disclose to the

Receiver the location of the Missing Property, and to permit the local police force or peace officers to assist the Receiver or its agents in gaining access to the Missing Property in order to recover same.

Contempt of the Asset Recovery Order

12. Following the issuance of the Asset Recovery Order, the Receiver again attempted to correspond with the Debtors and the Principals, and their counsel as to the location of the Missing Property. To date, the Receiver has received no correspondence from the Debtors concerning the Missing Property, and rather the Receiver's correspondence has simply been ignored.
13. On August 21, 2025, the Receiver issued demands to the Debtors and the Principals, by email to their counsel, with a deadline to provide full particulars as to the location of the Missing Property within ten day (the "**First Demand**") and enclosed a copy of the Asset Recovery Order. The Debtors and the Principals refused or otherwise neglected to respond to the First Demand, and no information with respect to the Missing Property was provided to the Receiver.
14. On September 25, 2025, the Debtors and the Principals were served personally with a second demand for particulars of the location of the Missing Property (the "**Second Demand**"), and with a copy of the Asset Recovery Order, at 290 Vellore Woods Boulevard, Woodbridge, ON, L4H 2T5, being the registered business address of each of the Debtors. The Debtors and the Principals ignored the Second Demand.
15. To date, the Receiver has not been provided with the location of the Missing Property and has been unsuccessful at recovering the Missing Property.

16. The Debtors and the Principals are aware of the Asset Recovery Order and the Appointment Order and their obligations thereunder; however, nevertheless have refused or otherwise neglected to comply with same or to reply to the First Demand or the Second Demand.
17. It is the Receiver's position that the conduct of the Debtors and the Principals in the face of the Asset Recovery Order and the Appointment Order amount to contempt of this Court, and that the Debtors and the Principals should be found to be in criminal contempt of court, or in the alternative in civil contempt of court.
18. Section 243 of the *Bankruptcy and Insolvency Act*.
19. Sections 100 and 137(2) of the *Courts of Justice Act*.
20. Rules 1.04, 2, 3, 16.04, 16.08, 37, 60.11 and 60.12 of the Rules of Civil Procedure, R.R.O. 1990, reg. 194.
21. The grounds as detailed in the Receiver's Second Report.
22. Such further and other grounds as counsel may advise and this Honourable Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

1. The Appointment Order;
2. The Asset Recovery Order;
3. The Second Report;

4. Such materials as counsel may advise and this Honourable Court may permit.

February 20 2026

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ROYAL BANK OF CANADA
Applicant

v.

AHM TRANSPORT INC., et al.
Respondents

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

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PROCEEDING COMMENCED AT
TORONTO, ONTARIO

NOTICE OF MOTION

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Tab 2



ONTARIO SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: CV-24-00725055-00CL

DATE: February 12, 2026

NO. ON LIST: 1

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

BEFORE: JUSTICE J. DIETRICH

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

Name of Person Appearing	Name of Party	Contact Info
Samantha Hans	Counsel for the Royal Bank of Canada	shans@airdberlis.com

For Defendant, Respondent, Responding Party:

Name of Person Appearing	Name of Party	Contact Info
Howard F. Manis	Counsel for the Respondents, AHM Transport Inc., Aishka Express 2016 Inc., Aishka Express Inc., Aishka Recycling Inc., Tanush Transport Inc.	hmanis@manislaw.ca

For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
Tim Hogan	Counsel for Receiver for MSI Spergel Inc.	thogan@harrisonpensa.com
Mukul Manchanda	Receiver	mmanchanda@spergel.ca

ENDORSEMENT OF JUSTICE J. DIETRICH:

[1] The Receiver seeks to schedule a motion for an order declaring the Respondents and their principals in contempt of the order of Justice Conway dated May 22, 2025 (the "Asset Recovery Order") and the order of Justice Osborne (as he then was) dated September 16, 2024 (the "Appointment Order").

[2] Counsel to the Respondents and counsel to the Receiver have agreed on the following schedule:

- a. Motion Record of the Receiver to be delivered on or before February 20, 2026;
- b. Responding material to be delivered on or before March 13, 2026;
- c. Reply record of the Receiver to be delivered on or before March 24, 2026;
- d. Written interrogatories on receiver's reports and Cross-examination on affidavit evidence to be completed on or before April 7, 2026;
- e. Factum of the Receiver to be delivered on or before April 17, 2026;
- f. Responding factum to be delivered on or before April 23, 2026;
- g. Reply factum of the Receiver to be delivered on or before April 30, 2026; and
- h. Hearing for **2 Hours starting at 10:00 on May 4, 2026 (virtual)**.

[3] All documents should be uploaded to case center no later than April 30, 2026.

Date: Feb 11, 2026.



Justice J. Dietrich

ROYAL BANK OF CANADA

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

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