



ONTARIO SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

COUNSEL/ENDORSEMENT SLIP

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

HEARING DATE: December 11, 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	CITY OF TORONTO	msiboni@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 Co-Operative Inc.	betty@bettyslaw.com

For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
Philip Cho Kelsey Ivory	TDB RESTRUCTURING LIMITED	pco@weirfoulds.com kivory@weirfoulds.com

ENDORSEMENT OF JUSTICE KIMMEL:

- [1] Pursuant to an order dated June 20, 2025 (signed on July 4, 2025), the Receiver implemented the Request for Expressions of Interest and Qualifications Process (the "RFEIQ Process"). The Receiver brings this motion to report on the results of the RFEIQ Process and for advice and directions.
- [2] Capitalized terms not otherwise defined in this endorsement shall have the meanings ascribed to them in the Receiver's Factum and its Third Report.
- [3] The receiver seeks authorization and directions from the court to continue developing the requirements and viability of various Options that it identifies in s. 6.3 of its Third Report dated November 20, 2025 (the "Third Report"), for the purpose of: developing a process for disseminating information, holding a Town Hall Meeting of the Members of the Housing Co-operative and a process for them to vote on the Options once developed.
- [4] The Receiver also seeks authorization and approval from the court to engage in considering and, where appropriate, approving applications for membership to HSC and unit transfer requests, in accordance with the provisions of the Co-Operative Corporations Act (Ontario) (the "Co-op Act") and the by-laws of HSC.
- [5] Lastly, the Receiver seeks the court's approval of its Third Report, its activities and conduct and its statement of receipts and disbursements described in it, and approval of its fees and disbursements and those of its counsel.
- [6] Counsel for the Board filed a factum late the day prior to the hearing objecting to the relief sought by the Receiver. However, over the course of the evening, counsel were able to come to an agreement on most issues. The only sticking point from the perspective of counsel for the Board was in relation to the court granting approval or authorization to the Receiver to approve applications for new membership. That aspect of the relief sought has been removed from the Receiver's proposed order, and a few small changes discussed at the hearing have now been made, with the result that the now amended proposed order is not opposed.
- [7] Since it is not opposed, I will not devote time in this endorsement to reviewing the grounds and justifications for granting the other aspects of the relief, for the various approvals sought (of the Third Report, of the Receiver's activities, of its statement of receipts and disbursements and of the fees of the Receiver and its counsel). The Receiver's factum has canvassed the law and the circumstances of this case, as set out in the Third Report and the supporting fee affidavits, all of which favour granting these approvals. That need not all be repeated in this endorsement. Similar approvals have already been granted earlier in this proceeding. I am satisfied that it is appropriate to grant the relief as requested, including the now agreed process for approval of unit transfer requests. The process for approval of new members is deferred for the time being.
- [8] The Receiver needs time to develop the Options and return to the court with its recommended Process. In the meantime the Board would like to try to establish an advisory committee to work more closely with, and provide input and support to, the Receiver. The Receiver is not opposed to that.
- [9] To allow time for both the Receiver and the Board to advance these objectives, the next case conference in this matter is scheduled for March 6, 2026 at 10:00 a.m. Only consent or unopposed matters will be addressed at this case conference. Any matters not agreed shall be identified for the sole purpose of the court considering whether a motion needs to be scheduled and timetabled to deal with those matters.
- [10] The parties are reminded that materials filed through c track (as they all must be now) must be filed at least three days in advance of the hearing in order for them to be in case center and available for the

presiding judge to review in advance of the hearing. Last minute filings for non-urgent matters will not be accessible to the court for review in advance of the hearing.

[11] Mr. Betty raised the matter of his fees at the conclusion of the hearing on December 11, 2025. The court had no material or time to consider them. If a motion is required to deal with Mr. Betty's fees, a separate scheduling appointment may be booked for the court to schedule and timetable that motion if it is determined to be required.

[12] I have signed today the revised form of order submitted by the Reiver dated December 11, 2025, which shall have immediate effect. The signed order may be issued and entered.



Date: Dec 16, 2025