

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

**BETWEEN:**

THE TORONTO-DOMINION BANK

Applicant

-and-

ORBIT FREIGHT LTD.

Respondent

**PRE-FILING REPORT OF MSI SPERGEL INC.  
IN ITS CAPACITY AS THE PROPOSED RECEIVER  
OF ORBIT FREIGHT LTD.**

**March 8, 2021**

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1. Pictures of the Onsite Inspection
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## **I. PURPOSE OF THIS REPORT**

1. msi Spergel inc. ("**Spergel**") understands that The Toronto-Dominion Bank ("**TD**" or the "**Bank**") intends to make an application to the Ontario Superior Court of Justice (Commercial List) (the "**Court**") to appoint Spergel as receiver Orbit Freight Ltd. ("**Orbit**" or the "**Company**") pursuant to section 243(1) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, as amended (the "**BIA**") and section 101 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended (the "**CJA**").
2. This pre-filing report (this "**Report**") is prepared by Spergel in its capacity as the proposed receiver (in such capacity, the "**Proposed Receiver**") of all of the assets, undertakings and properties (the "**Property**") of the Company.
3. On March 5, 2021, Spergel was engaged as consultant by TD to, amongst other things, inspect the Property.
4. The purpose of this Report is to advise the Court of, amongst others:
  - a) Spergel's qualifications to act as Receiver; and
  - b) the result of the Proposed Receiver's inspection of the Property.
5. The Proposed Receiver understands that Orbit operated from a premises located at 1704 Meyerside Drive, Units 1 & 2, Mississauga, ON (the "**Company's Premises**") and that Satnam Singh Pandal ("**Mr. Pandal**") is the principal of the Company.
6. The Proposed Receiver will not assume responsibility or liability for losses incurred by the reader as a result of the circulation, publication, reproduction or use of this Report for any other purpose.
7. In preparing this Report, the Proposed Receiver has relied upon certain information provided to it by the Bank, and not any information or advice it has received from the Company. The Proposed Receiver has not performed an audit or verification of such information for accuracy, completeness or compliance with Accounting Standards for Private Enterprises or International Financial Reporting

Standards. Accordingly, the Proposed Receiver expresses no opinion or other form of assurance with respect to such information.

8. Unless otherwise stated, all monetary amounts contained in this Report are expressed in Canadian dollars.

## II. INSPECTION AND DEMAND FOR PAYMENT

9. On March 5, 2021 around 10:00am, the Proposed Receiver attended at the Company's Premises to inspect the Property (the "**Inspection**"). During its attendance, the Proposed Receiver noted the following:
  - a) The Company's Premises was locked;
  - b) The office area visible through the glass door appeared to be cleared out; and
  - c) At least two Orbit trucks were parked on the front lawn, and one Orbit dump truck was parked in the parking lot;

Pictures taken during the Inspection are attached to this Report as **Appendix "1"**.

10. Following the Inspection, TD issued demand for payment and a Notice of Intention to Enforce Security pursuant to the section 244(1) of the BIA (the "**244 Notices**") to the Company.
11. The ten (10) day period prescribed under 244 Notices expires on March 15, 2021 and, accordingly, the return date for TD's application is set to be heard prior to the expiry of such period. However, given the status of the Company and the bankruptcy of the principal, Mr. Pandal, as discussed below, there is urgency to this application and a receiver to secure the remaining assets for the benefit of the creditors.
12. In addition, the Proposed Receiver reviewed the Company's accounts receivable listing as at January 31, 2021 provided to it by the Bank. The accounts receivable listing as at January 31, 2021 indicates CAD and USD accounts receivables of \$1,406,505.85 and USD\$359,671.42 (collectively, the "**Accounts Receivable**"), respectively.

13. At this time, Spergel has no visibility with respect to the remaining assets of the Company or the value thereof, as the business appears to have been abandoned, or at least, the Company has ceased operations.

**III. BANKRUPTCY OF SATNAM SINGH PANDAL**

14. The Proposed Receiver has discovered that on March 2, 2021, Mr. Pandal, the principal of the Company, filed an assignment and Spergel was appointed as Licensed Insolvency Trustee (in such capacity, the “**Bankruptcy Trustee**”) of the estate of the bankrupt by the Official Receiver.

15. Mr. Pandal, in his sworn statement of affairs, indicated that he operated two trucking businesses as follows (both of which have ceased operating):

<b>Business Name</b>	<b>Start Date</b>	<b>End Date</b>
Orbit Freight Ltd.	February 13, 2012	February 15, 2021
Delta Carrier Inc.	October 25, 2004	January 31, 2021

Copies of the relevant bankruptcy documents (including the sworn statement of affairs) of Mr. Pandal are attached to this Report as **Appendix “2”**.

**IV. CONCLUSION AND RECOMMENDATION**

16. Given the Inspection and Mr. Pandal’s disclosure in his sworn statement of affairs regarding the status of the Company’s operations, it is apparent that as at the date of this Report, Orbit has ceased operating.

17. Accordingly, the Proposed Receiver is of the view that an appointment of a receiver is just and convenient to protect the Property (including Accounts Receivable) and the interest of the stakeholders.

18. Spergel is a Licensed Insolvency Trustee within the meaning of subsection 2(1) of the BIA.

19. Spergel has consented to act as Receiver in these proceedings should the Court grant the Order appointing a receiver. A copy of Spergel’s consent to act is included in the Bank’s Application Record.

20. As noted above, Spergel was engaged by TD to assist it with reviewing and assessing the Bank's collateral position. As a result of its engagement, Spergel has acquired some knowledge of the Company's business and operations.

Dated at Toronto this 8<sup>th</sup> day of March, 2021.

**msi Spergel inc.**

in its capacity as the Proposed Receiver  
of Orbit Freight Ltd., and not in its personal or  
corporate capacity.

Per:



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Mukul Manchanda, CPA, CIRP, LIT

Principal

43762717.2

# APPENDIX 1







1



1









# APPENDIX 2

District of  
 Division No.  
 Court No.  
 Estate No.

-- FORM 79 --  
 Statement of Affairs (Non-Business Bankruptcy)  
 (Subsection 49(2) and 158(d) of the Act / Subsections 50(2) and 62(1) and Paragraph 66.13(2)(d) of the Act)

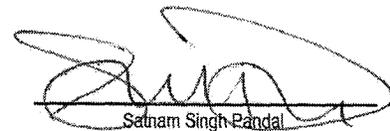
Original  Amended

In the matter of the bankruptcy of  
 Satnam Singh Pandal  
 of the City of Brampton, in the Province of Ontario  
 SUMMARY ADMINISTRATION

ASSETS						
Type of assets	Description (Provide details)	Estimated Dollar Value	Exempt Property		Secured Amount/ Liens	Estimated net realizable dollar value
			Yes	No		
1. Cash on Hand						
2. Furniture		1,000.00	x		0.00	0.00
3. Personal Effects	Other	1,000.00	x		0.00	0.00
4. Policies & RRSPs	Argosy Securities RRSP - 1J6-692S1	17,640.00	x		0.00	0.00
5. Securities						
6. Real Property or Immovable	House					
	Cottage					
	Land					
7. Motor Vehicles	Automobile					
	Motorcycle					
	Snowmobile					
	Other					
8. Recreational Equipment						
9. Taxes						
<b>TOTAL</b>		<b>19,640.00</b>			<b>0.00</b>	<b>0.00</b>

27-Feb-2021

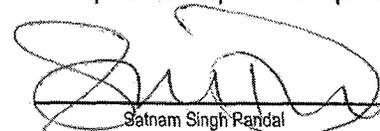
Date

  
 Satnam Singh Pandal  
 Bankrupt

LIABILITIES						
Creditor	Address including postal code	Account No.	Amount of debt			Enter LTC
			Unsecured	Secured	Preferred	
Capital One MasterCard Bankruptcies c/o FCT Default Solutions Attn: Insolvency Department	PO Box 2514, Stn B London ON N6A 4G9	5223 XXXX XXXX 8541	7,760.00	0.00	0.00	5
CIBC Visa - Bankruptcies c/o TECHCOM Managed Services	6-6150 Hwy 7, PO Box 486 Woodbridge ON L4H 0R6	4500 XXXX XXXX 8528	14,255.00	0.00	0.00	4
First West Leasing Ltd. Contingent \$ = 1.00	6470 201 Street Langley City BC V2Y 2X4		1.00	0.00	0.00	9
Meridian Onecap Credit Corporation (formerly Roynat Lease Finance - Toronto) Attn: Chelsey Spence Contingent \$ = 1.00	800-40 Sheppard Ave W North York ON M2N 6K9		1.00	0.00	0.00	9
Ontario Superior Court of Justice Attn: The Filing office	50 Eagle St West Newmarket ON L3Y 6B1	CV-21-00000206-00 00	1.00	0.00	0.00	9
Pallett Valo LLP Attn: Frances Wales	300-77 City Centre Dr, West Tower Mississauga ON L5B 1M5	42112D	0.00	0.00	0.00	9
RBC Royal Bank Visa c/o BankruptcyHighway.com Attn: Razel Bowen Contingent \$ = 1.00	PO Box 57100 Etobicoke ON M8Y 3Y2	4514 XXXX XXXX 9315	1.00	0.00	0.00	4
RBC Royal Bank Visa c/o BankruptcyHighway.com Attn: Razel Bowen	PO Box 57100 Etobicoke ON M8Y 3Y2	4514 XXXX XXXX 5408	3,210.00	0.00	0.00	4
Scotiabank c/o Canaccede International Management Ltd. Contingent \$ = 1.00	PO Box 758 Stn B London ON N6A 4Y8	4538 XXXX XXXX 5022	1.00	0.00	0.00	4
TD Canada Trust C/O FCT Default Solutions	PO Box 2514, Station B London ON N6A 4G9	1181-3249045	15,075.00	0.00	0.00	2
TD Canada Trust C/O FCT Default Solutions Contingent \$ = 1.00	PO Box 2514, Station B London ON N6A 4G9	2032-5013073	1.00	0.00	0.00	2
TD Canada Trust C/O FCT Default Solutions Contingent \$ = 1.00	PO Box 2514, Station B London ON N6A 4G9	1181-5007100	1.00	0.00	0.00	2
TD Canada Trust C/O FCT Default Solutions Contingent \$ = 1.00	PO Box 2514, Station B London ON N6A 4G9	1968-9007100-09	1.00	0.00	0.00	2

27-Feb-2021

Date

  
Satnam Singh Randal  
Bankrupt

District of  
 Division No.  
 Court No.  
 Estate No.

FORM 79 – Continued

LIABILITIES						
Creditor	Address including postal code	Account No.	Amount of debt			Enter LTC
			Unsecured	Secured	Preferred	
TD Canada Trust C/O FCT Default Solutions Contingent \$ = 1.00	PO Box 2514, Station B London ON N6A 4G9	8144-9007100-01	1.00	0.00	0.00	2
TD Canada Trust Visa C/O FCT Default Solutions Contingent \$ = 1.00	PO Box 2514, Station B London ON N6A 4G9	4520 XXXX XXXX 6788	1.00	0.00	0.00	4
TD Canada Trust Visa C/O FCT Default Solutions Contingent \$ = 1.00	PO Box 2514, Station B London ON N6A 4G9	4520 XXXX XXXX 4988	1.00	0.00	0.00	4
TD Canada Trust Visa C/O FCT Default Solutions	PO Box 2514, Station B London ON N6A 4G9	4520 XXXX XXXX 7718	19,730.00	0.00	0.00	4
T-Pine Leasing Capital Corporation Contingent \$ = 1.00	6050 Dixie Road Mississauga ON		1.00	0.00	0.00	9
Wells Fargo Financial Retail Services c/o InSolve Global Credit Fund I, L.P. Contingent \$ = 1.00	c/o TECHCOM Managed Services Inc 6-6150 Hwy 7, PO Box 487 Woodbridge ON L4H 0R6	460-9404728-001	1.00	0.00	0.00	9
	<b>TOTAL</b>	<b>Unsecured</b>	<b>60,043.00</b>			
	<b>TOTAL</b>	<b>Secured</b>		<b>0.00</b>		
	<b>TOTAL</b>	<b>Preferred</b>			<b>0.00</b>	
			<b>TOTAL</b>		<b>60,043.00</b>	

27-Feb-2021

Date

  
 Satnam Singh Pandal  
 Bankrupt

INFORMATION RELATING TO THE AFFAIRS OF THE BANKRUPT				
<b>A. PERSONAL DATA</b>				
1. Family name: Pandal	Given names: Satnam Singh Gender: Male	Date of birth: YYYY / MM / DD 1972/08/31		
2. Also known as:				
3. Complete address, including postal code : 31 Heslop Circle Brampton ON L6R 0M8				
4. Marital status: Married (Specify month and year of event if it occurred in the last five years )				
5. Full name of spouse or common-law partner: Manjeet Kaur Pandal				
6. Name of present employer: None		Occupation: None (Unemployed)		
7A. Number of persons in household family unit, including bankrupt:				4
7B. Number of persons 17 years of age or less:				2
8. Have you operated a business within the last five years?				Yes
Business Name	Business Type	From	To	
Orbit Freight Ltd.	Truck Transportation	13-Feb-2012	15-Feb-2021	
Delta Carrier Inc.	Truck Transportation	25-Oct-2004	31-Jan-2021	
<b>B. WITHIN THE 12 MONTHS PRIOR TO THE DATE OF THE INITIAL BANKRUPTCY EVENT, HAVE YOU, EITHER IN CANADA OR ELSEWHERE:</b>				
9A. Sold or disposed of any of your property?		Yes		
9B. Made payments in excess of the regular payments to creditors?		No		
9C. Had any property seized by a creditor?		No		
<b>C. WITHIN FIVE YEARS PRIOR TO THE DATE OF THE INITIAL BANKRUPTCY EVENT, HAVE YOU, EITHER IN CANADA OR ELSEWHERE:</b>				
10A. Sold or disposed of any property?		No		
10B. Made any gifts to relatives or others in excess of \$ 500?		No		
<b>D. BUDGET INFORMATION: Attach Form 65 to this Form.</b>				
11A. Have you ever made a proposal under the Bankruptcy and Insolvency Act?				Yes
11B. Have you ever been bankrupt before in Canada?				Yes
(a) Filing Date and Location	(b) Trustee/Admin	(c) Proposal Successful?	(d) Date Certificate obtained	(e) OSB Number
Satnam Singh Pandal				
Jan-07-2000 North York, Ontario	Cooper & Company Ltd.	No	Apr-25-2001	32-109773
Oct-22-2002 North York, Ontario	Rumanek & Company Ltd.	-	Feb-19-2004	32-133118
12. Do you expect to receive any sums of money which are not related to your normal income, or any other property within the next 12 months? No				
13. If you answered Yes to any of questions 9, 10 and 12, provide details:				

27-Feb-2021

Date

  
Satnam Singh Pandal  
Bankrupt

**9A:**

Various vehicle that were being leased have been surrendered or seized by the secured lenders . I had personally guaranteed these leases. The lease shortfalls have yet to be determined but I expect the financial deficiencies will be will be significant. These debts have been listed as contingent debts .

**14. Give reasons for your financial difficulties :**

I owned and operated two trucking businesses and relied on credit facilities to fund the businesses from time -to-time. I also relied on credit facilities to help support my family as well as the businesses were by -in-large unprofitable. Unfortunately both companies failed and my vehicles have been repossessed or surrendered . My debt level, which will grow as I have personally guaranteed much of my corporate debt, is significant and I have no hope of ever repaying my creditors . I file this bankruptcy with a view to regain some financial stability for myself and my family .

I, Satnam Singh Pandal of the City of Brampton in the Province of Ontario, do swear (or solemnly declare) that this statement is, to the best of my knowledge, a full, true and complete statement of my affairs on the 27th day of February 2021, and fully discloses all property and transactions of every description that is or was in my possession or that may devolve on me in accordance with the Bankruptcy and Insolvency Act.

SWORN (or SOLEMNLY DECLARED )  
before me at the City of Mississauga in the Province of  
Ontario, on this 27th day of February 2021.

\_\_\_\_\_  
Christopher Galea, Commissioner of Oaths  
For the Province of Ontario  
Expires June 27, 2022

27-Feb-2021

\_\_\_\_\_  
Date

\_\_\_\_\_  
Satnam Singh Pandal  
Bankrupt

District of  
 Division No.  
 Court No.  
 Estate No.

- FORM 65 -  
 Monthly Income and Expense Statement of the Bankrupt and the Family Unit  
 and Information (or Amended Information) Concerning  
 the Financial Situation of the Individual Bankrupt  
 (Section 68 and Subsection 102(3) of the Act; Rule 105(4))

Original       Amended

In the matter of the bankruptcy of  
 Satnam Singh Pandal  
 of the City of Brampton, in the Province of Ontario  
 SUMMARY ADMINISTRATION

Information concerning the monthly income and expense statement of the bankrupt and the family unit, the financial situation of the bankrupt and the bankrupt's obligation to make payments required under section 68 of the Act to the estate of the bankrupt are as follows:

MONTHLY INCOME	Bankrupt	Other Members of the family unit	Total
Net employment income .....	0.00		
Net pension/Annuities .....	0.00		
Net child support .....	0.00		
Net spousal support .....	0.00		
Net employment insurance benefits .....	0.00		
Net social assistance .....	0.00		
Self-employment income			
Gross 0.00 Net .....	0.00		
Other net income .....	0.00		
<b>TOTAL MONTHLY INCOME</b>	<b>0.00 (1)</b>	<b>0.00 (2)*</b>	
<b>TOTAL MONTHLY INCOME OF THE FAMILY UNIT ((1) + (2))</b> .....			<b>0.00 (3)</b>
<b>MONTHLY NON-DISCRETIONARY EXPENSES</b>			
Child support payments .....	0.00		
Spousal support payments .....	0.00		
Child care .....	0.00		
Medical condition expenses .....	0.00		
Fines/penalties imposed by the Court .....	0.00		
Expenses as a condition of employment .....	0.00		
Debts where stay has been lifted .....	0.00		
Other expenses .....	0.00		
<b>TOTAL MONTHLY NON-DISCRETIONARY EXPENSES</b>	<b>0.00 (4)</b>	<b>0.00 (5)</b>	
<b>TOTAL MONTHLY NON-DISCRETIONARY EXPENSES OF THE FAMILY UNIT ((4) + (5))</b> .....			<b>0.00 (6)</b>
<b>AVAILABLE MONTHLY INCOME OF THE BANKRUPT ((1) - (4))</b> .....	<b>0.00 (7)</b>		
<b>AVAILABLE MONTHLY INCOME OF THE FAMILY UNIT ((3) - (6))</b> .....			<b>0.00 (8)</b>
<b>BANKRUPT'S PORTION OF THE AVAILABLE MONTHLY INCOME OF THE FAMILY UNIT</b>			<b>100.00 % (9)</b>

MONTHLY DISCRETIONARY EXPENSES : (Family unit)

Housing expenses

Rent/mortgage/hypothec.....	0.00
Property taxes /condo fees.....	0.00
Heating/gas/oil.....	0.00
Telephone.....	0.00
Cable.....	0.00
Hydro.....	0.00
Water.....	0.00
Furniture.....	0.00
Other.....	0.00

Personal expenses

Smoking.....	0.00
Alcohol.....	0.00
Dining/lunches/restaurants.....	0.00
Entertainment/sports.....	0.00
Gifts/charitable donations.....	0.00
Allowances.....	0.00
Other.....	0.00

Non-recoverable medical expenses

Prescriptions.....	0.00
Dental.....	0.00
Other.....	0.00

Living expenses

Food/grocery.....	0.00
Laundry/dry cleaning.....	0.00
Grooming/toiletries.....	0.00
Clothing.....	0.00
Other.....	0.00

Transportation expenses

Car lease/payments.....	0.00
Repair/maintenance/gas.....	0.00
Public transportation.....	0.00
Other.....	0.00

Insurance expenses

Vehicle.....	0.00
House.....	0.00
Furniture/contents.....	0.00
Life insurance.....	0.00
Other.....	0.00

Payments

Payments to the estate.....	280.00
To secured creditor.....	0.00
(Other than mortgage and vehicle).....	0.00
Other.....	0.00

TOTAL MONTHLY DISCRETIONARY EXPENSES (FAMILY UNIT).....	280.00 (10)
MONTHLY SURPLUS OR (DEFICIT) FAMILY UNIT ((8) - (10)).....	-280.00 (11)

Information (or Amended Information) Concerning the Financial Situation of the Individual Bankrupt

Payments to the estate as per agreement

Number of persons in household family unit, including bankrupt: _____	4
Total amount bankrupt has agreed to pay monthly.....	280.00 (12)
Amount bankrupt has agreed to pay monthly to repurchase assets.....	0.00 (13)
Residual amount paid into the estate ((12) - (13)).....	280.00 (14)

Payments required by Directive No. 11R2 (Surplus Income)

Monthly amount required by Directive No. 11R2 (Surplus Income) based on percentage established on line (9)....	0.00 (15)
Difference between amounts at lines (14) and (15).....	280.00 (16)

Other applicable comments:

While I search for gainful employment, I am being financially supported by family, who are also funding this bankruptcy.

Dated at the City of Mississauga in the Province of Ontario, this 27th day of February 2021.

msi Spergel Inc. - Licensed Insolvency Trustee  
Per: \_\_\_\_\_

Christopher Galea - Licensed Insolvency Trustee  
204 - 1425 Dundas St. E.  
Mississauga ON L4X 2W4  
Phone: (905) 602-4143 Fax: (905) 602-8879

\_\_\_\_\_  
Satram Singh Pandai