

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

B E T W E E N:

THE TORONTO-DOMINION BANK

Applicant

- and -

2314251 ONTARIO INC., MOHAMMAD ABDUL HAFIZ and KAWSER ZAHAN

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**

FURTHER SUPPLEMENTARY AFFIDAVIT OF PETER HANKE
(Sworn August 29, 2022)

I, PETER HANKE, of the City of Barrie, in the Province of Ontario make oath and say:

1. I am a Manager of Commercial Credit in the Commercial Banking Group at The Toronto Dominion Bank (“**TD Bank**”) in its Financial Restructuring Group, and as such have knowledge of the matters contained in this Affidavit. Where my knowledge is based on information and belief, I have identified the source of that knowledge and do verily believe it to be true.
2. I swear this Affidavit in support of the within Application and to further supplement the Affidavit of Amanda Bezner, sworn July 28, 2022, and for no other or improper purpose whatsoever.
3. At paragraph 17 of Ms. Bezner’s Affidavit, she states:

Following this discovery, on June 23, 2022, a bank representative, Syed Qasim Barakat, attended for a site visit at the business premises of 231 at 26233 Highway 48, Sutton, Ontario. At that time it was confirmed by Mr. Barakat that there was no gas being offered for sale at the gas station. A sign had been placed in the window of the premises stating "Sorry we don't have any gas. We have had no gas since January and we don't know when we will get it again." A photograph of that sign is attached as Exhibit K hereto.

4. On August 28, 2022 at 3:52 pm, I received an email from Howard Cohen, another representative at TD Bank, with the subject line "*Sutton Gas Station*" and the following message: "*Store is almost empty. One car parked off to the side.*"

5. "Sutton Gas Station" refers to 26233 Highway 48, Sutton West, Ontario, which is the address of the subject gas station owned by 2314251 Ontario Inc.

6. A copy of Mr. Cohen's email to me with four photographs attached therein is attached as **Exhibit A** to this Affidavit.

SWORN remotely by Howard Cohen of the City of)
Barrie, in the Province of Ontario, before me at the)
City of Toronto, in the Province of Ontario, on)
August 29, 2022 in accordance with O. Reg. 431/20,)
Administering Oath or Declaration Remotely.)

DocuSigned by:

Matilda Lici

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Signature of Commissioner (or as may be)

Matilda Lici

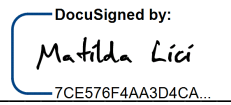
DocuSigned by:

Peter Hanke

0746D4CFB319437...

Peter Hanke

This is Exhibit A of the
Affidavit of Peter Hanke
Sworn before me this 29th day of August, 2022

DocuSigned by:

7CE576F4AA3D4CA...

A Commissioner, etc.
Matilda Lici

From: Cohen, Howard M <howard.cohen@td.com>

Sent: Sunday, August 28, 2022 3:52:21 PM

To: Bezner, Amanda <Amanda.Bezner@td.com>; Hanke, Peter W <peter.hanke@td.com>; Santillo, Vincent <Vincent.Santillo@td.com>

Subject: Sutton Gas Station

Store is almost empty. One car parked off to the side.

Internal

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Applicant

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Respondents
Court File No. CV-22-00685439-00CL

ONTARIO SUPERIOR COURT OF JUSTICE (COMMERCIAL LIST) Proceedings commenced at Toronto	
FURTHER SUPPLEMENTARY AFFIDAVIT OF PETER HANKE (Sworn August 29, 2022)	
AIRD & BERLIS LLP Barristers and Solicitors Brookfield Place 181 Bay Street, Suite 1800 Toronto, ON M5J 2T9 Kyle Plunkett (LSO # 61044N) Tel: (416) 865-3406 Fax: (416) 863-1515 Email: kplunkett@airdberlis.com D. Robb English (LSO # 19862F) Tel: (416) 865-4748 Fax: (416) 863-1515 Email: renglish@airdberlis.com <i>Lawyers for The Toronto-Dominion Bank</i>	