



ONTARIO SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: CV-22-00688248-00CL

DATE: November 28, 2025

NO. ON LIST: 3

TITLE OF PROCEEDING: City Of Toronto v. Harry Sherman Crowe Housing Co-Operative Inc

BEFORE: JUSTICE KIMMEL

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

Name of Person Appearing	Name of Party	Contact Info
Mark Siboni	Lawyer for the City of Toronto	Mark.siboni@toronto.ca

For Defendant, Respondent, Responding Party:

Name of Person Appearing	Name of Party	Contact Info
Courtney Betty	Board of Directors of Harry Sherman Crowe Housing CoOperative Inc.	betty@bettyslaw.com

For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
Philip Cho	Counsel for the Receiver TDB Restructuring Ltd	pcho@weirfoulds.com
Arif Dhanani	Receiver	adhanani@tdbadvisory.ca

ENDORSEMENT OF JUSTICE KIMMEL:

[1] On June 3, 2025, I released an endorsement in this matter that contained the following regarding provisional funding of legal counsel for the Board of the respondent Harry Sherman Crowe Housing Co-operative:

[40] I am concerned that Betty's Law appears to have pulled the \$10,000 figure out of the air for the requested funding, when pressed at the hearing. No budget was provided and it was simply stated that this was a "discount". 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.

...

[42] The post-Receiptership 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).

[43] It should not be assumed that there will be approval for funding for future legal representation of the Board after the Receiver's Second Report Approval Motion and the consideration of the RFEIQ process, as the court's approval of or directions given in respect of that process may change the court's view on the application of the relevant factors to any future funding of Board legal expenses.

[2] On June 30, 2025, following a hearing on June 20, 2025, I released a decision on the Receiver's Second Report Approval Motion (*City of Toronto v. Harry Sherman Crowe Housing Co-Operative Inc.*, 2025 ONSC 3908) that included the following provisions:

[63] No costs were sought by the Receiver, despite the concerns noted earlier in this endorsement about the unfounded allegations of misconduct and misfeasance.

[64] 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.

- [3] The parties attended the case conference today seeking directions about whether the court's June 30, 2025 decision overrode the provisional funding that was provided for in the June 3, 2025 endorsement. The court has confirmed that it did not. Approval of funding for the payment of legal fees incurred by a party to their own counsel is distinct from a costs award on a motion.
- [4] Mr. Betty has provided an invoice detailing his actual time, hourly rate, fees, disbursements and taxes in connection with the Receiver's Second Report Approval Motion, which total \$26, 117.29.
- [5] Counsel for the Receiver asked for an hour after the hearing to review Mr. Betty's invoice and raise any objections to the court approving the quantum of the payment to Mr. Betty of the \$10,000 cap provisionally approved by the June 3, 2025 endorsement, given that his invoices for actual fees and disbursements were more than twice the approved amount. No objections having been raised, the court approves the payment of \$10,000 by the Board from the Housing Co-operatives' funds for Mr. Betty's legal fees and disbursements in connection with his representation of the Board on the Receiver's Second Report Approval Motion.
- [6] The Receiver confirmed that, subject to cash flow constraints, the Housing Co-operative does have the funds to pay this capped fee of \$10,000. Mr. Betty confirmed that he will co-operate in terms of timing of payment to accommodate cash flow considerations.
- [7] Counsel for the Receiver noted, as does the court, that the court's previous endorsement contains guidance regarding any future funding approval requests by the Board or its counsel.
- [8] It was confirmed that, in accordance with the court's prior endorsement, the Receiver has delivered its Third report and is on track for the next scheduled December 11, 2025 case conference.

Date: Nov 28, 2025

Jessica Kimmel

