

**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
(Case Conference returnable November 28, 2025)**

1. TDB Restructuring Limited (“**TDB**”), in its capacity as court-appointed receiver-manager (in such capacity, the “**Receiver**”) of all the assets, undertakings and properties of Harry Sherman Crowe Housing Co-operative Inc. (“**HSC**” or the “**Co-op**”), files this Aide Memoire in response to the Aide Memoire of the Respondent (the “**Board**”).
2. The Receiver submits this Aide Memoire to provide its position with respect to the Board’s request for payment of legal expenses incurred in relation to the Receiver’s Second Report Approval Motion.
3. On June 3, 2025, Justice Kimmel issued an endorsement (the “**June 3 Endorsement**”) provisionally approving funding of the Board’s legal counsel (Betty’s Law) in connection with the Receiver’s Second Report Approval Motion. At paragraph 40 of the June 3 Endorsement, Justice Kimmel noted that no budget was provided for the \$10,000

requested by Betty's Law and that the Court "requires evidence of the need for advance funding and what it is for, and will not write a blank cheque." As a result, the Court provisionally approved a budget up to a maximum of \$10,000 (the "**Provisional Funding**"):

subject to the submission at the hearing a costs outline (or something similar to detail the basis for any amount of funding sought) that supports that amount of legal fees and disbursements that the funding is requested to cover and how it was calculated. It shall still remain in the discretion of the court to determine the amount of legal expenses, if any, that will be approved for funding in connection with this motion, up to this maximum amount.¹

4. On June 20, 2025, the Receiver's Second Report Approval Motion was heard before Justice Kimmel. No costs outline was submitted by any party, nor were any submissions on costs made at the conclusion of the hearing.

5. On June 30, 2025, the Court released its endorsement, in which Justice Kimmel provided:

Given the outcome of the RFEIQ process approval, and the timing of the Board's withdrawal of its opposition to the other aspects of the relief by the Receiver, no costs are awarded to or in favour of the Board.²

6. Based on the June 30, 2025 endorsement, the Receiver advised Betty's Law that no amounts were payable under the Provisional Funding. A copy of the email correspondence with Betty's Law is attached.

¹ Endorsement of Justice Kimmel dated June 3, 2025, para. 40; see also para. 42

² Endorsement of Justice Kimmel dated June 20, 2025, para. 64.

November 26, 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**

SCHEDULE A

From: Philip Cho
Sent: August 6, 2025 11:22 AM
To: Courtney Betty
Cc: Tenechia Williams; Mark Siboni; Kelsey Ivory
Subject: RE: Harry Sherman Crowe - Request to Access Co-op Funds

Mr. Betty, please let us know what dates are available and I would be pleased to accommodate. However, I'm not sure where the disconnect is between your position and the Receiver. Can you please articulate your position so that the Receiver can consider before we meet before Justice Kimmel? As the Receiver understands, the Court made the following order on June 3:

- That the as-of-yet unbilled legal expenses incurred by legal counsel for the Board in connection with the Receiver's Second Report Approval Motion are approved up to an all-inclusive maximum of \$10,000 (or such lesser amount is substantiated and/or awarded by the court in its discretion at or after that motion): para. 42 of the June 3 Endorsement
- Reference should be had to para. 40 of the June 3 Endorsement as well, which provides that:
 - The court requires evidence of the need for advance funding and what it is for, and will not write a blank cheque. Given the timing, the court is provisionally approving a budget up to a maximum of \$10,000 in legal expenses for Betty's Law to provide legal representation to the Board in connection with the upcoming Receiver's Second Report Approval Motion, subject to the submission at the hearing a costs outline (or something similar to detail the basis for any amount of funding sought) that supports that amount of legal fees and disbursements that the funding is requested to cover and how it was calculated. It shall still remain in the discretion of the court to determine the amount of legal expenses, if any, that will be approved for funding in connection with this motion, up to this maximum amount.

It is clear that the approval of up to \$10,000 was provisional and remained subject to the Court's discretion following the Second Report Approval Motion. Following the Second Report Approval Motion, Justice Kimmel's June 30 endorsement provided:

- Given the outcome of the RFEIQ process approval (largely in favour of the Receiver) and the timing of the Board's withdrawal of its opposition to the other aspects of the relief sought by the Receiver, no costs are awarded to or in favour of the Board.

As a result, please explain your understanding of the Court's orders in relation to the June 24 Invoice.

Thank you.

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



From: Courtney Betty <betty@bettyslaw.com>
Sent: August 6, 2025 11:05 AM
To: Philip Cho <pcho@weirfoulds.com>
Cc: Tenechia Williams <tenechia@bettyslaw.com>; Mark Siboni <Mark.Siboni@toronto.ca>; Kelsey Ivory <kivory@weirfoulds.com>; a33abcda24cb46679233191ff232d7de@lawmail.cosmolex.com
Subject: RE: Harry Sherman Crowe - Request to Access Co-op Funds

[External Message]

Thank you, Phillip. I will arrange a case conference to address your predictable attempt to avoid the payment ordered by the Court.

From: Philip Cho <pcho@weirfoulds.com>
Sent: August 6, 2025 11:01 AM
To: Courtney Betty <betty@bettyslaw.com>
Cc: Tenechia Williams <tenechia@bettyslaw.com>; Mark Siboni <Mark.Siboni@toronto.ca>; Kelsey Ivory <kivory@weirfoulds.com>
Subject: RE: Harry Sherman Crowe - Request to Access Co-op Funds

Mr. Betty,

As you know, we were provided with a copy of your firm's invoice by email from Ms. Williams on June 27, 2025. We acknowledged receipt that same day. However, Justice Kimmel had not yet released her decision from the June 20 hearing and as such, it was premature at that time to consider the request for payment of the legal fees incurred by the Board.

Since Justice Kimmel released her reasons for decision on June 30 declining to award any costs in favour of the Board, there was no further action required. No amounts are payable as per paragraph 64 of her Reasons: "Given the outcome of the RFEIQ process approval (largely in favour of the Receiver) and the timing of the Board's withdrawal of its opposition to the other aspects of the relief sought by the Receiver, no costs are awarded to or in favour of the Board."

We trust this concludes the matter of the June 24, 2025 invoice.

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



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From: Mark Siboni <Mark.Siboni@toronto.ca>
Sent: August 5, 2025 4:29 PM
To: 'Courtney Betty' <betty@bettyslaw.com>

Cc: Philip Cho <pcho@weirfoulds.com>; 'Tenechia Williams' <tenechia@bettyslaw.com>;
'a33abcda24cb46679233191ff232d7de@lawmail.cosmolex.com'
<a33abcda24cb46679233191ff232d7de@lawmail.cosmolex.com>
Subject: RE: Harry Sherman Crowe - Request to Access Co-op Funds

[External Message]

Good afternoon Mr. Betty,

We note that the original request we attached to our response below was properly addressed to the Receiver. We thus do not view this as starting the process over again, rather, as ensuring that the proper channels of authority are followed in order to respond to the request. No disrespect was intended.

Yours truly,

Mark Siboni | Lawyer, Litigation Section
City of Toronto | Legal Services Division
Metro Hall, 26th Floor, Stn. 1260 | [55 John Street | Toronto ON | M5V 3C6](#)
T: [416.392.9786](tel:416.392.9786) | F: [416.397.5624](tel:416.397.5624) | E: mark.siboni@toronto.ca

From: Courtney Betty <betty@bettyslaw.com>
Sent: August 5, 2025 4:15 PM
To: Mark Siboni <Mark.Siboni@toronto.ca>
Cc: 'Philip Cho' <pcho@weirfoulds.com>; Tenechia Williams <tenechia@bettyslaw.com>;
a33abcda24cb46679233191ff232d7de@lawmail.cosmolex.com
Subject: [External Sender] RE: Harry Sherman Crowe - Request to Access Co-op Funds

Mark,

There is a great deal I would like to say but I will save that for the right day. You received the invoice and made no attempts to have it paid and now ask us to start the process all over again. Unfair and demonstrates a clear lack of professional respect for counsel.

From: Mark Siboni <Mark.Siboni@toronto.ca>
Sent: August 5, 2025 3:46 PM
To: Courtney Betty <betty@bettyslaw.com>
Cc: 'Philip Cho' <pcho@weirfoulds.com>; Tenechia Williams <tenechia@bettyslaw.com>
Subject: Harry Sherman Crowe - Request to Access Co-op Funds

Good afternoon Mr. Betty,

We write in response to the follow-up emails sent in connection with the request made by Betty's Law Office in the attached email.

As you are aware, the request being made is to access the funds of the Co-op. Under the terms of the receivership that has been put in place by Court Order, it is the Receiver – as an officer of the Court – and not the Service Manager who is responsible for managing the assets of the Co-op and providing access to Co-op funds. This request is one that should be directed to the Receiver and their counsel.

We have copied counsel for the Receiver on this correspondence so that you can address any request you have to them.

Yours truly,

Mark Siboni | Lawyer, Litigation Section
City of Toronto | Legal Services Division
Metro Hall, 26th Floor, Stn. 1260 | [55 John Street | Toronto ON | M5V 3C6](#)
T: [416.392.9786](tel:416.392.9786) | F: [416.397.5624](tel:416.397.5624) | E: mark.siboni@toronto.ca

CITY OF TORONTO

Applicant

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

Respondent

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

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

PROCEEDING COMMENCED AT
TORONTO

AIDE MEMOIRE OF THE RECEIVER

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