

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERICAL LIST)**

B E T W E E N:

CITY OF TORONTO

Applicant

- and -

HARRY SHERMAN CROWE HOUSING CO-OPERATIVE INC.

Respondent

**AIDE MEMOIRE OF THE RECEIVER
(Motion returnable December 11, 2025)**

1. TDB Restructuring Limited (“**TDB**”), in its capacity as court-appointed receiver-manager (in such capacity, the “**Receiver**”) of Harry Sherman Crowe Housing Co-operative Inc. (“**HSC**” or the “**Co-op**”), files this Aide Memoire in response to the Affidavit of Sareeda Nur sworn on December 10, 2025 and the Factum of the Respondent dated December 10, 2025.

2. In scheduling this motion, Justice Kimmel ordered that the Receiver’s report be distributed to stakeholders at least 3 weeks in advance of the return date of December 11, 2025.¹ The Receiver complied with this direction and delivered its Third Court Report on November 20, 2025.

3. Justice Kimmel’s October 21, 2025 endorsement further provided that:

The Receiver and any other party that intends to say anything about the report and the Receiver’s recommendations contained in it shall deliver to the Receiver and any other known participating stakeholders an Aide Memoire (maximum 3 pages

¹ Endorsement of Kimmel J. dated October 21, 2025 at para. 2, E3998

double spaced) and file it with the court by no later than 4:30 p.m. on December 8, 2025.²

4. On December 9, 2025, having not received any written materials from any person regarding in respect of the Third Court Report, the Receiver delivered a brief factum for the Court's assistance. On December 10, 2025, Betty's Law Office delivered the Affidavit of Sareeda Nur and a Factum on behalf of the Board. The Receiver was not provided with prior notice of any of the concerns raised in the Affidavit or Factum until receipt of these materials on December 10.

5. The Receiver submits that these late-filed materials of the Board should not be considered by the Court on this motion as they are non-compliant with the Court's clear direction on October 21, 2025. There is no prejudice to the Board to proceed without consideration of these late-filed materials because:

- (a) the Board may bring its own motion for certain relief regarding the proposed advisors and to seek to put forward its own "option" or to participate in developing the Options as identified in the Third Court Report; and,
- (b) the Receiver only seeks authorization to develop the Options and return to Court to propose a process for letting the Members vote on their preferred Option – no relief in respect of governance of the Co-op is sought on this motion.

6. Even if the Court were to consider these late-filed materials, the Receiver submits that the issues raised by the Board are premature given that no substantive relief is sought by the Receiver with respect to governance of the Co-op. The Board is welcome to offer up its own options and present same to the Court when the Receiver returns with its Options.

7. With regard to the request for processing membership and unit transfer applications, the Receiver submits that this function is not a change to the governance of the Co-op. Having the

² Ibid, at para. 2, E3998.

Receiver, a neutral court-appointed officer, process such applications with the support of CFDI is in the best interests of the Members as the processing of these applications have been stagnant since the Receiver's appointment.

8. The Receiver is concerned that the Board's conduct continues a pattern of late opposition to motions without any prior attempts to discuss the issues in a productive manner. Counsel to the Receiver had a discussion with counsel to the Board on December 2, 2025, at which time counsel to the Board did not advise of any concerns with respect to the motion. Counsel to the Board advised that he would confer with his client. No further communication on the motion was provided until the late-filed materials, except with respect to funding for the Board's legal fees. Copies of the email chains regarding funding and the late-filed materials are attached as Schedule "A".

December 10, 2025

WEIRFOULDS LLP

Barrister & Solicitors
66 Wellington Street West, Suite 4100
P.O. Box 35, Toronto-Dominion Centre
Toronto, ON M5K 1B7

Philip Cho (LSO # 45615U)

pcho@weirfoulds.com

Tel: 416.365.1110

**Lawyers for the Receiver,
TDB Restructuring Limited**

Bobbie-Jo Brinkman

From: Courtney Betty <betty@bettyslaw.com>
Sent: December 10, 2025 4:07 PM
To: Philip Cho
Cc: Angela Jameer; Bobbie-Jo Brinkman; Betty's Law Office; Julian Castro; a33abcda24cb46679233191ff232d7de@lawmail.cosmolex.com; Tenechia Williams; Mark Siboni
Subject: Re: City of Toronto v. Harry Sherman Crowe Housing Co-operative Inc. - CFN.: CV-22-00688248-00CL

[External Message]

Hi Phillip,

I am in receipt of your email. The Court has provided the time tomorrow for Submissions. I will make submissions to the Court based on the time issue, bearing in mind that your Factum was served close to the end of the Day and we responded in less than 24 hours. Your Honour can make that decision.

I am agreeable to have a discussion with you to see if we can reach a resolution as to the concerns raised which are at the heart of the Factum. I am available at 4:30.

Thanks

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From: Philip Cho <pcho@weirfoulds.com>
Date: Wednesday, December 10, 2025 at 3:23 PM
To: Courtney Betty <betty@bettyslaw.com>
Cc: Angela Jameer <ajameer@weirfoulds.com>, Bobbie-Jo Brinkman <bbrinkman@weirfoulds.com>, Betty's Law Office <info@bettyslaw.com>, Julian Castro <julian@bettyslaw.com>, a33abcda24cb46679233191ff232d7de@lawmail.cosmolex.com <a33abcda24cb46679233191ff232d7de@lawmail.cosmolex.com>, Tenechia Williams <tenechia@bettyslaw.com>, Mark Siboni <mark.siboni@toronto.ca>
Subject: RE: City of Toronto v. Harry Sherman Crowe Housing Co-operative Inc. - CFN.: CV-22-00688248-00CL

Mr. Betty,

I have received the Affidavit of Sareeda Nur affirmed on December 10, 2025 and the Factum of the Respondent, both of which were served today. You have had the Receiver's Third Report since November 20, 2025 and this is the first time that you have raised any concern with the relief sought on the motion tomorrow. While we acknowledge that the Motion Record was not served until December 3, 2025, the relief sought was outlined in the Third Report and has not changed. The late service of this Affidavit and Factum is concerning given Justice Kimmel's direction to the parties at the scheduling hearing on October 21, 2025 (copy attached). In that endorsement, her Honour directed that "any other party that intends to say anything about the report and the Receiver's recommendations contained in it shall deliver to the Receiver and any other known participating stakeholders an Aide Memoire (maximum 3 pages double spaced) and file it with the court by no later than 4:30 p.m. on December 8, 2025." Your materials are not in compliance with this Court order.

Without acknowledging the appropriateness of your late-filed materials, turning to the issues raised, I want to repeat what I expressed to you on our call. The Receiver is not seeking any substantive relief in respect of the Co-op or any governance structure. The Receiver will return to Court seeking the court's authorization to move forward with the proposed options in more detail, and to inform the Members of those options, and allow them to vote on their preference. Only after that has occurred will the Receiver then return to seek any changes to governance, if appropriate. Your client and those persons that have agreed to support can participate in the development of the options before we return to Court. If the Receiver and your client cannot agree, then your client is free to make submissions at that next hearing to suggest a fifth option. We believe your client's opposition at this time is premature and ask that your client reconsider its position for tomorrow.

Our client reserves its rights to seek costs against the Board as a result of its late filing and its opposition to the motion.

PHILIP CHO | Partner | T. 416-619-6296 | C. 647-638-7828 | pcho@weirfoulds.com



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From: Tenechia Williams <tenechia@bettyslaw.com>

Sent: December 10, 2025 12:11 PM

To: Philip Cho <pcho@weirfoulds.com>; Mark Siboni <mark.siboni@toronto.ca>

Cc: Angela Jameer <ajameer@weirfoulds.com>; Bobbie-Jo Brinkman <bbrinkman@weirfoulds.com>; Betty's Law Office <info@bettyslaw.com>; Julian Castro <julian@bettyslaw.com>; Courtney Betty <betty@bettyslaw.com>; a33abcda24cb46679233191ff232d7de@lawmail.cosmolex.com

Subject: RE: City of Toronto v. Harry Sherman Crowe Housing Co-operative Inc. - CFN.: CV-22-00688248-00CL

[External Message]

Dear Counsels,

With respect to the motion returnable December 11, 2025, please see the attached Factum of the Respondent, Harry Sherman Crowe Housing Co-operative and Affidavit of Sareeda Nur served upon you pursuant to the Rules of Civil Procedure.

Tenechia Williams

Operations Manager, LLB, LLM

Betty's Law Office

2300 Yonge St, #1600

Toronto, ON, M4P 1E4



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Bobbie-Jo Brinkman

From: Courtney Betty <betty@bettyslaw.com>
Sent: December 9, 2025 9:24 PM
To: Philip Cho
Cc: Tenechia Williams; Kelsey Ivory; Alexandra Noppers
Subject: Re: Harry Sherman Crowe // CV-22-00688248-00CL

[External Message]

Thank you. Phillip I will seek the Guidance of the court if we need to bring a motion or whether request could be submitted in writing.

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From: Philip Cho <pcho@weirfoulds.com>
Date: Tuesday, December 9, 2025 at 8:57 PM
To: Courtney Betty <betty@bettyslaw.com>
Cc: Tenechia Williams <tenechia@bettyslaw.com>, Kelsey Ivory <kivory@weirfoulds.com>, Alexandra Noppers <anoppers@weirfoulds.com>
Subject: Re: Harry Sherman Crowe // CV-22-00688248-00CL

Mr. Betty, I have instructions to not take any position on your proposed budget but we will oppose any request to adjourn the Receiver's motion or to use time allocated for the motion to deal with your client's late request for funding. I believe Justice Kimmel indicated that she would not want to deal with any new requests for relief that day.

From: Philip Cho <pcho@weirfoulds.com>
Sent: Tuesday, December 9, 2025 6:50:43 PM
To: Courtney Betty <betty@bettyslaw.com>
Cc: Tenechia Williams <tenechia@bettyslaw.com>; Kelsey Ivory <kivory@weirfoulds.com>; Alexandra Noppers <anoppers@weirfoulds.com>
Subject: Re: Harry Sherman Crowe // CV-22-00688248-00CL

When do you plan on asking the court to approve them?

From: Courtney Betty <betty@bettyslaw.com>
Sent: Tuesday, December 9, 2025 6:10:04 PM
To: Philip Cho <pcho@weirfoulds.com>
Cc: Tenechia Williams <tenechia@bettyslaw.com>; Kelsey Ivory <kivory@weirfoulds.com>; Alexandra Noppers <anoppers@weirfoulds.com>
Subject: Re: Harry Sherman Crowe // CV-22-00688248-00CL

[External Message]

Dear Phillip,

Trust all is well. What I am asking you to do is to agree that the fees should be paid once approved by the Court that you have no opposition to the fees.
Thank You

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From: Philip Cho <pcho@weirfoulds.com>
Date: Tuesday, December 9, 2025 at 5:29 PM
To: Courtney Betty <betty@bettyslaw.com>
Cc: Tenechia Williams <tenechia@bettyslaw.com>, Kelsey Ivory <kivory@weirfoulds.com>, Alexandra Noppers <anoppers@weirfoulds.com>
Subject: Re: Harry Sherman Crowe // CV-22-00688248-00CL

Mr. Betty, thank you for your Draft Cost Outline. Based on our discussions, my understanding was that there may not be any reason for the Board to respond to the upcoming motion on December 11. You have also had a chance to review the Third Report and our request for relief following our discussion. I am not aware of what position the Board intends to take that would necessitate responding materials and a factum.

In any event, I do not believe there is sufficient time before December 11 to have the Court approve this budget as required (see Justice Kimmel's endorsement of June 3 at para. 40). The process directed by Justice Kimmel does not relieve the Board of seeking approval from the Court of any funding. As such, I am not certain from Ms. Williams' email to me, what it is you are asking the Receiver to do with the Draft Cost Outline.

From: Tenechia Williams <tenechia@bettyslaw.com>
Sent: Tuesday, December 9, 2025 4:23:49 PM
To: Philip Cho <pcho@weirfoulds.com>
Cc: Courtney Betty <betty@bettyslaw.com>; a33abcda24cb46679233191ff232d7de@lawmail.cosmolex.com <a33abcda24cb46679233191ff232d7de@lawmail.cosmolex.com>
Subject: RE: Harry Sherman Crowe // CV-22-00688248-00CL

[External Message]

Dear Philip,

Trust all is well.

Further to the discussions between yourself and Mr. Betty, please see the attached draft cost outline.

Tenechia Williams
Operations Manager, LLB, LLM
Betty's Law Office
2300 Yonge St, #1600
Toronto, ON, M4P 1E4



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CITY OF TORONTO

Applicant

-and-

**HARRY SHERMAN CROWE HOUSING CO-
OPERATIVE INC.**

Respondent

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

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PROCEEDING COMMENCED AT
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