

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

B E T W E E N:

CITY OF TORONTO

Applicant

- and –

HARRY SHERMAN CROWE HOUSING CO-OPERATIVE INC.

Respondent

**MOTION RECORD
(Returnable September 15, 2026)**

August 04, 2026

Betty's Law Office
2300 Yonge Street
Suite 1600 Toronto,
ON M4P 1E4

Courtney Betty (LSO# 28347U)
Tel: 416-972-9472
Email: betty@bettyslaw.com
Cc: tenechia@bettyslaw.com

Counsel for the Respondent

TO:

CITY SOLICITOR'S OFFICE

City of Toronto Station
1260, 26th Floor Metro Hall,
55 John Street Toronto, Ontario M5V 3C6

Mark Siboni

(LSO #50101V)

Tel: (416) 392-9786 Fax:

(416) 397-5624

Email: mark.siboni@toronto.ca

Counsel for the City of Toronto

And To :

WeirFoulds LLP Barristers & Solicitors

TD Bank Tower Suite 4100, P.O. Box 35
66 Wellington Street West
Toronto,
ON M5K 1B7

Philip Cho (LSO # 45615U)

pcho@weirfoulds.com

Tel: 416-365-1110 Fax:

416-365-1876

Counsel to the Receiver

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

B E T W E E N:

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TAB 1

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

**ONTARIO SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

BETWEEN:

CITY OF TORONTO

Applicant

And

HARRY SHERMAN CROWE HOUSING CO-OPERATIVE INC.

Respondent

**Notice of Motion
(Returnable on 15 September 2026)**

The Respondent, Harry Sherman Crowe Housing Co-operative Inc. (the "Co-op"), will make a motion to a Judge presiding over the Commercial List at 330 University Avenue, Toronto, Ontario, on September 15, 2026, at 10:00am, or as soon after that time as the motion can be heard.

PROPOSED METHOD OF HEARING: The motion is to be heard

☐ In writing under subrule 37.12.1 (1) because it is (insert one of on consent, unopposed or made without notice);

☐ In writing as an opposed motion under subrule 37.12.1 (4);

☐ In person;

☐ By telephone conference;

☒ By video conference.

at the following location: Judicial Video Conference link to be provided in Case Center.

THE MOTION IS FOR:

1. An Order approving the legal fees incurred by counsel for the Respondent, **Harry Sherman Housing Co-operative Inc.** and its Board of Directors, in connection with the

preparation and representation at the in-person hearing of the Receiver's Motion heard on **June 29, 2026, in the amount of \$29,986.58**

2. An Order authorizing **TBD Restructuring Ltd.**, in its capacity as the court-appointed Receiver and Manager of Harry Sherman Housing Co-operative Inc., to pay the approved legal fees to the Respondent's counsel in respect of the preparation and representation at the in-person hearing of the Receiver's Motion heard on **June 29, 2026**.
3. Such further and other relief as this Honourable Court deems just.

THE GROUNDS FOR THE MOTION ARE:

4. On **March 31, 2026**, the Receiver brought a motion returnable **June 29, 2026**, seeking:
 - i. Authorizing and directing the Receiver to implement the proposed consultation process respecting the four governance and transition options for HSC, including the dissemination of an information package to the members, the holding of a Town Hall meeting, the solicitation and receipt of members' non-binding input and voting results regarding their preferred option, and engagement with key stakeholders;*
 - ii. Authorizing the Receiver to approve applications for membership to HSC;*
 - iii. Approving the Fourth Report to the Court dated March 31, 2026 (the "Fourth Court Report") and the activities and conduct of the Receiver described therein;*
 - iv. Approving the interim statement of receipts and disbursements of the Receiver;*
 - v. Approving the fees and disbursements of the Receiver and its counsel; and*
 - vi. Such further and other relief as this Honourable Court may deem just.*
5. The legal fees for which approval is sought were reasonably and necessarily incurred as a result of counsel's preparation for, and representation of, the Respondent, **Harry Sherman Crowe Housing Co-operative Inc. ("HSC")**, in connection with the **Receiver's Motion heard on June 29, 2026**. Counsel was required to review the Receiver's Fourth Report, prepare responding materials, advise the Board, engage with the Receiver and the City, and present oral submissions before the Court to address the reliefs sought in the Receiver's Motion.
6. Counsel for the Respondent reviewed the Receiver's Fourth Report and related motion materials, prepared and filed responding materials, advised the Board, and represented the Board at the hearing on June 29, 2026. At the hearing, counsel made submissions on behalf of the Board concerning the Receiver's proposed consultation process, approving membership applications, establishing an Advisory Committee and the participation of the Board in those matters.
7. The fees incurred are fair, proportionate, and consistent with the complexity and importance of the issues addressed at the hearing on June 29, 2026, including the

Receiver's request for approval of its Third Report, its activities, its statement of receipts and disbursements, and legal fees.

8. Independent legal representation for HSC and its Board was necessary to ensure that their statutory obligations, governance responsibilities, and rights under the Co-operative Corporations Act, R.S.O. 1990, c. C.35 were properly protected and presented to the Court in the context of the ongoing receivership.
9. It is appropriate that the Receiver be authorized to pay these fees from the receivership estate, as the Respondent and its Board do not have independent access to funds, and the work performed contributed to the orderly administration of the receivership and the Court's understanding of the issues before it.
10. Rules 1.04, 3.02, 37, and 57 of the Rules of Civil Procedure and sections 131 and 138 of the Courts of Justice Act, R.S.O. 1990, c. C.43 support the Court's authority to approve and direct payment of reasonable legal fees incurred in connection with court proceedings.
11. Such further and other grounds as counsel may advise and this Honourable Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

1. Fess Affidavit of Courtney Betty and exhibits thereto
2. Such further and other evidence as this Honourable Court may permit.

Dated at Toronto this 30 day of July 2026.

BETTY'S LAW OFFICE

2300 Yonge, Street Suite 1600
Toronto,
ON M4P 1E4

Courtney Betty
(LSO # 28347U)
Tel: 416-972-472
Email: betty@bettyslaw.com
Cc: tenechia@bettyslaw.com

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CITY SOLICITOR'S OFFICE

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Philip Cho (LSO # 45615U)

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Tel: 416-365-1110

Fax: 416-365-1876

Counsel to the Receiver

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****NOTICE OF MOTION****BETTY'S LAW OFFICE**

2300 Yonge Street, Suite 1600

Toronto, ON

M4P 1E4

Courtney Betty (LSO # 28347U)

Tel: 416-972-472

Email: betty@bettyslaw.comtenechia@bettyslaw.com

TAB 2

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

ONTARIO
SUPERIOR COURT OF JUSTICE- COMMERCIAL LIST

BETWEEN:

CITY OF TORONTO

Applicant

And

HARRY SHERMAN CROWE HOUSING CO-OPERATIVE INC.

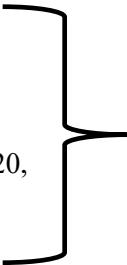
Respondent

FEE AFFIDAVIT OF COURTNEY BETTY

I, Courtney Betty, of the City of Toronto in the Province of Ontario, MAKE OATH AND SAY:

1. I am the Senior Partner of the Law Firm Betty’s Law Office Professional Corporation (“Betty’s Law Office”), lawyers for the Respondent, Harry Sherman Crowe Housing Co-operative Inc. in this proceeding. As such, I have knowledge of the matters to which I hereinafter depose. Where I do not have personal knowledge of the matters set out below, I state the source of my information and verily believe such information to be true.
2. Attached hereto and marked as “**Exhibit A**” is a detailed invoice #1408 for legal fees incurred with respect to the preparation and attendance to court hearing on June 29, 2026.

SWORN by Courtney Betty
of the City of Toronto in the
Province of Ontario, before me at
the City of Toronto, in the Province of Ontario,
on August 04, 2026, in accordance with O. Reg. 431/20,
Administering Oath or Declaration Remotely.



Julian Castro Ortiz
Julian Castro Ortiz (Aug 4, 2026 12:09:28 CDT)
.....
Commissioner for Taking Affidavits
Julian Castro Ortiz
Barrister and Solicitor LSO #77258V

Courtney Betty
.....
Courtney Betty
Signature of the Deponent

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

Affidavit of **Courtney Betty**

Affirmed this 04th day of August 2026

Julian Castro Ortiz

Julian Castro Ortiz (Aug 4, 2026 12:09:28 CDT)

.....
A Commissioner for Taking Affidavit
Julian Castro Ortiz
Barrister and Solicitor LSO #77258V

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: 13/07/2026

Attention: Harry Sherman Crowe Housing Co-operative

Invoice #: 1408

File #: 21-1015

Our Fee Herein

FEE ITEMS	Professional	Date	Rate	Hours	Amount
Receipt, review and analysis of Receiver's Notice of Motion dated 31 March 2026, Fourth Report to the Court of TBD Restructuring LTD. dated 30 March 2026, Supporting Appendices, Fees Affidavit of Arif Dhanani and Fees Affidavit of Philip Cho	Julian Castro	01/04/26 07/04/26	\$350.00	5	\$1,400.00
Further review and analysis of Fourth Court Report, Motion Record and Fees Affidavit. Internal discussion and identifying issues to seek instructions from the Board	Courtney Betty	01/04/26 02/04/26	\$650.00	2.5	\$1,700.00
Zoom meetings with Board members to discuss strategy and obtain instructions to respond to the Receiver's motion and gathering of evidentiary materials as exhibits for Affidavits.	Courtney Betty	21/04/26 04/05/26	\$650.00	1.5	\$1,020.00
Attendance to Town Hall meeting via zoom held on April 30, 2026. Discussion on the Receiver's motion and the upcoming hearing scheduled for June 29, 2026 as well as the formation of a potential advisory	Courtney Betty	30/04/26	\$650.00	2.5	\$1,700.00

board					
Email correspondence to Sharon Richards following zoom meeting detailing the list of requisite information and supporting documentation for responding motion materials	Julian Castro	05/05/26	\$350.00	.03	\$8.40
Email correspondence to Sareeda Nur following zoom meeting detailing the list of requisite information and supporting documentation for responding motion materials	Julian Castro	07/05/26	\$350.00	.03	\$8.40
Drafting, preparation and finalization of Affidavit of Sharon Richards in support of the Board's responding motion record. Putting together of supporting exhibits for Affidavit	Julian Castro	13/05/26	\$350.00	4.5	\$1,260.00
Preparation of first draft Affidavit of Sareeda Nur in support of the Board's responding motion record. Putting together of supporting exhibit	Julian Castro	14/05/26	\$350.00	3.5	\$980.00
Drafting and preparation of response to Receiver's motion.	Julian Castro	04/05/26 14/05/26	\$350.00	7	\$1,960.00
Review and finalization of response to Receiver's motion	Courtney Betty	14/05/26	\$650.00	2.5	\$1,700.00
Serving of Responding Motion Record to counsels via email. Preparation and finalization of Affidavit of Service. Submission for filing Responding Motion Record and Affidavit. Uploading of Record on Case Center	Tenechia Williams	14/05/26	\$150.00	1	\$120.00
Receipt and interim review of Receiver's Factum, Fourth Report, supplementary motion materials, and relevant Court Orders to identify legal issues and formulate responding arguments	Julian Castro	17/06/26	\$350.00	3	\$840.00
Conduct legal research regarding the powers and duties of court-appointed receivers, including the Receiver's obligation to act fairly, impartially, and as an officer of the Court	Julian Castro	17/06/26 22/06/26	\$350.00	1.5	\$420.00
Conduct legal research relating to the objective of receiverships and the return of governance to the elected Board, including review and analysis of <i>County of Simcoe v. Matthew Co-operative Housing Inc.</i> and related authorities	Julian Castro	17/06/26 22/06/26	\$350.00	1.5	\$420.00
Conduct legal research relating to	Julian	17/06/26	\$350.00	1.00	\$280.00

the <i>Housing Services Act, 2011</i> , the <i>Co-operative Corporations Act</i> , and the Receiver's authority concerning membership approvals, governance, and democratic elections	Castro	22/06/26			
Conduct legal research regarding the approval of Receiver's fees, Statements of Receipts and Disbursements, and applicable principles governing reasonableness of professional fees, including review of <i>Confectionately Yours Inc. (Re)</i> and <i>Bell Canada International Inc. (Re)</i> .	Julian Castro	17/06/26 22/06/26	\$350.00	1.00	\$280.00
Preparation of first Draft Responding Factum, including legal submissions addressing the Receiver's requested relief, governance consultation process, membership approvals, legal fees, and evidentiary concerns	Julian Castro	22/06/26	\$350.00	3	\$840.00
Preparation and finalization of Supplementary Affidavit of Sharon Richards	Julian Castro	23/06/26	\$350.00	1.5	\$420.00
Review and finalization of Responding Factum on behalf of the Board	Courtney Betty	24/06/26	\$650.00	4	\$2,720.00
Serving of Responding Factum and Supplementary Affidavit of Sharon Richards on Counsels via email. Preparation and finalization of Affidavit of Service. Submission of documents via online portal for filing	Tenechia Williams	24/06/26	\$150.00	1	\$120.00
Preparation of hearing brief and outlining of strategic arguments for oral submissions. Internal discussion with team.	Courtney Betty	25/06/26 26/06/26	\$650.00	7	\$4,760.00
Attendance and representation at in-person hearing on 29 June 2026	Courtney Betty	29/06/26	\$650.00	3	\$2,040.00
Assistance with outlining strategic arguments in preparation for motion hearing.	Julian Castro	26/06/26	\$350.00	2.5	\$700.00
Attendance and representation at hearing virtually on 29 June 2026	Julian Castro	29/06/26	\$350.00	3	\$840.00
Sub-total				63.06	\$26,536.80
HST					\$3,449.78
Total					\$29,986.58

HST# 818737421 RT0001

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

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CITY OF TORONTO **and**

HARRY SHERMAN CROWE HOUSING CO-OPERATIVE INC.

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PROCEEDING COMMENCED AT TORONTO

AFFIDAVIT OF COURTNEY BETTY

BETTY'S LAW OFFICE

2300 Yonge Street, Suite 1600

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M4P 1E4

Courtney Betty (LSO # 28347U)

Tel: 416-972-472

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MOTION RECORD

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M4P 1E4

Courtney Betty (LSO # 28347U)

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Email: betty@bettyslaw.com

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