

BETWEEN:

NEELU MALIK,

Appellant,

and

HIS MAJESTY THE KING,

Respondent.

Motion heard on November 25, 2025 at Toronto, Ontario

Before: The Honourable Justice Jenna Clark

Appearances:

For the Appellant: The Appellant herself

Counsel for the Respondent: Daniel Powell

ORDER

WHEREAS the Respondent brought a motion to compel the Appellant to answer written questions arising from undertakings, pursuant to section 96 of the *Tax Court of Canada Rules (General Procedure)*;

AND WHEREAS the Court received written submissions and affidavit evidence from the Respondent and oral submissions from both the Respondent and Appellant on the motion and on costs of the motion;

IN ACCORDANCE with the attached Reasons for Order, it is ordered that the Respondent's motion is allowed with costs fixed at \$500, payable forthwith by the Appellant on or before January 30, 2026 and that:

- (a) the Appellant, Neela Malik, shall answer the Further Questions on Undertakings for Neela Malik dated September 25, 2025, with the exceptions of withdrawn questions 11b(i), 13(a), 13(b), 13(c), 13(3)(i)(2), 13(e)(i)(1) and 13(d)(i)(2), on or before January 30, 2026; and

(b) the parties shall communicate with the Hearings Coordinator to advise if the matter will settle or proceed to hearing, on or before March 2, 2026.

Signed this 22nd day of December 2025.

“Jenna Clark”

Clark J.

BETWEEN:

SUBODH MALIK,

Appellant,

and

HIS MAJESTY THE KING,

Respondent.

Motion heard on November 25, 2025 at Toronto, Ontario

Before: The Honourable Justice Jenna Clark

Appearances:

For the Appellant: The Appellant himself

Counsel for the Respondent: Daniel Powell

ORDER

WHEREAS the Respondent brought a motion to compel the Appellant to answer written questions arising from undertakings, pursuant to section 96 of the *Tax Court of Canada Rules (General Procedure)*;

AND WHEREAS the Court received written submissions and affidavit evidence from the Respondent and oral submissions from both the Respondent and the Appellant on the motion and on costs of the motion;

IN ACCORDANCE with the attached Reasons for Order, it is ordered that the Respondent's motion is allowed with costs fixed at \$500, payable forthwith by the Appellant on or before January 30, 2026, and that:

- a) the Appellant, Subodh Malik, shall answer each of the Further Questions on Undertakings for Subodh Malik dated September 25, 2025, with the exception of withdrawn question 1(b), on or before January 30, 2026; and

b) the parties shall communicate with the Hearings Coordinator to advise if the matter will settle or proceed to hearing, on or before March 2, 2026.

Signed this 22nd day of December 2025.

“Jenna Clark”

Clark J.

Citation: 2025 TCC 193
Date: 20251222
Docket: 2024-2063(GST)G

BETWEEN:

NEELU MALIK,

Appellant,

and

HIS MAJESTY THE KING,

Respondent;

Docket: 2024-2064(GST)G

AND BETWEEN:

SUBODH MALIK,

Appellant,

and

HIS MAJESTY THE KING,

Respondent.

REASONS FOR ORDER

Clark J.

I. Background

[1] The Respondent brought a motion to compel answers to questions arising from undertakings made at the examinations for discovery of each of the two Appellants.

[2] The Appellants, spouses, purchased a house at 1359 Applewood Road, Mississauga, Ontario, in 2012. The Appellants rented the house out for several years before they severed the lot and created a second address, 1355 Applewood Road, Mississauga, Ontario. New homes were built on each lot. It is the second lot, 1355 Applewood Road, that is the subject of these appeals.

[3] The underlying appeals concern the Minister of National Revenue's calculation of GST/HST. The appeals raise three issues: a) whether the Appellants were "builders" for the purposes of the *Excise Tax Act*, b) whether the subject property was not an exempt supply as a primary place of residence, and c) whether the subject property was a self-supply.

[4] These appeals are fact driven. The Notices of Appeal assert that the Appellants purchased 1359 Applewood Road with the primary intention of building a house for their family. The Notices of Appeal detail the history of the houses and properties as well as the Appellants' family and financial circumstances. The Replies to the Notices of Appeal contain 50 statements of assumed facts.

[5] The Appellants were examined for discovery at oral examinations held in June 2025. Several undertakings were made at those examinations for discovery. Neelu Malik provided answers to 29 undertakings, and Subodh Malik provided answers to 2 undertakings. Most of the undertakings were to produce documentation. The Respondent served each Appellant with a list of follow-up questions in writing, each dated September 25, 2025. Those lists are appended as Appendix A and Appendix B, respectively. Most of the follow-up questions asked for information relating to produced documents.

[6] The follow-up questions were numbered in relation to the undertakings. The Respondent stated in its motion record that it was withdrawing questions 11(b)(i), 13(a), 13(b), 13(c), 13(3)(i)(2), 13(e)(i)(1), 13(d)(i)(2) put to Neelu Malik. At the hearing of the motion counsel advised that the Respondent was withdrawing question 1(b) put to Subodh Malik.

[7] These matters could not be grouped by reason for refusal, as the Appellants provided one omnibus statement in repose to each question. Consequently, the parties and the Court reviewed each question at the hearing of the motion, grouped by undertaking. The Respondent detailed the connection between the questions and the matters in issue, and the Appellants stated the reason(s) for their refusals.

II. Law

[8] Subsection 95(1) of the *Tax Court of Canada Rules (General Procedure) (Rules)* provides that a person examined for discovery shall answer, to the best of that person's knowledge, information and belief, any proper question relevant to any matter in issue in the proceeding.

[9] Disputes as to the propriety of questions asked during the examination for discovery process are common, and as a result there is a great deal of jurisprudence detailing the principles to be considered when a party moves for an order compelling answers to disputed questions.

[10] The test for relevance for a question asked at examination for discovery is whether the question might reasonably enable a party to advance its case, or damage the opposing party's case, or might fairly lead to a train of inquiry that may do either of those things (*Canada v Lehigh Cement Limited*, 2011 FCA 120).

[11] The scope of discovery should be wide, and relevancy should be construed liberally without allowing it to enter the realm of a fishing expedition. The purpose of discovery is to allow parties to know the case to be met at trial, as well as to know the facts relied on by their opponent, narrow or eliminate issues, obtain admissions and avoid surprise at trial (*Burlington Resources Finance Company v The Queen*, 2015 TCC 71 at para 11; see also *Kossow v The Queen*, 2008 TCC 422, aff'd 2009 FCA 83).

[12] A question is relevant where there is a reasonable likelihood that it might elicit information which may directly or indirectly enable the party seeking the answer to advance its case or to damage the case of its adversary, or which fairly might lead to a train of inquiry that may either advance the questioning of a party's case or damage the case of its adversary (*Lehigh* at para 34).

[13] Although relevancy is the primary consideration when determining the propriety of a question, the Court maintains residual discretion to disallow questions if they are not proportionate, or materially ambiguous, vague, imprecise, misleading, scandalous, vexatious, seeks privileged information, seeks work product of counsel, seeks the disclosure of evidence rather than fact or seeks opinion (*Stack v The King*, 2024 TCC 164 at para 36; *Contractor v The Queen*, 2021 TCC 46 at para 22).

[14] The purpose of discovery is to enable parties to know the case they must meet at trial, know the facts that the opposing party relies on, narrow or eliminate issues, obtain admissions and avoid surprises at trial. On a motion, the threshold for relevance is low, and when in doubt, the judge hearing the motion should err on the side of allowing the question (*Stack at paras 30 and 31*).

[15] Justice Dawson of the Federal Court of Appeal in *Lehigh* at paragraph 30 sets out the importance of an effective examination for discovery process to the litigation process:

The general purpose of examination for discovery is to render the trial process fairer and more efficient by allowing each party to inform itself fully prior to trial of the precise nature of all other parties' positions so as to define fully the issues between them. It is in the interest of justice that each party should be as well informed as possible about the positions of the other parties and should not be put at a disadvantage by being taken by surprise at trial. It is sound policy for the Court to adopt a liberal approach to the scope of questioning on discovery since any error on the side of allowing questions may always be corrected by the trial judge who retains the ultimate mastery over all matters relating to admissibility of evidence; on the other hand any error which unduly restricts the scope of discovery may lead to serious problems or even injustice at trial.

[16] Proportionality is a consideration when determining if a disputed question should be answered, however it should not be the primary focus (*Canadian Imperial Bank of Commerce v The Queen*, 2015 TCC 280; *Burlington Resources Finance Company v The Queen*, 2017 TCC 144). I considered that these are Class B appeals involving self-represented appellants, and also that they are fact-driven matters that involve a large number of disputed facts.

III. Analysis

A. Omnibus Refusal Statement

[17] The Appellant refused every question with the same written statement:

The appellant objects to answering this question on the basis that the Appellant has already pled all material facts relied on, or it invites legal argument and either asks the Appellant which evidence the Appellant intends to rely on, or seeks the Appellant's legal position, or is irrelevant to the correctness of the assessment.

[18] This statement was so broad as to be meaningless. It gives five alternative reasons for the refusal. The omnibus statement makes it impossible for the questioner to know the actual basis for the refusal. It also makes it difficult for this Court to determine the precise basis for the refusal.

[19] Use of a template omnibus refusal phrase amounts to nothing more than a slammed door in the face of the questioner. The Appellants' omnibus statement renders it difficult or impossible for the parties to resolve the impasse without court intervention. Indeed, section 107 of the *Rules* requires an objector to briefly state the reason for the objection and requires that reason to be recorded together with the question. A party refusing to answer a question at examination for discovery should state the reason for the refusal in such a way as to clearly communicate the foundation for the refusal.

[20] Court intervention in the discovery process should be reserved for the rare occasion when there is a genuine difference of opinion between the parties. The Court should not be asked to intervene in situations where one party simply refuses to engage in a meaningful discussion as to why the question was refused.

[21] Examinations for discovery are an important part of the litigation process. Discoveries enable the parties to explore disputed facts and to clarify the matters in dispute. They present an opportunity for the parties to refine the issues and proceed to the hearing fully prepared.

[22] The first portion of the Appellant's omnibus statement asserts that they have already pled all material facts relied on. This is not a basis to refuse answering a question posed during the discovery process. Pleading a material fact does not preclude another party from asking questions relating to that material fact, or asking questions arising from their own statement of material facts. Section 95 of the *Rules* states that:

A person examined for discovery shall answer, to the best of that person's knowledge, information and belief, any proper question relevant to any matter in issue in the proceeding ...

[23] Each party is entitled to ask questions about the facts in issue asserted by the opposing party, as well as facts that it has asserted and that remain in issue.

[24] The second portion of the omnibus statement is that the question invites legal argument, and the fourth portion of the statement states the question seeks a legal position. I reviewed each of the questions in issue in the motion, and I am satisfied that none of them seek disclosure of legal argument. The questions seek clarification or additional information arising from information provided in answer to an undertaking.

[25] The third portion of the omnibus statement states that the question asks the Appellant what evidence will be relied on. My review of the questions indicates that they seek information that could potentially be *used* as evidence, but do not ask the Appellant what evidence he or she will rely on. Each party is entitled to know the case that will be presented. One of the purposes of examination for discovery is to avoid "trial by ambush". Each party is entitled to explore the allegations of fact made by the opposing party in their pleading.

[26] The fifth portion of the omnibus statement states that the question is irrelevant to the correctness of the assessment. I disagree. All the questions relate to facts asserted by the parties in support of their position concerning the correctness of the assessment. I have also considered proportionality, and I am mindful of the fact that the Appellants are self-represented and wish to proceed to hearing as quickly as possible. There was nothing before me to suggest the questions would create an undue burden on either Appellant. The questions arise from undertakings made at examination for discovery. It is appropriate to have a limited opportunity to seek follow up information in response to undertakings.

B. Additional Reasons for Refusal

[27] The Appellants advised at hearing that they wished to add reasons for their refusals to their omnibus statement. The Appellants referred to these additional reasons as “privacy” and “duplication”. I will deal with each new reason for refusal in turn.

[28] The Appellants asserted “privacy” as a reason for their refusals made to requests for the telephone numbers of various contractors the Appellants hired while building the subject properties. The Appellants were unable to articulate precisely why this was a basis for an objection.

[29] Subsection 95(4) of the *Rules* provides that a party may obtain names and addresses of persons who might reasonably be expected to have knowledge of the transactions or occurrences in issue in the proceeding. This can also extend to production of telephone numbers (*C C Gold Inc. v The Queen*, 2018 TCC 155). I do not accept that privacy is a reason why the questions should not be answered.

[30] The Appellants also raised at the hearing of the motion a new reason for refusing to answer follow-up questions, called “duplication”. The Appellants referenced the book of documents used by the parties at the examination for discovery. Mr. Malik stated that the information sought by the Respondent could be found in the documents contained in those books.

[31] At the hearing of the motion, the Appellants were asked to direct the Court to where the requested information had already been produced (for example, answers to follow up question 2 asked of Neelu Malik). The Appellants were not able to identify a document. This leads me to doubt that the requested information had indeed already been produced.

[32] The Appellants also objected to some questions on the basis they had previously produced information to the Canada Revenue Agency (CRA) as part of their Objection. I was not presented with any evidence of this.

[33] The Appellants asserted that some of the follow-up questions had already been answered at examination for discovery. This was not stated in their refusal and therefore the Respondent was not given notice that this was a reason for the refusal. I did not have evidence before me indicating that the requested information had already been produced at the examination for discovery.

[34] The Appellants also stated in their oral submissions that some information was simply not available. This was not noted in the Appellants' refusals. A litigant is expected to give their best efforts to obtain requested information. If despite their best efforts they cannot obtain the information, they must so advise.

IV. Conclusion

[35] I find that the follow-up questions in issue in this motion are proper questions. They relate to factual allegations set out in the pleadings. They are proportionate given the factual matters in dispute. They are not otherwise improper.

[36] The Appellants raised a concern about the length of the pre-hearing process and in particular the fact that this motion has caused additional delay. The Appellants are the authors of this delay. Refusing to provide information while also refusing to provide a precise reason for the refusal only serves to draw out the pre-hearing process. Indeed, the hearing of the motion itself was prolonged by the Appellants' refusal to group refused questions according to the refusal reason.

V. Costs

[37] The Respondent sought enhanced costs of between \$3,000 to \$4,000 pursuant to subsection 147(3) of the *Rules*. Counsel's submissions on this point were that the Appellants' conduct unnecessarily lengthened the duration of proceedings or was improper, vexatious or unnecessary.

[38] The Appellants' conduct has unnecessarily lengthened the duration of these proceedings. However, the Appellants are self-represented individuals, and they have not missed any court ordered deadlines or caused any other delay. As such, I am giving them the benefit of the doubt as to the motivation driving their refusals. This cost award is compensatory and not punitive.

[39] The Respondent produced a great volume of material in support of their motion. The motion record and book of authorities each surpassed 300 pages. An entire day of court time was required to address this motion. In these circumstances, an appropriate compensatory award is \$500 from each Appellant to be paid to the Respondent on or before January 30, 2026.

Signed this 22nd day of December 2025.

“Jenna Clark”

Clark J.

APPENDIX A

2024-2063(GST)G

TAX COURT OF CANADA

BETWEEN:

NEELU MALIK

Appellant,

- and -

HIS MAJESTY THE KING

Respondent.

**FURTHER QUESTIONS ON ANSWERS TO UNDERTAKINGS
PROVIDED TO THE RESPONDENT**

The Respondent has chosen to further examine the Appellant, Neelu Malik, for discovery on answers to undertakings by written questions and requires that the following questions be answered by affidavit in Form 114 prescribed by the *Tax Court of Canada (General Procedure)*, and served by October 30, 2025 pursuant to the Order of Justice Marcela Aroca dated April 30, 2025.

1. In addition to the email address provided in answer to undertaking #1, please provide the most recent phone or cell phone number for contacting Paul Materski.
2. With respect to your answer to undertaking #2:
 - a) You have provided a copy of architectural drawings from Huis Design Studio for the proposed 1359 Applewood Road property.
 - i. What direction did you give Huis Design Studio in preparing design drawings for 1359 Applewood Road?

1. Provide copies of any documentation or communications that you or your husband had with Huis Design Studio regarding the design of 1359 Applewood Road.
 - ii. Confirm whether you asked Huis Design Studio to include a third-floor loft in preparing designs for 1359 Applewood Road.
 - iii. Did you direct Huis Design Studio to propose any differences in respect of the design of 1355 Applewood Road?
 1. If so, please specify the differences that you proposed and confirm whether those differences were implemented.
 3. With respect to your answer to undertaking #3:
 - a) You have provided a copy of an annual mortgage statement for the 2015 year for a residential mortgage with Home Trust [REDACTED]
 - i. Please produce copies of the annual mortgage statements for the Home Trust residential mortgage in the 2012, 2013, 2014, 2016 and 2017 years.
 1. If statements are not available for any of these years, please explain why.
 - b) The rate of interest that you were required to pay in respect of the Home Trust mortgage was set to decrease from 3.14% to 2.44% as of December 31, 2015.
 - i. Did you seek an amendment or extension to the 36-month mortgage obtained from Home Trust for the 1359 Applewood Road property, as appears at Tab 75 of the Respondent's Book of Documents in Court file no. 2024-2064(GST)G [Neelu Malik]?
 1. If not, why was the interest rate set to decrease as of December 31, 2015?

2. Did the interest rate decrease?
 - c) Confirm whether you renewed the residential mortgage with Home Trust [REDACTED] before the maturity date of March 19, 2017.
 - i. If so, please produce documentation showing when you renewed the residential mortgage with Home Trust.
 - ii. If not, please produce documentation showing when the residential mortgage with Home Trust ended.
4. With respect to your answer to undertaking #4:
 - a) You have produced a copy of an email exchange between you and Amalia Rivet from the law offices of G. Gord Monahan.
 - i. Identify the number of draws that you obtained on the Home Trust construction mortgage for 1355 Applewood Road and 1359 Applewood Road, respectively.
 - b) You have also produced a copy of email exchange between Amalia Rivet and Ashley Fernandes from Home Trust dated February 16, 2018 entitled "RE: Malik 10312203 – 4th Draw (85%)."
 - i. What does the number 10312203 refer to?
 - c) You say that you received the 4th draw of the Home Trust mortgage at 85% completion. Does this 85% figure refer to the completion of 1355 Applewood Road or 1359 Applewood Road?
5. With respect to your answer to undertaking #5, provide the name and contact information of the individual or firm you hired to install hardwood floors at 1359 Applewood Road.
6. With respect to your answer to undertaking #6:

- a) You have provided a copy of an invoice dated December 19, 2017 from Contrax Canada and a letter from Contrax Canada stating that all work had been completed at 1355 Applewood Road and 1359 Applewood Road as of April 13, 2018. Please confirm:
 - i. Was the work referred to in the invoice dated December 19, 2017 for 1359 Applewood Road or 1355 Applewood Road?
 - ii. Did you enter into a written contract or agreement with Contrax Canada for the work referred to on page 2?
 1. If so, please produce a copy.
 2. If you entered into an oral rather than written agreement, please detail the nature of your oral agreement with Contrax Canada.
 - b) Outline the full scope of work completed by Contrax Canada for 1355 Applewood Road and 1359 Applewood Road and provide approximate dates for when the work was completed.
7. With respect to your answer to undertaking #7:
- a) You have provided an invoice for work completed by Jin Sin Granite Inc. dated March 3, 2018. Please confirm:
 - i. Whether the work was completed to 1355 Applewood Road or 1359 Applewood Road.
 - b) Did Jin Sin Granite perform any other work at 1355 Applewood Road?
 - i. If so, please detail what work was done.
 - ii. Provide a copy of invoices, documents or communications indicating that such work was completed.
8. With respect to your answer to undertaking #8:

- a) You have provided a copy of an invoice from Sleep Country Canada dated March 26, 2018 for the purchase of bedding and mattresses and addressed to Subodh Malik at 1359 Applewood Road. Please confirm:
 - i. Did you return any of the products listed on the invoice?
 1. If so, please provide further documentation regarding the returned items and detail whether you purchase new bedding or mattresses thereafter.
 - ii. Please identify which members of your family used each of the mattresses purchased from Sleep Country Canada and in which house (1355 Applewood Road or 1359 Applewood Road) from March to September 2018.
- b) Did you have any other mattresses or bedding delivered by Sleep Country Canada or some other company to 1355 Applewood Road?
 - i. If so, please produce copies of any invoices, documentations or communications showing the purchase or delivery of these items.
9. With respect to your answer to undertaking #9, provide the name and contact information of the individual or firm you hired to install blinds for 1355 and 1359 Applewood Road.
10. With respect to your answer to undertaking #10, provide the name and contact information of the individual or firm you hired to install appliances for 1355 and 1359 Applewood Road.
11. With respect to your answer to undertaking #11:
 - a) You have provided a bill of lading from Canadian Appliance Source dated October 11, 2017 for order # T298695.

- i. Please confirm whether you purchased two sets of the same appliances for 1355 Applewood Road and 1359 Applewood Road.
 1. If so, were the appliances for 1359 Applewood Road and 1355 Applewood Road delivered at the same time?
 2. Please produce a copy of any invoices from Canadian Appliance Source showing which appliances were delivered to 1355 Applewood Road.
 3. Produce a copy of the invoices showing when deliveries of appliances from Canadian Appliance Source were made to 1355 Applewood Road.
 4. If not, did you purchase the appliances for 1355 Applewood Road from somewhere else?
- b) Please confirm whether the deliveries by Ovation made on March 8, 2019 were made to 1359 Applewood Road?
 - i. If so, then

12. With respect to your answer to undertaking #12:

- a) You have provided a copy of a proposed management contract with Polmat Homes for a new home construction dated February 12, 2016.
 - i. Please produce a full copy of the stapled document, including the pages visible from underneath the front page.
 - ii. Was this proposed version of the management contract agreed to in a final contract at a later date?
 1. If so, please produce a copy of the final, rather than proposed, management contract.

- iii. Was the management contract with Polmat Homes for the construction of a single property?
 - 1. If so, when did you decide to build the second property?
 - 2. Did you ever discuss the construction of a second property with Paul Materski?
 - iv. Was the quoted amount of \$521,500 for the construction of one or two houses?
 - v. Did you ever discuss obtaining a Tarion warranty with Paul Materski?
13. With respect to your answer to undertaking #16, you have answered that a document setting out you and your husband's vehicle registration are not available. Please confirm the following details regarding your vehicle registration:
- a) Do you drive?
 - b) Does your husband drive?
 - c) Do either of your sons drive?
 - d) Did you have a vehicle between November 2017 to August 2018?
 - i. If so, did you have insurance on your vehicle?
 - 1. What address was your vehicle registered to between November 2017 to August 2018?
 - 2. Did you have either of your sons registered as drivers with your insurance?
 - e) Did your husband have a vehicle between November 2017 to August 2018?
 - i. Did your husband have insurance on his vehicle?

1. What address was your husband's vehicle registered to between November 2017 to August 2018?
 2. Did your husband have either of your sons registered as drivers with his insurance?
14. With respect to your answer to undertaking #17:
- a) You have produced an email between you and Marcel from Contracting by Us dated March 5, 2018 following a conversation about 1355 Applewood Road being ready for casing and work in the basement needing to be finished.
 - i. Please explain what casing entails.
 - ii. What work did you ask Contracting by Us to complete for you at either 1355 Applewood Road or 1359 Applewood Road?
 - iii. What is the material you are referring to that is on site?
 - iv. Please provide the full name and most recent contact information for Marcel from Contracting by Us.
 - b) Was the 1355 Applewood Road property painted before or after it was primed and cased?
15. With respect to your answer to undertaking #18:
- a) You have provided a copy of a proof of vacancy document from Aviva General Insurance Company permitting you to vacate 5994 Stonebriar Crescent from March 28 to April 28, 2018. Please:
 - i. Confirm whether you extended the vacancy permit for 5994 Stonebriar Crescent beyond April 28, 2018.
 - ii. Did anyone live at 5994 Stonebriar Crescent from May 1 to 31, 2018?
 1. If so, who?

- b) During the examination on June 26, 2025, you testified that you completed renovations to 5994 Stonebriar Crescent before your tenants began renting the property on June 1, 2018. Please:
- i. Detail what construction work you completed.
 - ii. Specify whether these renovations took place before, during or after the insurance vacancy period from March 28 to April 28, 2018.
 - iii. Produce copies of documents or communications showing that the construction work to 5994 Stonebriar Crescent was completed.

16. With respect to your answer to undertaking #19:

- a) You have produced a copy of an invoice from Brampton Hardwood Floors Inc. dated November 1, 2017 with invoice no. 356604.
- i. What were the changes that you made to your order, which entitled you to a refund?
 - ii. Were the changes to your hardwood floor order made with Brampton Hardwood Floors Ltd. recorded in invoice no. 359982?
 1. If so, produce a copy of the invoice from Brampton Hardwood Floors for invoice no. 359982.
 2. If not, please produce a copy of any document or communication from Brampton Hardwood Floors showing what changes you made to your original flooring order.

17. With respect to your answer to undertaking #21:

- a) You have provided a copy of a document from Northbrook Insurance Group signed on November 9, 2018 and a binder of insurance for policy coverage from October 28, 2018 to January 28, 2019. Please confirm:

- i. Whether you were required to update your insurance coverage to reflect the change of mortgagees from Home Trust to 1833793 Ontario Inc. and Vuckovic Family Management Inc.
 1. Produce documents from the mortgagees regarding these requirements.
 - b) Did you obtain insurance from Northbrook Insurance Group between July 1 and October 28, 2018 for 1355 Applewood Road?
 - i. If so, please produce copies of the binder of insurance or other documentation indicating the nature or details of the insurance policy obtained through Northbrook Insurance Group.
 - ii. If not, did you have any insurance for 1355 Applewood Road during this period?
18. In addition to the email addresses provided in answer to undertaking #23, please specify the full name of the surveyor, planner and designer and the most recent phone and/or cell number for contacting them.
19. With respect to your answer to undertaking #25:
 - a) You have produced an undated document detailing the costs of various services, including painting. Please confirm:
 - i. When you had the 1355 and 1359 Applewood Road properties painted.
 - ii. Produce a copy of any documentation from the painters that you hired to provide these services.
20. With respect to your answer to undertaking #27, provide the name and contact information of the individual or firm you hired to install doors at 1355 and 1359 Applewood Road.
21. With respect to your answer to undertaking #28:

- a) You have produced an invoice for a sofa from La Vie Furniture dated March 18, 2018. Please confirm:
- i. Was the sofa delivered to 1359 Applewood Road?
 - ii. Was the sofa delivered on March 25, 2018?
 - iii. Did you ever move the sofa to 1355 Applewood Road?
22. With respect to your answer to undertaking #29:
- a) You have provided a copy of an email dated May 29, 2018 document from Canada Post indicating details of the mail forwarding services that you entered into beginning on June 5, 2018. Please confirm:
- i. Did you have your mail forwarded to 1355 Applewood Road or 1359 Applewood Road?

DATED at the City of Ottawa, in the Province of Ontario, on this September 25, 2025.



ATTORNEY GENERAL OF CANADA

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APPENDIX B

2024-2064(GST)G

TAX COURT OF CANADA

BETWEEN:

SUBODH MALIK

Appellant,

and

HIS MAJESTY THE KING

Respondent.

FURTHER QUESTIONS ON ANSWERS PROVIDED TO UNDERTAKINGS BY THE RESPONDENT

The Respondent has chosen to further examine the Appellant, Subodh Malik, for discovery on answers to undertakings by written questions and requires that the following questions be answered by affidavit in Form 114 prescribed by the *Tax Court of Canada (General Procedure)*, and served by October 30, 2025, pursuant to the Order of Justice Aroca dated April 30, 2025.

1. In respect of the answer provided in response to undertaking #1:
 - a) The Residential Services Agreement you have provided is for bundled telecommunication services (television, internet and home phone) for the property at 1359 Applewood Road, but not 1355 Applewood Road. Please confirm:
 - i. Whether you ever purchased telecommunications services (television, internet and/or home phone) for 1355 Applewood Road.
 1. If so, please produce copies of these documents.

2. If not, please:
 - a. Explain why you purchased telecommunication services (television, internet and/or home phone) for 1359 Applewood Road but not for 1355 Applewood Road.
 - b. Did you ever rely on the telecommunication services (television, internet and home phone) at 1359 Applewood Road while living at 1355 Applewood Road?
 - i) If so, did you only use the telecommunication services at 1359 Applewood Road while being physically located there?
 - ii) If not, confirm that you used no telecommunication services (television, internet or home phone) other than your mobile phone service during the time that you lived at 1355 Applewood Road.
- b) For the Residential Services Agreement that you provided for 1359 Applewood Road, please detail which telecommunication services your mother, your sons, you and your wife used (internet, television or home phone) in April, May, June, July and August 2019.
- c) The Residential Services Agreement that you have provided for 1359 Applewood Road was scheduled to begin on April 1, 2018.
 - i. Did you register for internet service at 1359 Applewood Road before April 1, 2018?
 - ii. As you have indicated that your mother and sons moved into 1359 Applewood Road at an earlier date, did they have other telecommunication services available when they moved in?

- iii. If so, please provide invoice or receipt documentation for these services.
 - iv. If not, please explain whether you used the internet at all or why you did not have internet service?
- d) Produce a copy of your monthly statements for Rogers account number XXXXXXXXX8500 in November and December of 2017 and January, February, March, April, May, June, July and August of 2018.
- e) The Residential Services Agreement that you have provided indicates that you obtained television services at 1359 Applewood Road.
- i. Did you have a television at 1359 Applewood Road?
 - 1. If so, was the television moved from 5994 Stonebriar Crescent to 1359 Applewood Road or did you purchase a new television?
 - a. If you purchased a new television, please provide a copy of the invoice/receipt for that purchase.
 - ii. Did you have a television at 1355 Applewood Road?
 - iii. Explain how the television was mounted or whether it was placed on any furniture.
 - iv. Did you and your family use Rogers telecommunication services while you were living at Stonebriar?
2. With respect to the answer provided in response to undertaking #2:
- a) Please produce a copy of pages 1-4 and 6- 30 of the Aviva General Insurance Company policy document.
 - b) The certificate of property insurance refers to the following attributes of the 1359 Applewood Road property: 2018 built, heating 2018, plumbing 2018,

wiring 2018, roofing 2018. Please produce copies of all documents that you provided to Aviva General Insurance Company to apply for home insurance with them (policy number: W0761941).

- c) The certificate of property insurance document that you have produced refers to a 1st mortgage on 1359 Applewood Road registered with Habib Canadian Bank.
 - i. Please produce a copy of the mortgage documentation.
 - ii. Please specify:
 - 1. When was the Habib mortgage approved?
 - 2. When did the term first begin?
 - 3. What was the amortization?
 - 4. Was the Habib mortgage a residential mortgage?
 - 5. Did you obtain a mortgage from the same lender for 1355 Applewood Road?
 - a. If not, why not.
- d) The certificate of property insurance document that you have provided is effective from February 8, 2019. Please produce a copy of the certificate of property insurance that you obtained for the newly constructed 1359 Applewood Road at the time that it was first occupied.
 - i. Was the insurance registered in your and your wife's name?
 - 1. If not, why not
 - ii. Were you living at 1359 Applewood Road when home insurance was first registered for that property?

DATED at the City of Ottawa, in the Province of Ontario, on this September 25, 2025.



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CITATION: 2025 TCC 193

COURT FILE Nos.: 2024-2063(GST)G
2024-2064(GST)G

STYLES OF CAUSE: NEELU MALIK AND HIS MAJESTY
THE KING
SUBODH MALIK AND HIS MAJESTY
THE KING

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: November 25, 2025

REASONS FOR ORDER BY: The Honourable Justice Jenna Clark

DATE OF ORDER: December 22, 2025

APPEARANCES:

For the Appellants: The Appellants themselves
Counsel for the Respondent: Daniel Powell

COUNSEL OF RECORD:

For the Appellants:

Name: N/A

Firm: N/A

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