

**ONTARIO SUPERIOR COURT OF JUSTICE-
COMMERCIAL LIST**

BETWEEN:

CITY OF TORONTO

Applicant

And

HARRY SHERMAN CROWE HOUSING CO-OPERATIVE INC.

Respondent

AFFIDAVIT OF ROSELL KERR

(Sworn on May 12, 2025)

I, Rosell Kerr, of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY:

1. I am the duly elected Chair of the Board of Directors (the “Board”) of Harry Sherman Crowe Housing Co-operative Inc. (the “Co-op”), and as such have knowledge of the matters hereinafter deposed to, save and except where stated to be on information and belief and, in such cases, I believe them to be true.
2. I have served as a member of the Board since 2019 and have resided in the Co-op community for several years. Our board in order to address issues raised by the City of Toronto approved retaining Betty’s Law Office to provide legal assistance and guidance. Betty’s Law Office even in the challenging situations has continued to assist the Board by providing representation.
3. I swear this affidavit in support of a motion requesting that this Honourable Court authorize the payment of legal fees incurred by the Board to its legal counsel, Betty’s Law Office, from the Co-op’s funds currently held by the court-appointed Receiver.

4. On March 14, 2023, the Ontario Superior Court of Justice (Commercial List) issued an Order (the “Receivership Order”) appointing RSM Canada Limited as Receiver and Manager (the “Receiver”) of all assets, undertakings, and properties of the Co-op under section 85(7) of the Housing Services Act, 2011, and section 101 of the Courts of Justice Act.
5. The Receivership was sought by the City of Toronto in its role as Service Manager under the HSA due to its concerns about governance, financial control, and property management. The Receiver was granted broad powers, including control over all funds of the Co-op.
6. In 2022, in anticipation of the Receivership Application and in response to escalating governance concerns, the Board retained the law firm Betty’s Law Office, represented by Mr. Courtney Betty, to provide legal counsel and representation. Mr. Betty represented the Board in the initial receivership proceedings before this Honourable Court, in subsequent related hearings, and in ongoing communications with the Receiver and the City. Mr. Betty also attended cross-examinations relating to the matter.
7. Since its appointment, Betty’s Law Office has continued to assist the Board in its efforts to participate meaningfully in receivership proceedings and to protect the interests of Co-op members. This has included reviewing court filed documents, prepared responding motion materials, and advising on governance issues arising under the HSA.
8. On April 29, 2024, this Honourable Court approved the Receiver’s activities, its quarterly reports, and its fees and disbursements incurred in connection with the receivership. The Board continues to require legal representation as the receivership remains ongoing.
9. Betty’s Law Office has submitted accumulative invoices for legal fees totaling \$30,908.00 CAD for services rendered to the Board from 2023 through early 2025. A true copy of the invoices are attached hereto and marked as **Exhibit "A"**.
10. All legal services provided were necessary, performed in good faith, and billed at reasonable rates consistent with comparable services. The Board supports the disbursement of these fees.
11. In addition to the outstanding amount, the Board expects to incur **ongoing legal fees** as the receivership proceedings continue. These fees will be incurred in good faith for the purpose of ensuring the Board’s effective participation in legal processes and governance transition planning. Legal counsel may be required to review future filings, respond to the RFEIQ process, and attend before this Honourable Court or with external stakeholders. The Board requests that this Honourable Court authorize the Receiver to disburse such ongoing legal fees as they arise, subject to reasonableness, without requiring further motions unless the Receiver objects. This relief would ensure that the Board is not placed in a position of disadvantage due to lack of independent financial access.
12. The Board does not have access to independent operational funds. All Co-op accounts and financial assets remain under the exclusive control of the Receiver. As such, the Board respectfully requests that the Court authorize the Receiver to pay the outstanding legal fees from either market funds or general Co-op funds currently under the Receiver’s control.
13. The Board confirms that payment of these fees will not prejudice any other stakeholders or creditors of the Co-op. The amount sought represents a modest and fair disbursement necessary to ensure the Board continues to be represented during the Receivership.


14. The Board further requests that, should the Receiver decline to initiate the payment, this Honourable Court authorize the Board to directly access the necessary funds currently held by the Receiver for this limited purpose.
15. I swear this affidavit in support of the within motion and for no improper purpose.

SWORN by Rosell Kerr
of the City of Toronto in the
Province of Ontario, before me at
the City of Toronto, in the Province of Ontario,
on May 12, 2025, in accordance with O. Reg. 431/20,
Administering Oath or Declaration Remotely.

}

Julian Castro Ortiz

Julian Castro Ortiz (May. 12, 2025.17:51.CDT)
Commissioner for Taking Affidavits
Julian Castro Ortiz
Barrister and Solicitor LSO #77258V

 Rosell Kerr (May. 12, 2025.18:44.EDT)
Rosell Kerr
Signature of the Deponent

This is **Exhibit “A”** mentioned and referred to in the

Affidavit of Rosell Kerr

Affirmed this 12th day of May 2025

Julian Castro Ortiz

Julian Castro Ortiz (May 12, 2025 17:51 CDT)

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A Commissioner for Taking Affidavit

Betty's Law Office Professional Corporation

2300 Yonge Street
Suite 1600
Toronto, ON M4P 1E4
Phone: 416-972-9472

INVOICE

Harry Sherman Crowe Housing Co-operative
51 The Chimneystack Road
North York, M3J 3L9

Date: 03/01/2023

Attention: Harry Sherman Crowe Housing Co-operative

Invoice #: 1123

File #: 21-1015

Our Fee Herein

Date	LWR	Description	Hours	Rate	Amount
01/24/2023	CB	discussions Rosell, Discussions mortgage company re second mortgage, discussions Cheryl re grant applications, communications with York communications with Javon	1.05	\$500.00	\$525.00
01/27/2023	CB	Email- discussion in relation to Costs for an appointed receiver	0.03	\$500.00	\$16.67
01/27/2023	CB	Discussion lawyers City of Toronto. Discussion Management company re info required. Preparation and research for cross examinations	2.15	\$500.00	\$1,075.00
01/27/2023	CB	Cousnel Meeting	0.75	\$500.00	\$375.00
01/30/2023	CB	Meeting with Auditors, Board and Accountant	1.42	\$500.00	\$708.33
02/02/2023	CB	Preparation for Cross Examination Review of documents and questions in preparation for cr ex on Julie Western Set and Suzana Lama	4.95	\$500.00	\$2,475.00
02/03/2023	CB	Cross Examinations Cross Examination on Julie Western Set Affidavit and examination of Suzane Lama as a Witness before a Court Hearing	4.75	\$500.00	\$2,375.00
02/09/2023	CB	Counsel Meeting with Mark Siboni Further discussion whether the City was minded to appoint an independent financial advisor for the co-op	0.75	\$500.00	\$375.00
02/16/2023	CB	review of affadavit . Review of audited statements. Review of Insolvency laws. Draft organizing of factum. Discussions Javon. Discussions Rosell	3.20	\$500.00	\$1,600.00
02/17/2023	CB	Continued prep for fact. Discussions John Leslie re legal help. Review of draft audit. Discussions Javon and Rosell	2.95	\$500.00	\$1,475.00
02/22/2023	CB	Meeting with Auditors Discussion on the draft Audited Report to get clarity on the deficit and entries	1.00	\$500.00	\$500.00
02/23/2023	CB	Teleconference with Rosell Kerr	1.00	\$500.00	\$500.00

Betty's Law Office Professional Corporation

2300 Yonge Street
Suite 1600
Toronto, ON M4P 1E4
Phone: 416-972-9472

CB had discussions to receive some instructions in relation to a proposal for settlement to enter a consent order.

02/24/2023	CB	Counsel Meeting- City of Toronto v HSC Discussions in relation to a proposed settlement for a receiver with a prescribed role and collaboration with the Co-op	0.50	\$500.00	\$250.00
02/24/2023	CB	Counsel Meeting- Maple Property Management v HSC Discussion in relation to a potential settlement and request for ext. of time to file a Defence	0.50	\$500.00	\$250.00

For professional services rendered	25.00	\$12,500.00
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HST	\$1,625.00
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Invoice Amount	\$14,125.00
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Balance Due	\$14,125.00
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Retainer Balance (as of 03/14/2023)	\$10,000.00
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HST# Total HST \$1,625.00

Transactions since last invoice

Date	Ref#	Account	Payee	Deposit	Withdrawal
02/02/2023	DEPOSIT	Trust Acct	Harry Sherman Crowe Housing Co-operative	\$8,380.84	
02/14/2023	WW155	Trust Acct	Betty's Law Office Professional Corporation		\$8,380.84

Betty's Law Office Professional Corporation

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Phone: 416-972-9472

INVOICE

Harry Sherman Crowe Housing Co-operative
51 The Chimneystack Road
North York, M3J 3L9

Date: 03/14/2023

Attention: Harry Sherman Crowe Housing Co-operative

Invoice #: 1124

File #: 21-1015

Our Fee Herein

Date	LWR	Description	Hours	Rate	Amount
03/05/2023	CB	review of Consent order. Numerous issues. Spoke to Javon Cheryl re next steps. Draft response and preparation of stragy	1.80	\$500.00	\$900.00
03/06/2023	CB	Review of Statement of Claim and Finalization of Defence & CounterClaim- Maple Property	1.83	\$500.00	\$916.67
03/07/2023	CB	Communication from the City. Reviewed and response. Communications Chair, Devon prep for hearing.	3.10	\$500.00	\$1,550.00
03/08/2023	CB	Counsel Meeting- City of Toronto v HSC Had discussion in relation to some changes and issues in the draft consent order	0.75	\$500.00	\$375.00
03/08/2023	CB	discussions Meetings and preparation for hearing Settlement discussions with City of Toronto	3.40	\$500.00	\$1,700.00
03/10/2023	CB	Review of materials and prep for hearing	4.20	\$500.00	\$2,100.00
03/10/2023	TW	Review of Receivership Application, Applicant Factum and Drafting of Respondent Factum	3.42	\$150.00	\$512.50
03/11/2023	CB	Communications with Board. Preparation of Factum.	3.90	\$500.00	\$1,950.00
03/12/2023	CB	Meeting with Board. discussions re settlement and review of updated documentation	3.30	\$500.00	\$1,650.00
03/13/2023	CB	Counsel Meeting- City of Toronto v HSC Had discussions with Mark Siboni in relation to the proposed terms of the settlement offer	0.50	\$500.00	\$250.00
03/14/2023	CB	Attendance for Virtual Court Hearing Entered consent order to appoint RSM as Receiver	1.50	\$500.00	\$750.00

For professional services rendered

27.70

\$12,654.17

HST

\$1,645.04

Betty's Law Office Professional Corporation

2300 Yonge Street
Suite 1600
Toronto, ON M4P 1E4
Phone: 416-972-9472

Invoice Amount	<hr/>	\$14,299.21
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Previous Invoices Balance		\$14,125.00
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Balance Due	<hr/>	<hr/>	\$28,424.21
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Retainer Balance (as of 03/14/2023)		\$10,000.00
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HST# Total HST \$1,645.04

Transactions since last invoice

Date	Ref#	Account	Payee	Deposit	Withdrawal
03/06/2023	DEPOSIT	Trust Acct	Harry Sherman Crowe Housing Co-operative	\$13,355.66	
03/08/2023	HY015	Trust Acct	Betty's Law Office Professional Corporation		\$13,355.66
03/14/2023	DEPOSIT	Trust Acct	Harry Sherman Crowe Housing Co-operative	\$10,000.00	

Betty's Law Office Professional Corporation

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Suite 1600
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Phone: 416-972-9472

INVOICE

Harry Sherman Crowe Housing Co-operative
51 The Chimneystack Road
North York, M3J 3L9

Date: 05/01/2024

Attention: Harry Sherman Crowe Housing Co-operative

Invoice #: 1247

File #: 21-1015

Our Fee Herein

Date	LWR	Description	Hours	Rate	Amount
03/25/2024	CB	Virtual Hearing: Motion of the Receiver filed on March 19, 2024 Matter was rescheduled based on consent	0.50	\$500.00	\$250.00
03/25/2024	TW	Prepared Hearing Request Form to schedule matter for 29 April 24 Prepared hearing request form, communicated with counsel for the Receiver and the City to seek consent to adjourn the matter to April 29, 2024. Communicated with Court to bring the form to the attention of Justice Penny	1.00	\$150.00	\$150.00
04/10/2024	JC	Review of Motion Record filed by Receiver and several email exchanges with Rosell Kerr to draft Affidavit	3.00	\$325.00	\$975.00
04/11/2024	CB	Review and analysis of Motion Record filed by the Receiver to commence drafting Affidavit of Rosell Kerr	1.25	\$500.00	\$625.00
04/15/2024	CB	Meeting with Rosell Kerr to review and discuss Affidavit in response to Receiver Motion	0.50	\$500.00	\$250.00
04/16/2024	TW	Telephone discussion with Rosell Kerr in relation to Affidavit	0.25	\$150.00	\$37.50
04/16/2024	TW	Prepared & filed affidavit of service Served affidavit of Rosell Kerr on Receiver and the City	0.83	\$150.00	\$125.00
04/16/2024	TW	Reviewed, finalized and filed Affidavit of Rosell Kerr Reviewed draft prepared by Julian. Had discussion with CB on the draft. Reviewed all motion records filed by the Receiver, Applicant & Respondent. Had discussion with CB on another approach to redraft the affidavit.	3.70	\$150.00	\$555.00
04/23/2024	CB	Meeting with Rosell Kerr to review and finalize factum	0.75	\$500.00	\$375.00
04/25/2024	TW	Prepared and submitted AOS to file Factum	0.75	\$150.00	\$112.50
04/25/2024	JC	Drafting of Factum in response to Receiver's Motion for fees & disbursements	1.42	\$325.00	\$460.42
04/25/2024	TW	Finalized and submitted Factum to be filed into court	1.00	\$150.00	\$150.00

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04/25/2024	CB	Counsel Meeting with Receiver	0.50	\$500.00	\$250.00
04/25/2024	CB	Review and internal discussion of the factum of the receiver	0.75	\$500.00	\$375.00
04/26/2024	CB	Counsel Meeting: Discussion with Mark Siboni	0.25	\$500.00	\$125.00
04/29/2024	CB	Virtual Hearing on motion for fees and disbursements to be approved	1.00	\$650.00	\$650.00

For professional services rendered	17.45	\$5,465.42
HST		\$710.50

Disbursements and Other Charges

Date	LWR	description	Quantity	Rate	Amount
03/22/2023	CB	Filing Fees Filing of Defence and Counterclaim today. HSC vs Maple Property	1	\$77.00	\$77.00

Total additional charges	\$77.00
HST	\$0.00

Invoice Amount	\$6,252.92
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Previous Invoices Balance	\$18,424.21
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Balance Due	\$30,809.08
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Retainer Balance (as of 05/03/2024)	\$0.00
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HST# Total HST \$710.50

Transactions since last invoice

Date	Ref#	Account	Payee	Deposit	Withdrawal
04/16/2023	LR213	Trust Acct	Betty's Law Office Professional Corporation		\$10,000.00

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INVOICE

Harry Sherman Crowe Housing Co-operative
51 The Chimneystack Road
North York, M3J 3L9

Date: 05/03/2024

Attention: Harry Sherman Crowe Housing Co-operative

Invoice #: 1251

File #: 21-1015

Disbursements and Other Charges

Date	LWR	description	Quantity	Rate	Amount
02/22/2023	CB	Disbursements for transcripts RE: Victory Verbatim Transcripts for cross examination on Julie Western Set and Suzana Lama Invoices: 512890 & 512521	1	\$2136.50	\$2,136.50
04/27/2023	CB	Disbursement- Consultations services from Dickerson Wright LLP Invoice no.. 1802294	1	\$3290.00	\$3,290.00

Total additional charges \$5,426.50

HST \$705.45

Invoice Amount \$6,131.95

Previous Invoices Balance \$24,677.13

Balance Due \$30,809.08

Retainer Balance (as of 05/03/2024) \$0.00

HST# Total HST \$705.45

Court File No. CV-22-00688248-00CL

BETWEEN

CITY OF TORONTO **and**

HARRY SHERMAN CROWE HOUSING CO-OPERATIVE INC.

(Applicant)

(Respondent)

ONTARIO

SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT TORONTO

SUPPORTING AFFIDAVIT OF ROSELL KERR

BETTY'S LAW OFFICE

2300 Yonge, Street Suite

1600 Toronto, ON

M4P 1E4

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