

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST – EAST REGION**

B E T W E E N:

THE TORONTO-DOMINION BANK

Applicant

and

GILMOUR REAL ESTATE CORPORATION, GILMOUR'S ON 38 INC., GILMOUR'S BY THE BAY INC., 1203113 ONTARIO INC., GILMOUR HOLDING CORPORATION, and J. GILMOUR HOLDINGS INC.

Respondents

SUPPLEMENTAL RECORD OF THE APPLICANT

(Returnable April 7, 2026)

April 1, 2026.

HARRISON PENZA LLP

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Solicitors for the Applicant,
The Toronto-Dominion Bank

TO: Service List

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Tab 1

Court File No. CV-25-00102436-0000

**ONTARIO
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BETWEEN:

THE TORONTO-DOMINION BANK

Applicant

-and-

GILMOUR REAL ESTATE CORPORATION, GILMOUR'S ON 38 INC., GILMOUR'S BY THE BAY INC., 1203113 ONTARIO INC., GILMOUR HOLDING CORPORATION, and J. GILMOUR HOLDINGS INC.

Respondents

SUPPLEMENTAL AFFIDAVIT OF DENNIS ZAMANIS

(Sworn April 1, 2026)

I, Dennis Zamanis, of the City of Markham, in the Province of Ontario, **MAKE OATH AND SAY:**

1. I am an Account Manager, with the Applicant, The Toronto-Dominion Bank (the "**Bank**"), and as such have knowledge of the matters to which I hereinafter depose. Unless I indicate to the contrary these matters are within my own knowledge and are true. Where I have indicated that I have obtained facts from other sources, I have identified the source and I believe those facts to be true.
2. This affidavit follows my sworn affidavit in this matter on December 29, 2025 (the "**First Zamanis Affidavit**"). All capitalized terms not otherwise defined herein retain the same meaning as in the First Zamanis Affidavit.
3. This Application was originally returnable on January 20, 2026. At the request of the Debtors, the Application was adjourned on consent to February 10, 2026 and then to February 23, 2026 to allow the Debtors time to finalize a sale of the Real Property.

4. The Debtors engaged MNP Ltd. as advisors to assist in their dealings with the Bank.
5. On February 11, 2026, MNP Ltd. on behalf of the Debtors provided counsel for the Bank with an Agreement of Purchase and Sale for the Real Property dated February 5, 2026 as between the named purchaser therein and Gilmour REC (the “**First APS**”). The First APS had a closing date of April 30, 2026 and:
 - a. Required Gilmour REC to deliver certain documents to the purchaser within 5 business days of acceptance;
 - b. Was conditional on financing, Inspection and due diligence all to be waived 30 Banking Days from acceptance;
 - c. The purchaser had the right to conduct Phase I and Phase II Environmental Site Assessments.
6. On March 18, 2026, MNP Ltd. on behalf of the Debtors advised that the prospective purchaser under the First APS declined to waive certain conditions and did not proceed with closing the subject transaction.
7. On March 18, 2026, MNP Ltd. on behalf of the Debtors provided counsel for the Bank with an Agreement of Purchase and Sale for the Real Property dated March 16, 2026 (the “**Second APS**”). The Second APS had a closing date of May 27, 2026 and:
 - a. Required Gilmour REC to deliver certain documents to the purchaser within 5 business days of acceptance; and,
 - b. Was conditional on financing, inspection, and due diligence, and the purchaser’s review of utility costs and building reports, all to be waived 10 business days following delivery of certain documents.
8. On March 25, 2026, MNP Ltd. on behalf of the Debtors advised that the prospective purchaser listed in the Second APS declined to waive certain conditions and did not proceed with closing the subject transaction.
9. The Debtors have been unable to complete a sale of the Real Property despite

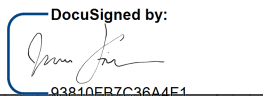
being provided with additional time to do so.

10. On March 26, 2026, MNP Ltd. advised the Bank that Gilmour BTB's butcher store operation in Belleville was closed due to a fire in the plaza the store operates from and the Gilmour BTB does intend to reopen. Gilmour BTB is not depositing funds to its accounts at the Bank in the normal course.
11. As of March 31, 2026, the Debtors remain indebted the Bank in the sum of \$2,026,553.01 plus legal fees in the sum of \$39,878.43.
12. I make this Affidavit in support of the Application to appoint AGI as Receiver, without security, of all the assets, undertakings and properties of the Respondents and for no other or improper purpose.

Sworn or Affirmed before me: ☐ in person OR ☒ by video conference

by Dennis Zamanis of the City of Markham in the Province of Ontario, before me at the City of London in the Province of Ontario, on April 1, 2026 in accordance with [O. Reg. 431/20](#), Administering Oath or Declaration Remotely.

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


Signature of Commissioner (*or as may be*)


Dennis Zamanis

THE TORONTO-DOMINION BANK

and

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PROCEEDING COMMENCED AT
OTTAWA., ONTARIO

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