

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

MITSUBISHI HC CAPITAL CANADA, INC. and  
MITSUBISHI HC CAPITAL CANADA LEASING, INC.

Applicants

and

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

Respondents

APPLICATION UNDER SECTION 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

**APPLICATION RECORD**

July 19, 2024

**GOWLING WLG (CANADA) LLP**

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**Lawyers for the Applicant**

**TO: THE SERVICE LIST**

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**TAB 1**

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SUPERIOR COURT OF JUSTICE**

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**NOTICE OF APPLICATION**

TO THE RESPONDENTS

A LEGAL PROCEEDING HAS BEEN COMMENCED by the Applicants. The claim made by the Applicants appears on the following page.

THIS APPLICATION will come on for a hearing

- In writing
- In person
- By telephone conference
- By video conference

at the following location: 7755 Hurontario Street, Brampton, ON L6W 4T1 on July 30, 2024.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the *Rules of Civil Procedure*, serve it on the Applicants' lawyer or, where the Applicants do not have a lawyer, serve it on the Applicants, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the Applicants' lawyer or, where the Applicants do not have a lawyer, serve it on the Applicants, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but at least four days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date July 18, 2024

Issued by Tanya Shah  
Local Registrar

Digitally signed by  
Tanya Shah  
Date: 2024.07.18  
16:07:28 -04'00'

Address of court office: Superior Court of Justice  
7755 Hurontario Street  
Brampton, ON L6W 4T1

TO: THE SERVICE LIST

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

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JUSTICE ACT, R.S.O 1990, C. C.43, AS AMENDED

**SERVICE LIST  
(as at July 18, 2024)**

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<b>DAIMLER TRUCK FINANCIAL SERVICES CANADA CORPORATION</b> 2680 Matheson Blvd. E. Ste 202 Mississauga, ON L4W 0A5	
<b>MAYA LEASING CORP.</b> 215 Advance Blvd, Unit 7 Brampton, ON L6T 4V9	
<b>TPINE LEASING CAPITAL CORPORATION</b> 6050 Dixie Road Mississauga, ON L5T 1A6	
<b>THORNTON GROUT FINNIGAN LLP</b> TD West Tower, Toronto-Dominion Centre 100 Wellington Street West, Suite 3200 Toronto, ON M5K 1K7  Lawyers for TPine Leasing Capital Corporation	<b>Rachel Nicholson</b> Tel: (416) 304-1153 Email: <a href="mailto:rnicholson@tgf.ca">rnicholson@tgf.ca</a>
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<b>THE BANK OF NOVA SCOTIA</b> 10 Wright Boulevard Stratford, ON N5A 7X9	
<b>ESSEX LEASE FINANCIAL CORPORATION</b> 10768 74th Street SE Calgary, AB T2C 5N6	

<b>GEOLIN CREDIT-BAIL INC.</b> 401-3135 Boul. Moise-Vincent Saint-Hubert, QC J3Z 0G7	
<b>RIORDAN LEASING INC.</b> 1158 King St. E Kitchener, ON N2G 2N4	
<b>TFG FINANCIAL CORPORATION</b> 400 - 4180 Lougheed Highway Burnaby, BC V5C 6A7	
<b>SUMMIT CREDIT CORPORATION</b> 1131A Leslie Street, Suite 510 Toronto, ON M3C 3L8	
<b>MERIDIAN ONECAP CREDIT CORP.</b> 800-40 Sheppard Avenue West Toronto, ON M2N 6K9	
<b>COAST CAPITAL EQUIPMENT LEASING LTD.</b> 800-9900 King George Blvd. Surrey, BC V3T 0K7	
<b>CONCENTRA BANK</b> C/O Comm Leasing, 333-3rd Ave N Saskatoon, SK S7K 2M2	
<b>LBEL INC.</b> 5035 South Service Road Burlington, ON L7L 6M9	
<b>VAULT CREDIT CORPORATION</b> 41 Scarsdale Road, Suite 5 Toronto, ON M3B 2R2	

<p><b>MAYA LEASING CORP.</b> 215 Advance Blvd, Unit 7 Brampton, ON L6T 4V9</p>	
<p><b>R &amp; S TRAILER LEASING LIMITED</b> 5185 Fountain Street North Breslau, ON N0B 1M0</p>	
<p><b>WELLS FARGO EQUIPMENT FINANCE COMPANY</b> 1290 Central Parkway W, 11th Fl. Mississauga, ON L5C 4R3</p>	
<p><b>COAST CAPITAL EQUIPMENT FINANCE LTD.</b> 800-9900 King George Blvd. Surrey, BC V3T 0K7</p>	
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<p><b>STOUGHTON TRAILERS CANADA CORPORATION</b> 416 S. Academy Street Stoughton, WI 53589</p>	
<p><b>BUSINESS DEVELOPMENT BANK OF CANADA</b> 201 City Centre Drive, Suite 301 Mississauga, ON L5B 2T4</p>	
<p><b>CANADIAN DEALER LEASE SERVICES INC.</b> 372 Bay Street Suite 1800 Toronto, ON M5H 2W9</p>	

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## APPLICATION

1. The applicants make application for:
  - (a) an Order (the “**Appointment Order**”) appointing msi Spergel Inc. (“**MSI**”) as receiver and manager (in such capacity, the “**Receiver**”) over all property, assets and undertakings of Orbit Express Inc., 10055913 Canada Inc., and 8615314 Canada Inc. (collectively, the “**Debtors**”), without security, pursuant to section 243 of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3 (the “**BIA**”) and section 101 of the *Courts of Justice Act*, RSO 1990, c C43;
  - (b) the costs of this proceeding, plus all applicable taxes; and
  - (c) such further and other relief as to this Honourable Court may seem just.
2. Capitalized terms used herein and not otherwise defined have the meaning given to them in the Affidavit of Samuel Leblond (the “**Leblond Affidavit**”).
3. The grounds for the application are:
  - (a) Mitsubishi HC Capital Canada, Inc. (“**MHCCA**”) and its affiliate, Mitsubishi HC Capital Canada Leasing, Inc. (“**MHCCL**”, and together with MHCCA, the “**Lender**”) is a financial institution that primarily extends equipment financing to Canadian borrowers;



- (b) Orbit Express Inc. ("**Orbit**") operates in the transportation and logistics industry, transporting goods for large companies;
- (c) 10055913 Canada Inc. ("**100 Inc**") guaranteed all of Orbit's obligations to the Lender;
- (d) 8615314 Canada Inc. ("**861 Inc**") leased certain equipment from the Lender under an equipment lease agreement as further described in the Leblond Affidavit;
- (e) Yadwinder Singh ("**Yadwinder**") provided an unlimited guarantee in favour of the Lender dated December 15, 2023. Yadwinder is the president of Orbit and a director of each of the Debtors;
- (f) Kulwant Singh ("**Kulwant**") provided an unlimited guarantee in favour of the Lender dated December 15, 2023. Kulwant is the secretary of Orbit and a director of Orbit and 100 Inc;

### **CREDIT FACILITIES**

- (g) The Lender agreed to make certain credit facilities available to the Debtors (collectively, the "**Credit Facilities**"), including:
  - (i) the Factoring Facility under the Factoring Agreement;
  - (ii) the EBR Facility under the Revolving Loan and Security Agreement;

- (iii) the Orbit Lease Agreements; and
- (iv) the 861 Lease Agreements;
- (h) The Debtors have granted security to the Lender in connection with their obligations under the Credit Facilities;
- (i) As at July 11, 2024, the aggregate amount owing by the Debtors to the Lender is approximately CAD\$2,691,099.76 and USD is approximately USD\$573,486.15 (collectively, the “**Indebtedness**”);
- (j) The Lender has valid and enforceable security securing all obligations owing under the Credit Facilities from each of the Debtors;
- (k) The Lender has perfected that security interest by registration in accordance with the *Personal Property Security Act* (Ontario), RSO 1990, c. P.10;
- (l) The Debtors are in default of their obligations to the Lender;
- (m) The Lender, through its counsel, issued demand letters (the “**Demand Letters**”) and a notice of intention to enforce security (“**NITES**”) and demanded repayment in full of the Indebtedness;

#### **APPOINTMENT OF A RECEIVER IS JUST AND CONVENIENT**

- (n) Events of default have occurred under the Credit Facilities, which are ongoing and outstanding;

- (o) The Lender has discovered troubling additional information, including:
    - (i) alleged claims registered on its collateral under the *Repair Storage and Lien Act*, contrary to the terms of the Credit Facilities and which put the Lender's collateral in jeopardy; and
    - (ii) efforts by certain of Orbit's employees to divert payments by an account debtor directly to Orbit. The Debtors have refused to respond to requests for information relating to the diversion of payments which are owed to the Lender under the Credit Facilities;
  - (p) The statutory notice period for Orbit and 861, as provided for under the BIA and outlined in the NITES, has expired;
  - (q) The statutory notice period for 100 Inc, as provided for under the BIA and outlined in the NITES, will expire on July 29, 2024;
  - (r) It is just and convenient for the Court to appoint a receiver over the all property, assets and undertakings of the Debtors; and
  - (s) MSI is a licensed insolvency trustee with experience in mandates of this nature and is familiar with the business and assets of the Debtors.
4. The following documentary evidence will be used at the hearing of the application:
- (a) The Affidavit of Samuel Leblond affirmed July 18, 2024; and

- (b) Such further and other evidence as the lawyers may advise and this Honourable Court may permit.

**GOWLING WLG (CANADA) LLP**  
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Lawyers for the Applicants

MITSUBISHI HC CAPITAL CANADA, INC. et al

- and - ORBIT EXPRESS INC. et al

Applicants

Respondents

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT  
BRAMPTON

**NOTICE OF APPLICATION**

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Lawyers for the Applicants

File Number: T1036232

## TAB 2

Court File No. CV-24-00003220-0000

**ONTARIO  
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B E T W E E N:

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**AFFIDAVIT OF SAMUEL LEBLOND**

I, Samuel Leblond, of the Region of Lanaudière, in the Province of Quebec, AFFIRM:

1. I am Portfolio Manager at Mitsubishi HC Capital Canada, Inc. (“**MHCCA**”) and its affiliate, Mitsubishi HC Capital Canada Leasing, Inc. (“**MHCCL**”, and together with MHCCA, the “**Lender**”). I have been managing the Lender’s efforts to collect outstanding indebtedness the Debtors, as defined below, owe to the Lender. As such, I have knowledge of the matters contained in this affidavit except where I refer to matters based on information and belief, in which case I state the source of that information or belief and believe it to be true.
2. I swear this affidavit in support of the Lender’s application for an order (the “**Appointment Order**”), among other things, appointing msi Spergel Inc. (“**MSI**”) as receiver and manager (in such capacity, the “**Receiver**”) pursuant to section 243 of the *Bankruptcy and Insolvency Act*, R.S.C., 1985, c. B-3 (the “**BIA**”) and section 101 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43 without security, over all property, assets and undertakings of the Debtors .

## I. THE PARTIES

### *The Lender*

3. The Lender is a financial institution that provides asset-based financing solutions to Canadian businesses through different divisions, including MHCCA and MHCCL, depending on the nature of the financing product and collateral.

### *The Debtors*

4. Orbit Express Inc. ("**Orbit**") is an Ontario corporation that operates in the transportation and logistics industry. Orbit's customers include large companies for which Orbit will transport goods. A copy of Orbit's Corporate Profile Report is attached as **Exhibit "A"**.

5. 10055913 Canada Inc. ("**100 Inc**") is a federal corporation that guaranteed all of Orbit's obligations to the Lender. A copy of 100 Inc's Corporate Profile Report is attached as **Exhibit "B"**.

6. 8615314 Canada Inc. ("**861 Inc**" and, collectively with Orbit and 100 Inc, the "**Debtors**") is a federal corporation, with the same principals as Orbit, that leased certain additional equipment from the Lender for use in the Debtors' business. A copy of 861 Inc's Corporate Profile Report is attached as **Exhibit "C"**.

## II. LOANS AND SECURITY

7. The Lender made the following credit facilities available to the Debtors (the "**Credit Facilities**"):

(a) factoring facility (the "**Factoring Facility**") under a Factoring Agreement dated December 5, 2021, among the Lender, Orbit, and certain guarantors, as amended by an amending agreement dated October 20, 2022, a second amending agreement dated December 29, 2022, a third amending agreement dated March 7, 2023, and a fourth amending agreement dated June 2, 2023 (as amended, the "**Factoring Agreement**"). A copy of the Factoring Agreement (with amendments) is attached as **Exhibit "D"**;



(b) Equipment-Backed Loan Facility under a certain Revolving Loan and Security Agreement dated January 14, 2022, among the Lender, Orbit, 100 Inc, and certain guarantors (the “**EBR Facility**”). A copy of the Revolving Loan and Security Agreement is attached as **Exhibit “E”**;

(c) Equipment Lease Agreements under which Orbit received financing for specified equipment (the “**Orbit Lease Agreements**”). Copies of the Orbit Lease Agreements are attached as **Exhibit “F”**; and

(d) Equipment Lease Agreements with 861 Inc under which 861 Inc leased certain trucks and trailers (the “**861 Lease Agreements**”). Copies of the 861 Lease Agreements are attached as **Exhibit “G”**.

8. In addition, 100 Inc unconditionally guaranteed all of Orbit’s obligations to MHCCA pursuant to a corporate guarantee, a copy of which is attached as **Exhibit “H”**.

9. Certain of the Orbit Lease Agreements indicate the lender as “CLE Capital Inc.” or “Tpine Leasing Capital Corporation”. The Lender acquired CLE Capital Inc. when it acquired Hitachi Capital in 2020, which had previously acquired CLE Capital Inc.

10. In addition, one of the Orbit Lease Agreements indicates “Tpine Leasing Capital Corporation” (“**Tpine**”) as the lender, which previously acted as servicer for certain lease arrangements with Orbit that were financed by (or assigned to) the Lender. On January 24, 2024, Tpine delivered a Notice of Assignment to Orbit confirming, among other things, that Tpine assigned to the Lender the applicable Orbit Lease Agreement and that MHCCL will be responsible for the ongoing servicing and administration of the applicable Orbit Lease Agreement. A copy of the Notice of Assignment is attached as **Exhibit “I”**.

11. Similarly, one of the 861 Lease Agreements indicates “Sonoma Capital Corp.” as the lender. Sonoma Capital Corp. is a syndicate partner of MHCCL. On February 22, 2024, Sonoma Capital Corp. delivered to 861 Inc. a Notice of Assignment confirming that the applicable 861 Lease Agreement with Sonoma was assigned to MHCCL. A copy of the Notice of Assignment is attached as **Exhibit “J”**.

*Indebtedness*

12. As of July 11, 2024 the Debtors owed the Lender the following approximate amounts (together with interest that is accruing, costs and fees until the date of repayment, the **“Indebtedness”**):

<b>Facility</b>	<b>Debtor(s)</b>	<b>Currency</b>	<b>Amount</b>
Factoring Facility (CAD)	Orbit, 100 Inc	CAD	\$530,150.38
Factoring Facility (USD)	Orbit, 100 Inc	USD	\$573,486.15
EBR Facility	Orbit, 100 Inc	CAD	\$320,849.83
Orbit Lease Facility	Orbit, 100 Inc (as guarantor)	CAD	\$1,322,136.96
861 Lease Facility	861 Inc	CAD	\$517,962.59

13. The aggregate amount owing is approximately CAD\$2,691,099.76 and approximately USD\$573,486.15.

*Lender’s Security*

14. As security for the payment and performance of the Debtors’ present and future obligations to the Lender, the Debtors granted in favour of the Lender the following security (among other security) (collectively, the **“Security”**):

- (a) General Security Agreement dated December 5, 2021, pursuant to which Orbit granted to MHCCA a security interest in all of its present and after-acquired property;
- (b) General Absolute Assignment of Receivables dated December 5, 2021 from Orbit in favour of MHCCA;
- (c) Specific Security Agreement dated June 28, 2023, pursuant to which Orbit and 100 Inc granted to MHCCA a security interest in specified equipment and motor vehicles (as described therein); and
- (d) General Security Agreement dated January 14, 2022, under which 100 Inc granted a security interest in all of 100 Inc's present and after-acquired property.

Copies of the security agreements referenced above are attached as **Exhibits "K", "L", "M", and "N"**, respectively.

15. In addition, Orbit and 861 Inc. granted a general and continuing collateral security interest in the equipment financed under the Orbit Lease Agreements.

16. Under the terms of the General Security Agreement and the Specific Security Agreement, upon the occurrence of an event of default, Orbit and 100 Inc agreed the Lender may take possession of its collateral and enforce their rights by any manner permitted by law.

17. The Orbit Lease Agreements and 861 Lease Agreements expressly authorize the Lender to appoint a receiver upon the occurrence of an event of default.

*PPSA Registrations*

18. The Lender perfected its security interests against the Debtors by registration of one or more financing statements against the names of each of the Debtors in accordance with the

*Personal Property Security Act* (Ontario) (the “**PPSA**”). A summary of the financing statements the Lender registered against each of the Debtors is attached as **Exhibit “O”**.

19. Copies of the Ontario PPSA search results for each of the Debtors are attached as **Exhibits “P”, “Q”, and “R”**, respectively.

20. In addition to the Lender’s registrations, the Debtors’ PPSA search results reveal VIN number-specific registrations from other secured parties, including (among others): Lbel Inc., Paccar Financial Ltd., Canadian Dealer Lease Services Inc., Business Development Bank of Canada, Stoughton Trailers Canada Corporation, Mercado Capital Corporation, Coast Capital Equipment Finance Ltd., Wells Fargo Equipment Finance Company, R&S Trailer Leasing Limited, Bennington Financial Corp., Maya Leasing Corp., and Riordan Leasing Inc. Summaries of the PPSA Search results for each of the Debtors is attached as **Exhibit “S”**.

#### *Alleged RSLA Claims*

21. Contrary to the terms of the Lender’s agreements with the Orbit and 100 Inc, described above, the PPSA search results for Orbit and 100 Inc revealed many registrations under the *Repair Storage and Lien Act*, R.S.O. 1990, c. R.25 (the “**RSLA**”) in respect of VIN-specific motor vehicles, including motor vehicles against which the Lender has a VIN-specific registration. A summary of the RSLA registrations is attached as **Exhibit “T”**.

22. In a substantial number of cases, Tpine Leasing Capital Corporation is also listed as a debtor. Tpine Leasing Capital Corporation is subject to proceedings under the *Companies’ Creditors Arrangement Act* in the Ontario Superior Court of Justice (Commercial List).

### **III. DEFAULT AND DEMAND**

23. The Debtors defaulted under the terms of the Credit Facilities. The Lender demanded repayment in full of amounts owing to the Lender (the “**Demand**”) and delivered Notices of

Intention to Enforce Security under Section 244 of the BIA (the “**BIA Notice**”). With the exception of the guarantor 100 Inc, the 10-day waiting period for the BIA Notices have expired. I am advised by Asim Iqbal, and believe it to be true, that the Notice of Intention to Enforce on Security enclosure was inadvertently excluded from the original Demand and was served on 100 Inc on July 18, 2024. A copy of the demand letters and BIA Notices delivered to each of the Debtors is attached as **Exhibit “U”**.

#### **IV. NEED FOR THE APPOINTMENT OF A RECEIVER**

24. Since demanding repayment of the Indebtedness, the Lender has learned additional, troubling information.

25. First, the Lender discovered the RSLA registrations, described above, which could directly and adversely impact the Lender’s collateral.

26. Second, the Lender became aware of efforts in June, 2024 by certain of Orbit’s employees to divert payments by its account debtors directly to Orbit.

27. For example, the Lender became aware of efforts in June, 2024 by certain of Orbit’s employees to divert payments by an account debtor (“**Fairmont**”) directly to Orbit. Those Orbit employees emailed Fairmont advising (falsely) that Orbit “no longer ha[s] any ties” with the Lender. And they requested that invoices be “directly paid to [Orbit]”. When Fairmont asked Orbit for a “letter of release”,<sup>1</sup> Orbit claimed (again, falsely) that neither they nor the Lender could provide a letter of release. A copy of the June email correspondence from Orbit to Fairmont is attached as **Exhibit “V”**.

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<sup>1</sup> A “letter of release” is a document that a lender sends to an account debtor of its borrower confirming that such lender no longer has an interest such account debtor’s invoice.

28. The next day, Fairmont emailed the Lender to confirm that payments could be made directly to Orbit. The Lender promptly refused, advising that the Lender is “still factoring” Orbit, payments should go directly to the Lender, and any letter or release would be provided by the Lender directly.

29. Orbit subsequently made another attempt to request Fairmont divert payments directly to Orbit in July, 2024. The Lender confirmed again for Fairmont that the Lender was still factoring and payments should continue to be made to the Lender. A copy of the July email correspondence from Orbit to Fairmont is attached as **Exhibit “W”**.

30. Another example of particular concern is the accounts owing by Orbit’s largest account debtor (the “**Largest Account Debtor**”). The Largest Account Debtor represents approximately 76% of Orbit’s outstanding accounts receivable, or approximately CAD\$404,083.90 and USD\$462,725.37. Orbit assigned the Largest Account Debtor’s receivables to the Lender under the Factoring Facility.

31. Since March of 2024, I have repeatedly tried to work with Orbit to collect receivables owing by the Largest Account Debtor, including attempts to engage directly with the Largest Account Debtor and with parties higher in the supply chain, being the ultimate car manufacturer.

32. In their response to that letter, Ms. Besan Fawaz of the Largest Account Debtor redirected the communication back to Orbit. A copy of Ms. Fawaz’s email response is attached as **Exhibit “X”**.

33. In addition to my attempts to contact the Largest Account Debtor, I contacted the ultimate car manufacturer directly about the outstanding invoices for the Largest Account Debtor. The representative of the ultimate car manufacturer also directed me back to Orbit.

34. To date, Orbit has not provided any meaningful response, progress or cooperation to facilitate payment of the outstanding invoices for the Largest Account Debtor. Rather, they choose to “blame the Lender”. In response to a demand letter sent to one of the principals of Orbit, Mr. Kulwant Singh, who is also a personal guarantor, advised my counsel to follow up directly with the Largest Account Debtor. A copy of the email exchange between my legal counsel and Mr. Singh is attached as **Exhibit “Y”**.

35. Since that time, through counsel, the Lender continued to pursue clarity directly from the Largest Account Debtor about the status of outstanding invoices and issues preventing their timely payment. On July 9, 2024, representatives of the Largest Account Debtor advised the Lender’s counsel by email that the matter had been referred to the Largest Account Debtor’s external counsel, who would provide a response. As at the date of this affidavit, no response has been received.

36. Third, the Lender became aware of attempts by Orbit to remove the “Orbit Express Inc.” branding from its trucks. A copy of a photograph taken by the proposed Receiver of an Orbit truck, taken on June 30, 2024, with its branding removed is attached as **Exhibit “Z”**.

37. Fourth, the Lender became aware of an Alberta corporation, Noble Express Inc. (“**Noble**”). On January 12, 2024, the Lender obtained a Corporate Profile Report for Noble. That report listed the principals of Orbit, Kulwant Singh and Yadwinder Singh, and another party, Harinder Singh Virk, as directors and voting shareholders of Noble. A copy of the January Corporate Profile Report for Noble is attached as **Exhibit “AA”**.

38. The Lender obtained another corporate profile report for Noble in May, 2024. By then, Kulwant and Yadwinder Singh were no longer listed as directors and voting shareholders. Rather, a new director and voting shareholder was listed to replace them: Dilawar Singh. A copy of the May Corporate Profile Report for Noble is attached as **Exhibit “BB”**.

39. The address listed for Dilawar Singh is identical to the addresses listed for Kulwant Singh and Yadwinder Singh. When I asked Kulwant Singh about their interest in Noble, Kulwant advised me that Noble is an “unrelated party”. He further advised that the identical address listed on the Noble corporate profile report for Dilawar Singh and the principals of Orbit (now removed) was merely a “coincidence”. I believe Noble may be an alter ego for Orbit and creates significant risk and concern for the Lender and its collateral.

40. The failure to repay the Indebtedness, attempts to divert payments by account debtors from the Lender directly to Orbit, the RSLA registrations, the lack of communication and clarity, and the other troubling information discovered, leave the Lender with serious concerns about its collateral and without any trust or confidence in Orbit’s management.

41. The Lender needs the assistance of a court-appointed receiver to: (i) collect accounts receivable; (ii) investigate the alleged RSLA registrations and potential reviewable transactions; (iii) locate, retrieve, and realize on the Lender’s collateral; and (iv) distribute the proceeds (if any).

42. If this Court sees fit to make such an appointment, MSI has consented to act as Receiver in this proceeding. A copy of MSI’s Consent to Act is attached as **Exhibit “CC”**.

43. I swear this affidavit in support of the application to appoint MSI as Receiver and for no improper purpose.



**AFFIRMED BEFORE ME** in the Region of  
Lanaudière, in the Province of Québec,  
before me at the City of Toronto, in the  
Province of Ontario, on July 18, 2024 in  
accordance with O. Reg. 431/20,  
Administering Oath or Declaration  
Remotely. }

DocuSigned by:  
*Heather Fisher*

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Commissioner for Taking Affidavits  
(or as may be)  
**Heather Fisher (LSO75006L)**

Signed by:  
*Samuel Leblond*

---

**Samuel Leblond**

This is Exhibit "A" referred to in the Affidavit of Samuel LeBlond affirmed by Samuel LeBlond of the Region of Lanaudière, in the Province of Quebec, before me at the City of Toronto, in the Province of Ontario, on July 18, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:  


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*Commissioner for Taking Affidavits (or as may be)*

**HEATHER FISHER**



Ministry of Public and  
Business Service Delivery

## Profile Report

ORBIT EXPRESS INC. as of June 13, 2024

Act	Business Corporations Act
Type	Ontario Business Corporation
Name	ORBIT EXPRESS INC.
Ontario Corporation Number (OCN)	2481509
Governing Jurisdiction	Canada - Ontario
Status	Active
Date of Incorporation	September 02, 2015
Registered or Head Office Address	Attention/Care of KULWANT SINGH, 28 Cape Dorset Cres, Brampton, Ontario, L6R 3L2, Canada

Certified a true copy of the record of the Ministry of Public and Business Service Delivery.

*V. Quintanilla W.*

Director/Registrar

This report sets out the most recent information filed on or after June 27, 1992 in respect of corporations and April 1, 1994 in respect of Business Names Act and Limited Partnerships Act filings and recorded in the electronic records maintained by the Ministry as of the date and time the report is generated, unless the report is generated for a previous date. If this report is generated for a previous date, the report sets out the most recent information filed and recorded in the electronic records maintained by the Ministry up to the "as of" date indicated on the report. Additional historical information may exist in paper or microfiche format.

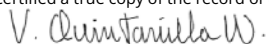
**Active Director(s)**

**Minimum Number of Directors** 1  
**Maximum Number of Directors** 10

**Name** KULWANT SINGH  
**Address for Service** 28 Cape Dorset Cres, Brampton, Ontario, L6R 3L2, Canada  
**Resident Canadian** Yes  
**Date Began** September 02, 2015

**Name** YADWINDER SINGH  
**Address for Service** 166 Thomas Ave, Brantford, Ontario, N3T 5M1, Canada  
**Resident Canadian** Yes  
**Date Began** September 03, 2015

Certified a true copy of the record of the Ministry of Public and Business Service Delivery.



Director/Registrar

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**Active Officer(s)**

**Name**

KULWANT SINGH

**Position**

Secretary

**Address for Service**

66 Executive Crt, Brampton, Ontario, L6R 0L5, Canada

**Date Began**

November 03, 2016

**Name**

YADWINDER SINGH

**Position**

President

**Address for Service**

166 Thomas Ave, Brantford, Ontario, N3S 0C8, Canada

**Date Began**

April 28, 2016

Certified a true copy of the record of the Ministry of Public and Business Service Delivery.

*V. Quintanilla W.*

Director/Registrar

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### Corporate Name History

**Name**

ORBIT EXPRESS INC.

**Effective Date**

December 21, 2016

**Previous Name**

2481509 ONTARIO INC.

**Effective Date**

September 02, 2015

Certified a true copy of the record of the Ministry of Public and Business Service Delivery.

*V. Quintanilla W.*

Director/Registrar

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### Active Business Names

This corporation does not have any active business names registered under the Business Names Act in Ontario.

Certified a true copy of the record of the Ministry of Public and Business Service Delivery.

*V. Quintanilla W.*

Director/Registrar

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**Expired or Cancelled Business Names**

<b>Name</b>	ORBIT EXPRESS
<b>Business Identification Number (BIN)</b>	260714704
<b>Status</b>	Inactive - Expired
<b>Registration Date</b>	July 12, 2016
<b>Expired Date</b>	July 11, 2021

Certified a true copy of the record of the Ministry of Public and Business Service Delivery.

*V. Quintanilla W.*

Director/Registrar

This report sets out the most recent information filed on or after June 27, 1992 in respect of corporations and April 1, 1994 in respect of Business Names Act and Limited Partnerships Act filings and recorded in the electronic records maintained by the Ministry as of the date and time the report is generated, unless the report is generated for a previous date. If this report is generated for a previous date, the report sets out the most recent information filed and recorded in the electronic records maintained by the Ministry up to the "as of" date indicated on the report. Additional historical information may exist in paper or microfiche format.

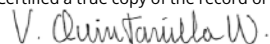


**Document List**

<b>Filing Name</b>	<b>Effective Date</b>
Archive Document Package	December 14, 2021
CIA - Notice of Change PAF: YADWINDER SINGH - DIRECTOR	August 06, 2020
Annual Return - 2019 PAF: KULWANT SINGH - DIRECTOR	March 15, 2020
Annual Return - 2018 PAF: KULWANT SINGH - DIRECTOR	January 13, 2019
Annual Return - 2017 PAF: YADWINDER SINGH - DIRECTOR	February 04, 2018
Annual Return - 2016 PAF: YADWINDER SINGH - DIRECTOR	February 12, 2017
BCA - Articles of Amendment	December 21, 2016
CIA - Notice of Change PAF: YADWINDER SINGH - DIRECTOR	November 03, 2016
CIA - Notice of Change PAF: YADWINDER SINGH - DIRECTOR	April 28, 2016
CIA - Initial Return PAF: KULWANT SINGH - DIRECTOR	September 17, 2015
BCA - Articles of Incorporation	September 02, 2015

All "PAF" (person authorizing filing) information is displayed exactly as recorded in the Ontario Business Registry. Where PAF is not shown against a document, the information has not been recorded in the Ontario Business Registry.

Certified a true copy of the record of the Ministry of Public and Business Service Delivery.



Director/Registrar

This report sets out the most recent information filed on or after June 27, 1992 in respect of corporations and April 1, 1994 in respect of Business Names Act and Limited Partnerships Act filings and recorded in the electronic records maintained by the Ministry as of the date and time the report is generated, unless the report is generated for a previous date. If this report is generated for a previous date, the report sets out the most recent information filed and recorded in the electronic records maintained by the Ministry up to the "as of" date indicated on the report. Additional historical information may exist in paper or microfiche format.

This is Exhibit "B" referred to in the Affidavit of Samuel LeBlond affirmed by Samuel LeBlond of the Region of Lanaudière, in the Province of Quebec, before me at the City of Toronto, in the Province of Ontario, on July 18, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:

*Heather Fisher*

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Commissioner for Taking Affidavits (or as may be)

**HEATHER FISHER**




Government  
of Canada

Gouvernement  
du Canada

[Canada.ca](#) → [Innovation, Science and Economic Development Canada](#) → [Corporations Canada](#)  
→ [Search for a Federal Corporation](#)

## Federal Corporation Information - 1005591-3

 Beware of scams and other suspicious activities. See [Corporations Canada's alerts](#).

### Note

This information is available to the public in accordance with legislation (see [Public disclosure of corporate information](#)).

[Order copies of corporate documents](#)

### Corporation Number

1005591-3

### Business Number (BN)

734041726RC0001

### Corporate Name

10055913 CANADA INC.


### Status

Active

### Governing Legislation

*Canada Business Corporations Act - 2017-01-10*

[Order a Corporate Profile](#) [[View PDF Sample](#)] [[View HTML Sample](#)].

[Find existing extra-provincial registrations of this corporation on Canada's Business registries](#) 

## Registered Office Address

Care of: KULWANT SINGH  
66 EXECUTIVE CRT

BRAMPTON ON L6R 0L5

Canada

### **Note**

Active CBCA corporations are required to update this information within 15 days of any change. A corporation key is required. If you are not authorized to update this information, you can either contact the corporation or contact Corporations Canada. We will inform the corporation of its reporting obligations.

## Directors

**Minimum** 1

**Maximum** 10

KULWANT SINGH

66 EXECUTIVE CRT

BRAMPTON ON L6R 0L5

Canada

YADWINDER SINGH

166 THOMAS AVE

BRANTFORD ON N3T 5M1

Canada

DAJIT SINGH

166 THOMAS AVE

BRANTFORD ON N3S 0C8

Canada

### **Note**

Active CBCA corporations are required to update director information (names, addresses, etc.) within 15 days of any change. A corporation key is required. If you are not authorized to update this information, you can either contact the corporation or contact Corporations Canada. We will inform the corporation of its reporting obligations.

## Individuals with significant control

No information has been filed.

Learn more about when this information must be filed.

**i Note**

Active CBCA corporations are required to update this information annually (with their annual return) and within 15 days of a change in their ISC register via the [Online Filing Centre](#). A corporation key is required. If you are not authorized to update this information, you can contact either the corporation or Corporations Canada. We will inform the corporation of its reporting obligations.

## Annual Filings

**Anniversary Date (MM-DD)**

01-10

**Date of Last Annual Meeting**

Not available

**Annual Filing Period (MM-DD)**

01-10 to 03-11

**Type of Corporation**

Non-distributing corporation with 50 or fewer shareholders

**Status of Annual Filings**

2023 - Overdue

2022 - Overdue

2021 - Filed

## Corporate History

**Corporate Name History**

2017-01-10 to Present

10055913 CANADA INC.

**Certificates and Filings**

**Certificate of Incorporation**

2017-01-10

**Certificate of Dissolution**

2023-11-26

**Certificate of Revival**

2024-04-15

Order copies of corporate documents

Start New Search

[Return to Search Results](#)

**Date Modified:**

2024-06-11