



Court File No. VLC-S-S-2011355
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

TARIQ WAHEED and 0923063 B.C. LTD.

PLAINTIFFS

AND:

**JM FOOD SERVICES LTD., FRESHSLICE HOLDINGS LTD., RFSP EQUIPMENT &
OPERATING INC., A&M ENTERPRISE LTD., 1015214 B.C. LTD., and THE TRUSTEES OF
THE FRESHSLICE FAMILY TRUST**

DEFENDANTS

NOTICE OF APPLICATION

Name of Applicants: The Defendants
To: The Plaintiffs and their solicitors
And to: McEown and Associates Ltd. and its solicitors
And to: The Service List

TAKE NOTICE that an application will be made by the applicants to the presiding judge at the courthouse at 800 Smithe Street, Vancouver, BC on September 3, 2026 at 9:45 a.m. for the Orders set out in Part 1 below.

The applicants estimate that the application will take 1.5 hours.

This application is not within the jurisdiction of an associate judge.

Part 1: ORDERS SOUGHT

1. An order staying the receivership order of the Honourable Madam Justice Sharma made May 13, 2026 (the "**Receivership Order**") and releasing the Affected Accounts hereinafter defined;
2. An order that from the funds held in the Affected Accounts, the Defendants shall pay to the Receiver, in trust, or alternatively, into court, the sum of \$900,000 as security;
3. An order by consent whereby the Defendants agree to an interim injunction order for a period of 60 days wherein the Defendants agree to an order restraining them from

disposing of property other than in the ordinary course of business, which would include the payment of ordinary business expenses and obligations.

Part 2: FACTUAL BASIS

Order of Justice Sharma on August 27, 2026

4. Pursuant to order of the Honourable Madam Justice Sharma made on August 27, 2026 pursuant to Rule 8-5(1), the applicants were granted leave to have this application heard on September 3, 2026 in regular Judge's Chambers. Should this application not heard on September 3, 2026 due to the court's availability, then it will be heard by the Honourable Madam Justice Sharma on September 8, 2026 at 9:00 am.

The Judgment Debt

5. The Plaintiffs, Tariq Waheed and 0923063 B.C. Ltd., are judgment creditors of the Defendants.
6. The Defendants are a group of companies that operate the franchise Freshslice Pizza and its related businesses (the "**Freshslice Group**").
7. On December 1, 2023, in this action and further to an earlier judgment made on April 11, 2019 (the "2019 Judgment"), the Court made a declaration that the transfer of property by JM Food to the corporate defendants was a fraudulent conveyance and, therefore, of no force of effect. Reasons for judgment is indexed at 2023 BCSC 2113.
8. Currently, the outstanding judgment debt owed on the 2019 Judgment is currently estimated by plaintiffs' counsel to be approximately \$767,644 plus costs of the receivership application as noted below.

Receivership

9. On May 13, 2026, on the application of the plaintiffs, the Honourable Madam Justice Sharma appointed McEown and Associates Ltd. as Receiver of certain property of the Defendants on the terms set out in the Receivership Order.
10. On or around August 19, 2026, pursuant to the Receivership Order, the Receiver took steps to seize or otherwise freeze the bank accounts of four of the Defendants, including:
 - a. A&M Enterprise Ltd. ("**A&M**"), which produces and sells dough, and operates corporate and joint-venture locations;
 - b. 1015214 B.C. Ltd. ("**101**"), which builds out franchise locations, and supplies equipment and smallware;

- c. RF Franchising Inc.; ("RF"), which oversees all franchising operations, from promotion of the franchise system to onboarding and training; and
- d. Freshslice Holdings Ltd. ("FSH"), receives revenue shares from 101, A&M and RF, and the surcharge revenue from franchisees.

(collectively, the "Affected Entities").

11. The bank accounts that have been seized or frozen by the Receiver include:

- a. 101's Coast Capital Savings account ending in 9323, which held a balance between approximately \$250,000 to \$300,000. 1015214 B.C. Ltd. This account is used for vendor payments, wire transfers, payroll, and expenses associated with new store construction and equipment;
- b. A&M's Coast Capital Savings account ending in 9005, which held a balance over \$2,500,000. This account is used for transactions in connection with production and distribution of dough, vendor payments, payroll, marketing expenses, and related operating costs.
- c. A&M's four Coast Capital Savings sub accounts. I am unsure of the balances in these accounts. These accounts are used as operating accounts for stores and belonged to corporate and joint-venture stores managed by A&M.
- d. FH's TD Canada Trust account ending 6995, which held a balance over \$200,000. This account is used for surcharge operations, office expenses, payroll, payments to subcontractors and other ordinary operating expenditures.
- e. RF Franchising Inc.'s TD Canada Trust account ending in 7010, which held a balance over \$1,000,000. This account is used for transactions in connection with franchise promotions and events, travel expenses, onboarding and training new franchisees, payroll, as well as payments to subcontractors.

(collectively, the "Affected Accounts").

- 12. The Affected Accounts were used by the Affected Entities in the ordinary course of their business and collectively held balances in excess of \$3.5 million. These funds constituted working capital of the Affected Entities and were relied upon to fund their day-to-day operations.
- 13. The seizure or freezing of the Affected Accounts by the Receiver was done without prior consultation with the Affected Entities in respect of alternative payment methods to satisfy the banking needs of the businesses.
- 14. The seizure or freezing of the Affected Accounts has severely disrupted the ordinary business operations of the Affected Entities.
- 15. The Affected Entities are unable to meet ongoing obligations, including payroll, vendor and contractor payments, operating expenses, and tax and source deduction remittances, solely from revenue generated after the seizure. As a result, the Affected Entities face the

risk of breaching numerous contractual and regulatory obligations and may incur interest, penalties, and other related charges.

16. Further, the Defendants are concerned that their current inability to meet ongoing obligations will adversely affect the Freshslice Group's business reputation and goodwill.
17. The Affected Entities therefore urgently require access to the funds held in the seized accounts in order to continue their operations in the ordinary course and to avoid the legal, regulatory, financial, and reputational consequences that may result from their inability to meet ongoing obligations.

The Proposed Security Arrangement

18. The Defendants have proposed posting \$900,000 as interim security in exchange for an interim stay of the Receiver's enforcement actions under the Receivership Order.
19. The Defendants are also prepared to consent to an interim injunction restraining them from disposing of property other than in the ordinary course of business, which would include the payment of ordinary business expenses and obligations.

Part 3: LEGAL BASIS

20. The enforcement measures of the Receiver have been causing and will continue to cause prejudice to the Defendants. Irreparable harm will result to the businesses of the Defendants if the Affected Accounts continue to be frozen indefinitely.
21. The Affected Accounts held funds of over \$3.5 million, which significantly exceeded the judgment debt, estimated by the plaintiffs to be \$767,644,
22. The enforcement measures implemented by the Receiver are unnecessary, disproportionate, and unduly prejudicial to the Defendants.
23. The proposed \$900,000 security will satisfy judgment in the case that it is determined that the funds derived from income generated from the contractual rights transferred from JM Foods to the rest of the Defendants.
24. The Defendants will agree to refrain from disposing of property to third parties except in the ordinary course of business, which will provide further security to the Plaintiffs.

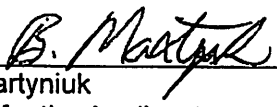
Part 4: MATERIAL TO BE RELIED ON

1. Receivership Order;
2. Affidavit #1 of Zaheer Awan made August 27, 2026;
3. Affidavit #1 of Raj Wijesinghe made August 31, 2026;
4. Pleadings filed herein.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to the application, you must

- (a) file an application response in Form 33 within 5 days after the date of service of this notice of application or, if the application is brought under Rule 9-7 of the Supreme Court Civil Rules, within 11 days after the date of service of this notice of application, and
- (b) at least 2 days before the date set for the hearing of the application, serve on the applicant 2 copies, and on every other party one copy, of a filed copy of the application response and the other documents referred to in Rule 9-7(12) of the Supreme Court Civil Rules.

Dated: August 31, 2026



Brad Martyniuk
Lawyer for the Applicants