

MISLEADING INFORMATION AND EDITED EVIDENCES BY TD CANADA TRUST:

A. Total Account Enquiry. (Pages 51 – 55)

Bank Produced this document for the first time on 12th of November 2008 motion and argued that the document contains all 4 accounts managed in Gana Kiritharan's name. But the document failed to give any details of Value (Checking) Account as mentioned by the bank. When Gana Kiritharan searched the document for the reasons Gana Kiritharan discovered that the document may contained another page and the bank with fraudulent intention concealed that page. Though Gana Kiritharan brought this issue to the attention of the Civil Court during the motion, court failed to mention any thing about this issue and ordered "I am satisfied that the bank has produced all the relevant documents it has."

Again during Motion on 14th of July 2009, Gana Kiritharan brought the issue of 2nd Page of "Total Account Enquiry" to the attention of Honorable Justice Moore. Hon Justice Moore requested bank lawyer to produce the 2nd page. At this point Gana Kiritharan mentioned that he like to see the second page of print out taken by person with ID of "RALPHD2" on 10/19/07 around 15:01:00. As this print out was taken as a part of enquiry into his Civil Claim bank has obligation to produce the second page. Also Gana Kiritharan requested for a Total Account Enquiry in his former name that is "Kiritharan Kanagalingam". After few minutes interval bank produced this new print out of "Total Account Enquiry" and informed the court they are unable to produce the second page of previous print out and no account details existed in the name of "Kiritharan Kanagalingam". Also the bank lawyer informed the Court the reason the second page was (? knowingly) omitted by the bank because it did not contain any significant information.

Hon Justice Moore asked Gana Kiritharan whether he agree with the new print out. When Gana Kiritharan told he do not agree with the new print out, Hon Justice Moore did not expect Gana Kiritharan to explain why he do not agree with the new print out, but Hon Justice Moore tear the copy of new print out in his hand to two pieces, retuned the tore pieces to Litigant section of the court room continued the proceeding with other documents filed for the day and delivered his decision.

The reasons Gana Kiritharan disagreed with new print out as follows:

1. The new print out do not contain details of Gana Kiritharan's Line of Credit. Though bank try to explain this is because bank has a policy of removing account details which are 7 years old, this explanation is not acceptable for following reasons.
 - A. Gana Kiritharan received account details of 1999 from bank in 2008 and account details of 2001 in 2009.
 - B. Even bank try to argue that they have a different way of counting the years, there won't be a reason for removing Gana Kiritharan's line of credit details while his visa card details still in the system. According to bank statement both accounts were written-off in October 2005.
2. If Gana Kiritharan's Line of Credit details can be removed from the system prematurely then any other (secret account) details also can be removed from the system.
3. From the day one to last day bank maintained no account details maintained in Gana Kiritharan's old name was available in their system. But during the motion on 14th of July 2009 in order to satisfy a previous court order bank lawyer provided some account details managed in the name of Kiritharan Kanagalingam (for the year of 2001 - 2002) to Gana Kiritharan.

B. Explanation for the Word "Collection Item". (Pages 24 – 26)

Accounting abbreviation "Collection Item" may be more important word in this issue. Gana Kiritharan's Line of Credit and Checking (Value) Accounts were closed with this accounting abbreviation. TD Canada Trust may be given more than 3 explanations for this term. One branch manager told that it means bank closed the account with bank money. Second explanation came with pleadings in the civil court; indirectly saying it means write-off. Third explanation came with the bank's affidavit of motion on

12th of November 2008. According to it, Collection Item means the accounts were placed for Collection after write-off.

Gana Kiritharan was able to explain the word with some formal financial documents. As he understands it is a way of receiving money for default checks and default accounts. Collection Item gets credited only when money received. As Gana Kiritharan's account details say that "Collection Item CR" it may confirm money was collected towards Gana Kiritharan's account from unknown resources.

C. Gana Kiritharan's Claim to Inspect Transaction Records. (Pages 27 – 34)

One of the reason Gana Kiritharan suspected that the bank concealing some information, an attempt by bank tellers to print some additional information on the daily transaction records (slips) Gana Kiritharan signed for daily counter transaction between November 2004 – March 2005 (Total numbers of records during that period 10). Gana Kiritharan claimed to inspect these records through the first letter sent to the bank on 12th of March 2007. Bank failed to produce any document related to this issue until 20th February 2008. During the case conference on that day bank asked more time to search these documents. Court granted one month and ten days to trace these records but the details provided subsequently were not clear. When Gana Kiritharan claimed to inspect the original, based on explanation given by the lawyer, bank ordered "Ms. Rai will inquire whether any original documents exist since the documents produced were from microfiche. If no original exist, the process of scanning for the microfiche documents will be explained." Bank failed to produce two of the originals and failed to explain the process of scanning for the microfiche. The documents produced by the bank on 12th of November 2008 motion informed an enquiry on Gana Kiritharan's 12th of February 2007 dated first letter was conducted immediately and copies of the documents are available in Ottawa branch as early as 22nd of March 2007 and the copies may have been made from originals (not from microfiche) and the two originals not produced by the bank may disappeared only after 22nd of March 2007.

D. Date of Closure of Gana Kiritharan's TD Visa Emerald Card. (Pages 35 – 43)

One of the evidence for money belong to Gana Kiritharan was existed under TD Canada Trust custody was date of closure Gana Kiritharan's TD Visa Emerald Card when it become default. According to C - 1 Guide Line of Banking Superintendent bank supposed to Write-Off the account in 180 Days (6 Months). In Court Documents bank say they Written-Off the account in 240 Days (8 Months). But Evidence (Account Details Provided by TD Canada Trust and TransUnion Credit Report) indicate account was Written-Off only after 540 Days (18 Months). This may be because the concealed account (or Any other form of Assert) provided security for my Visa Card loan amount. Bank may be omitted accounting statements giving correct write-off date from the evidences.

E. Bank's Account Management Policy. (Pages 29, 30 and 130)

When Gana Kiritharan claimed to inspect Account Management Policy of Personal Accounts and Default Accounts of the Bank, bank lawyer informed the court that such documents do not exit. But again on 12th of November 2008 motion bank stated that "The Bank's practice is to write off an account that has been in arrears for 180 days or more...." This may confirm that bank has an account management policy.

MR GANA KIRITHARAN

SELECTION # _____

APL PRODUCT	ACCOUNT	BR	BALANCE	CUR	STAT	TYPE
ASSETS						
1 GLS TRADING	436031A	1253	0.00		ACTV	
2 GLS TRADING	436031B	1253	0.00	USD	ACTV	
TOTAL ASSETS			0.00			
LIABILITIES						
3 PDA LINE OF CR	4457424	1625	0.00		CLOS	APPL
CREDIT LIMIT			0.00			
4 VSA EMERALD VS	4520050002413878	5926	*****		WR/O	OWNR
CREDIT LIMIT			*****			
TOTAL LIABILITIES			0.00			

USER ID: RALPHD2

PSWD:

FIRST PAGE - SELECT AN ACCOUNT FOR DETAILS, SCROLL FORWARD OR REQUEST NEXT TRAN
1/HELP 3/END 4/MAIN 7/BACKWARD 8/FORWARD 10/CH BKWCD 11/CH FWD

IMSTX TCIF0040 LTRM M2001078 MOD MOC040A5 10/19/07 15:01:00

* This Document First Produced by the Bank (TD Canada Trust) for the Motion on 12th of November 2008 *

While Gana Kiritharan was challenging the Bank for an illegally opened and managed account in his name (secret account) existed in the bank, bank produced this document and tried to argue that above 4 accounts only existed in his name. But this document turned to be supportive for Gana Kiritharan's argument.

- * Line number 3 gives the details Gana Kiritharan's Line of Credit and Line number 4 gives the details Emerald Visa Card.
- * Details for Gana Kiritharan's Line of Credit as of this document, Balance 0.00, Credit Limit 0.00, and STAT is CLOS.
- * Details for Gana Kiritharan's Emerald Visa card as of this document, Balance ****, Credit Limit **** and STAT is WR/O.
- * Details Presented in above two paragraphs clearly explains Gana Kiritharan's Line of Credit was closed in a different manner than his Emerald Visa card.
- * Also this document failed to give any details of Gana Kiritharan's Value (Checking) account. When examined the document for reasons, Gana Kiritharan discovered (Right hand upper corner - Page ? of 2) there may be another page of this document existed and the Bank may have with fraudulent intention concealed that page.

TOTAL ACCOUNTS ENQUIRY

PAGE 1 OF 2
CHAPTER 1

MR GANA KIRITHARAN

**ALERT
REFER ECOM**

SELECTION # _____

APL	PRODUCT	ACCOUNT	BR	BALANCE	CUR	STAT	TYPE
ASSETS							
1	GLS TRADING	436031A	1253	0.00		ACTV	
2	GLS TRADING	436031B	1253	0.00	USD	ACTV	
TOTAL ASSETS				0.00			
LIABILITIES							
3	VSA EMERALD VS	4520050002413878	5926	*****	WR/O		OWNR
CREDIT LIMIT				*****			
TOTAL LIABILITIES				0.00			
OTHER RELATED ACCOUNTS AND SERVICES							
4	ACS ELV	4520050002413878			FRAU		OWNR

USER ID: PACHEN

PSWD:

FIRST PAGE - SELECT AN ACCOUNT FOR DETAILS, SCROLL FORWARD OR REQUEST NEXT TRAN

1/HELP 3/END 4/MAIN 7/BACKWARD 8/FORWARD 10/CH BKWCD 11/CH FWD

IMSTX TCIF0040 LTRM M5501037 MOD MOC040A5 07/14/09 11:25:02

- * During Motion on 14th of July 2009, Gana Kiritharan brought the issue of 2nd Page of "Total Account Enquiry" to the attention of Honorable Justice Moore. When Hon Justice Moore requested bank lawyer to produce the 2nd page, bank lawyer initially objected as this issue already discussed during previous Motion but later agreed to produced the page.
- * At this point Gana Kiritharan mentioned that he like to see the second page of print out taken by person with ID of "RALPHD2" on 10/19/07 around 15:01:00. As this print out was taken as a part of enquiry into his Civil Claim bank has obligation to produce the second page. Also Gana Kiritharan requested for a Total Account Enquiry in his former name that is "Kiritharan Kanagalingam".
- * After few minutes interval bank produced this new print out of "Total Account Enquiry" and informed the court they are unable to produce the second page of previous print out and no account details existed in the name of "Kiritharan Kanagalingam".
- * Also the bank lawyer informed the Court the reason the second page was (? knowingly) omitted by the bank because in did not contain any significant information.
- * When the bank lawyer tried to explain the details in the document to Hon Justice Moore, he told the explanations bring more confusion and asked Gana Kiritharan whether he agree with the new print out.

TOTAL ACCOUNTS ENQUIRY

PAGE 2 OF 2
CHAPTER 1

MR GANA KIRITHARAN

**ALERT
REFER ECOM**

SELECTION # _____

APL	PRODUCT	ACCOUNT	BR	BALANCE	CUR	STAT	TYPE
5	ACS PAC EASYLINE	5892970000040913270				ISSD INAC	OWNR
6	TDA WEB BROKER	26K69201	5905			INAC	OWNR

USER ID: PACHEN

PSWD:

LAST PAGE - SELECT AN ACCOUNT FOR DETAILS, SCROLL BACK OR REQUEST NEXT TRAN

1/HELP 3/END 4/MAIN 7/BACKWARD 8/FORWARD 10/CH BKWCD 11/CH FWD
IMSTX TCIF0040 LTRM M5501037 MOD MOC040A5 07/14/09 11:25:13

- * When Gana Kiritharan told he do not agree with the new print out, Hon Justice Moore did not expect Gana Kiritharan to explain why he do not agree with the new print out, but Hon Justice Moore tear the copy of new print out in his hand to two pieces, retuned the teared pieces to Litigant section of the court room continued the proceeding with other documents filed for the day and delivered his decision.
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APPL: CPA TRAN: EAF
BR #: 718

ID:

DEPOSIT ACCOUNT HISTORY
FINANCIAL ENQUIRY

PAGE 1 OF 107

SC:

BR #: 5926 ACCOUNT: 3188100
PERIOD: FROM : 01 / 01 / 1999

SHORTNAME:
TO : 01 / 14 / 2008

FN	DATE	TRANS DESCRIPTION	TRANS AMOUNT	BALANCE
	02/22/1999	OPEN ACCOUNT	0.00 CR	
	02/22/1999	USD CASH SOLD	204.44 CR	
	02/22/1999	PASSEBOOK UPDATE		
	02/22/1999	GM W/D 003372	10.00 DR	194.44
	02/26/1999	GM W/D 009521	100.00 DR	
	02/26/1999	TD ACCESS FEE	5.00 DR	89.44
	03/01/1999	GM W/D 003614	70.00 DR	19.44
	03/08/1999	990308S3631600CABLE	478.10 CR	497.54
	03/09/1999	GM W/D 009861	100.00 DR	397.54
	03/15/1999	SPORTS EXPERTS	45.43 DR	
	03/15/1999	GM W/D 007985	100.00 DR	252.11

FN==> C - COPY REQUEST, S - SELECT TRANSACTION
USER ID: DESCHG PSWD:

HELP 3/END 4/MENU 5/PRINT 7/BKWD 8/FWD
IMSTX TDASHF LTRM M4901029 MOD DASHFEO 2008-01-14 09.58 12/LOGOFF

This Account Details were Provided for Gana Kiritharan during early part of 2008. Details in the document explains this print out was taken in 14th of January 2008 and details of 22nd February 1999 was kept in TD Canada Trust computer system and can be printed out on 14th of January 2008.

**VISA**

Green

VISA Card**PAYMENT SUMMARY**



Name: KIRITHARAN KANAGALINGAM
 Statement Date: February 1, 2001
 Account Number: 4520 0100 0793 9186

This Month's Payment	\$25.00
+ Past Due Amount	0.00
Minimum Payment	\$25.00
Payment Due Date	Feb 22/01

Last Statement	Previous Balance	Total Purchases	Total Cash Advances	Total Interest/Service Charges	Total Payments/Credits	STATEMENT BALANCE
Jan 2/01	\$866.02	125.14	0.00	11.53	200.00	\$802.69

Transaction Date	Posting Date	Description of Transaction	Amount
Jan 7	Jan 8	BESTREGISTER INC 770-6229342 01/07/01 30.00 USD	45.70
Jan 16	Jan 17	BESTREGISTER INC 770-6229342 01/16/01 30.00 USD	46.11
Jan 18	Jan 18	PAYMENT - THANK YOU	200.00 -
Jan 23	Jan 24	RADIO SCHACK #05-5303 GLOUCESTER	33.33
Feb 1	Feb 1	RETAIL INTEREST	4.87
Feb 1	Feb 1	CASH INTEREST	6.66

- * This Account Details were provided to Gana Kiritharan on 12th July 2009 in order to satisfy Amended Court Order dated 19th January 2009.
- * This Document may confirm following facts:
1. Account Details of Year 2001 was kept in TD Canada Trust Computer system and can be printed out in Year 2009.
 2. Though Defendant continued to argue that no account details were available under the name of Kiritharan Kanagalingam, this arugement may be a misleading one.

Interest Rate Information		Annual Fee 0.00	Credit Limit 1,000
Purchases	Cash Advances		Credit still available 197
18.50%	18.50%		As of Feb 1/01
PLANNING A TRIP? ENJOY GREAT CAR RENTAL DISCOUNTS AT BUDGET LOCATIONS ACROSS CANADA BY USING YOUR TD VISA CARD.			 1-800-9TD-VISA (983-8472) 7 days a week, 24 hours a day  TD CENTRE PO BOX 300 TORONTO ON M5K 1K6

Detach and return with payment

Page 1 of 1

Account Number	Statement Date	Payment Due Date	Statement Balance	Minimum Payment Required	AMOUNT PAID
4520 0100 0793 9186	Feb 1/01	Feb 22/01	802.69	25.00	\$

**VISA**

Green

VISA Card

KIRITHARAN KANAGALINGAM
 502-50 SELKIRK ST
 VANIER ON K1L 6M9

1. Payments can be made via:
 - TD Access Telephone Banking
 - The Green Machine®
 - TD Access Web Banking
 - Mail (see above)
 - TD Bank Branch
2. Write your account number on the front of your cheque or money order, and make it payable to TD Visa. Please do not send cash.
3. See reverse for more information.
4. Visit us at www.tdbank.ca/tdvisa.

4520010007939186 0002500 008026