

SUPERIOR COURT OF JUSTICE – ONTARIO

7755 Hurontario Street, Brampton ON L6W 4T6

RE: MITSUBISHI HC CAPITAL CANADA, INC.
MITSUBISHI HC CAPITAL CANADA LEASING,
INC., plaintiffs

AND:

ORBIT EXPRESS INC.
10055913 CANADA INC.
8615314 CANADA INC., defendants

BEFORE: Justice R Agarwal

COUNSEL: Heather FISHER, for the plaintiffs
Yadwinder SINGH, Self Represented, the defendants
Tim HOGAN, for the Receiver

HEARD: July 4, 2025, by video conference

ENDORSEMENT

- [1] The court-appointed receiver msi Spergel Inc. moves for several orders, including approval of its First Report, dated May 30, 2025, and order for recovery of property.
- [2] The respondents Orbit Express Inc., 10055913 Canada Inc., and 8615314 Canada Inc. were represented at the hearing by Yadwinder Singh, their principal.
- [3] Mitsubishi HC Capital Canada, Inc., and Mitsubishi HC Capital Canada Leasing Inc. provided equipment financing to the respondents. In 2024, the court appointed Spergel as receiver over the respondents. Spergel can't find the respondents' property. Some of the property is located at yard in Mississauga, and other property has been transferred to related companies, Noble Express Inc. and 7583150 Canada Inc. Singh and the other principal aren't cooperating.

- [4] The receiver was expecting Orbit to receive an HST refund. CRA inadvertently transferred the funds to a BMO bank account. Singh transferred most of the money to his and other personal accounts. BMO froze the remaining funds.
- [5] The receiver is asking for the court to order Noble, 758, and BMO to cooperate in recovering the property. I'm satisfied that these parties were either served with the motion materials, or Singh had notice of the motion on their behalf. Singh's submission doesn't dispute that he's the principal of Noble and 758.
- [6] The court has the inherent jurisdiction to review and either approve or disapprove of the activities of a court appointed receiver. See *Bank of America Canada v Willann Investments Ltd.*, 1993 CarswellOnt 216, at para 3.
- [7] Under the *Bankruptcy and Insolvency Act*, s. 243(1)(c), a court may appoint a receiver to, among other things, "take any ... action that the court considers advisable", if the court considers it "just or convenient to do so". This very expansive wording has been interpreted as giving judges the "broadest possible mandate in insolvency proceedings to enable them to react to any circumstances that may arise" in relation to court-ordered receiverships. See *Peace River Hydro Partners v Petrowest Corp.*, 2022 SCC 41, at para 148.
- [8] Mr. Singh filed a 10-page submission. The respondents don't have leave of the court to be represented by a non-lawyer or Mr. Singh. See *Rules of Civil Procedure*, r 15.01(2). The respondents' written and oral submissions are unsupported by any affidavit evidence. As a result, I give Mr. Singh's submissions, to the extent that they contradict the receiver's evidence, little or no weight. I prefer the receiver's evidence of the respondents' actions to date over Mr. Singh's bald denials. In any event, there's no prejudice to the respondents—if the facts are as they say they are, the receiver's investigation of the alleged misappropriated funds and property will disclose the truth.

- [9] I endorse an order approving Spergel's First Report. Further, I endorse orders authorizing the recovery of property. Order to go in the form as requested by the receiver (Case Centre D440).

Hon Ranjan K Agarwal
Agarwal J