

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

B E T W E E N :

**THE TORONTO-DOMINION BANK**

Applicant

- and -

**2743732 ONTARIO INC., SERGEI HOMIAKOV and IRENA GORZHALTSAN aka  
IRENA HOMIAKOV**

Respondents

**APPLICATION UNDER SUBSECTION 243(1) OF THE *BANKRUPTCY AND  
INSOLVENCY ACT*, R.S.C. 1985, c. B-3, AS AMENDED, AND SECTION 101 OF THE  
*COURTS OF JUSTICE ACT*, R.S.O. 1990, c. C.43, AS AMENDED**

**AFFIDAVIT OF KATHRYN FURFARO**

(Sworn May 8, 2023)

I, KATHRYN FURFARO, of the City of Toronto, in the Province of Ontario do make oath  
and say as follows:

1. I am a Manager, Commercial Credit in the Financial Restructuring Group of The Toronto  
Dominion Bank (“**TD Bank**”), and as such have knowledge of the matters to which I hereinafter  
depose. To the extent that I do not have direct first-hand knowledge of particular facts or events, I  
have obtained that information from others and/or from my review of the documentation attached  
as exhibits, and have indicated the source of that information in my Affidavit. I verily believe the  
facts hereinafter deposed to are true and correct.

2. On April 28, 2023, I attended on-site at the real property municipally known as 162 Front Street, Sturgeon Falls, Ontario, P2B 2H8 and legally described as PT LT 3 CON 1 SPRINGER PT 4 - 6 36R6873 SRO & PT 4 - 6 36R7620; WEST NIPISSING; DISTRICT OF NIPISSING (the “Real Property”). I understand that 2743732 Ontario Inc. (the “Debtor”) operated as a gas station at the Real Property.

3. I observed that the door to the gas station was locked.

4. Attached as **Exhibit “A”** are photographs that I took while at the Real Property.

5. I am advised by TD Bank’s lawyers at Aird & Berlis LLP (“AB”) that, on May 3, 2023, AB arranged for TD Bank’s application record to be served to the Real Property by way of FedEx courier. I am further advised that on May 3, 2023, AB was advised by FedEx that they were unable to effect delivery “as the place is out of business”. Attached as **Exhibit “B”** is the internal email exchange at AB regarding service.

6. ALL OF WHICH IS SWORN BY ME in good faith.

**SWORN** remotely by Kathryn Furfaro, stated as )  
being in the City of Toronto, in the Province of )  
Ontario, before me on May 8, 2023 in accordance )  
with O. Reg. 431/20, Administering Oath or )  
Declaration Remotely. )

DocuSigned by: )  
*Matilda Lici* )  
7CE576F4AA3D4CA... )

\_\_\_\_\_  
Commissioner (or as may be) )  
Matilda Lici

DocuSigned by: )  
*Kathryn Furfaro* )  
88431BAE44F14F2... )

\_\_\_\_\_  
Kathryn Furfaro

This is Exhibit "A" of  
the Affidavit of Kathryn Furfaro  
Sworn before me this 8<sup>th</sup> day of May, 2023

DocuSigned by:

*Matilda Lici*

7CE576E4AA3D4CA...

---

A Commissioner, etc.  
Matilda Lici

Mobil

Total \$

100.00  
6 1.0 13

Litres

May contain up to 10% ethanol

Volume corrected to 15 °C

Pump operation: Follow instructions on screen

Sorry!

Pump Unavailable.

Mobil

Press for assistance

Tap2Pay



Insert card and wait for instructions

163.9

Regular

87

Push to start

178.9

Extra

89

Push to start

184.9

Supreme

91

Push to start

No smoking

to use caution may  
serious injury or illness

flammable.  
allowed.  
to gasoline vapours has  
laboratory animals.  
only.  
breathing of vapours.  
can nozzle and tank openings.  
eyes and skin.  
mouth.

financial

Earn at least 3¢ per litre  
in points with your  
PC<sup>®</sup> Mastercard<sup>™</sup>

Apply to PC<sup>®</sup> Mastercard<sup>™</sup> today at [pcmastercard.com](http://pcmastercard.com)

Mobil + optimum

CONTACTLESS ACCEPTED



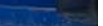
EARN UP TO 3% CASH BACK



PAY AND EARN UP TO 3% CASH BACK



PAY WITH





Mobil

Total \$

100.00  
6 1.0 13

Litres

May contain up to 10% ethanol

Volume corrected to 15 °C

Pump operation: Follow instructions on screen

Sorry!

Pump Unavailable.

Mobil

Press for assistance

Tap2Pay



163.9

Regular

87

Push to start

178.9

Extra

89

Push to start

181.9

Supreme

91

Push to start

No smoking

Use caution may  
serious injury or illness

Flammable

Allowed

to gasoline vapours has

laboratory animals.

only.

breathing of vapours.

can nozzle and tank openings.

eyes and skin.

mouth.

Financial

Earn at least 3¢ per litre  
in points with your  
PC<sup>®</sup> Mastercard<sup>®</sup>

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This is Exhibit "B" of  
the Affidavit of Kathryn Furfaro  
Sworn before me this 8<sup>th</sup> day of May, 2023

DocuSigned by:

*Matilda Lici*

7CE576E4AA3D4CA...

\_\_\_\_\_  
A Commissioner, etc.

Matilda Lici



**From:** Lilisha Nolan  
**Sent:** May 3, 2023 10:36 AM  
**To:** Matilda Lici  
**CC:** Parss Courier  
**Subject:** FW: order 2547990

Hi Matilda,

Further to the email below, do you have an alternative address to have the package re-routed? If not, the package will be returned at an additional cost.

Kindly advise.

The screenshot shows the Parss Courier website interface. At the top, there is a navigation bar with buttons for 'Order Entry', 'Cancel or Reprint', 'Inquire', 'Ship To Maintenance', 'Cost Center Maintenance', and 'Reporting'. Below this is the 'Delivery Details' page for order 2547990. The page includes fields for Ticket No (2547990), Status (C), Waybill No, Reference, Cost Centre (307147 2340), Date Entered (4/28/2023), Time Entered (14:21), Delivery POD (FedEx: 517303641919), and Delivery Date. It also displays 'Pickup Location' (AIRD & BERLIS LLP, 1800-181 BAY STREET, TORONTO, ON CANADA M5J2T9) and 'Delivery Location' (2743732 ontario inc, 162 front st, sturgeon falls, ON CANADA P2B2H8, sergei homiakov). A 'Special Instructions' section shows 'No Special Instructions'. A 'Delivery Charges' table is also present.

Delivery Charges		
SERVICE CHARGE	O/N EXP	\$80.50
VEHICLE	BIKE	\$0.00
WEIGHT	0	\$0.00
PIECES	1	\$0.00
WAIT TIME	0	\$0.00
RET-SAME	NO	\$0.00
RET-OTHER	NO	\$0.00
AFTR HRS	NONE	\$0.00
TOTAL CHARGES :		\$101.03

Thank you,

Lilisha Nolan

**Ricoh Canada Inc.**

Onsite Manager

**RICOH**

T: 416.863.1500 x 4151 (Mailroom) x 4999 (Copy Centre)

F: 416.863.1515

E: [lnolan@airdberlis.com](mailto:lnolan@airdberlis.com)

For After Hours and Weekend Assistance

BIS (Business Information Services)

T: 416.777.9797

E: [torontoworkflow@ricoh.ca](mailto:torontoworkflow@ricoh.ca) (General Requests) [torontographics@ricoh.ca](mailto:torontographics@ricoh.ca) (Record Book Closing Requests)

Brookfield Place, 181 Bay Street, Suite 1800

Toronto, Canada M5J 2T9 | [airdberlis.com](http://airdberlis.com)

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**From:** Parss Courier <parss@parsscourier.com>

**Sent:** May 3, 2023 10:09 AM

**To:** Lilisha Nolan <lnolan@airdberlis.com>

**Cc:** Ricoh <Ricoh@airdberlis.com>

**Subject:** order 2547990

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Good morning Lilisha,

fedex just called, they are unable to deliver this order to Sturgeon Falls, ON as the place is out of business.

How should we proceed from here, please let me know.

regards,

Nailya



**THE TORONTO-DOMINION BANK**

Applicant

- and -

**2743732 ONTARIO INC. et al.**

Respondents

Court File No. CV-23-00698068-00CL

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

**Proceedings commenced at Toronto**

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**AFFIDAVIT OF KATHRYN FURFARO**  
**(Sworn May 8, 2023)**

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**AIRD & BERLIS LLP**

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Toronto, ON M5J 2T9

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Lawyers for The Toronto-Dominion Bank