

*ONTARIO*  
SUPERIOR COURT OF JUSTICE

B E T W E E N:

THE TORONTO-DOMINION BANK

Applicant

and

DOSANJH CARE INC.

Respondent

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

AIDE MEMOIRE OF THE RESPONDENT

Hearing before the Honourable Madam Justice Steele - May 1, 2025

1. We act as counsel for the Respondent.
2. The Respondent formerly operated a care home facility. Operations ceased in October, 2023 as a result of an Order of the Health Unit but same was later rescinded when the alleged violations were satisfactorily rectified.
3. The Respondent has since applied to operate a retirement home from the Property and upon receipt of such approval would re-commence business operations and raise financing sufficient to repay the amounts owed to the Applicant and to fund its business as a going concern.
4. Despite diligent efforts by the Respondent for the past 12 months, approval for the operation of the proposed retirement home is continually forthcoming as advised by the regulatory authority but same has still not been received and communication with the regulatory authority is challenging in that responses are not readily received and when received they do not provide any material insight as to the status nor any challenges associated with the granting of the necessary approval.

5. Notwithstanding the foregoing, the Respondent continues to follow up and seek the requisite approval as the operation of a retirement home from the Property is the solution for the Applicant to be repaid the amounts due and owing to it. Copies of some of the correspondence in this regard has been provided to the Applicant.
6. The Applicant has advised that it believes that the sale of the Property will result in a shortfall on the amount of the indebtedness so it is not in anyone's best interests for the Property to be sold in the current market and instead a little more time should be afforded to the Respondent to obtain the necessary approval needed.
7. However, despite the fact that the Respondent ceased operations in October, 2023 and has had no revenue generated since that time, it has made each and every monthly payment to the Applicant when due such that there has been no financial default in the Respondent's obligations to the Applicant and the Respondent undertakes to continue to make such payments going forward.
8. The Applicant has indicated that it wishes to schedule the hearing of the Application to appoint a Receiver and it is the Respondent's position that to do so now would be premature while the approval from the regulatory authority for the operation of a retirement home is hopefully to be received shortly.
9. If however this Honourable Court deems it advisable to schedule the said Application, the Respondents submit that same should not be scheduled for at least 3 months.

Dated at Toronto this 30<sup>th</sup> day of April, 2025



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THE TORONTO-DOMINION BANK  
Applicant

-and-

DOSANJH CARE INC.  
Respondent

Court File No. CV-25-00740567-00CL

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SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)

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

Proceeding commenced at TORONTO

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AIDE MEMOIRE OF THE APPLICANT  
(RETURNABLE MAY 1ST , 2025)

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