

**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 19 February 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 February 19, 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 (*choose appropriate option*)

- 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. Approving the legal fees incurred by the Counsel for the Respondent, Harry Sherman Housing Co-operative Inc. (“HSC”) and its Board of Directors with respect to court hearing date December 11, 2025.
2. Authorizing TBD Restructuring Ltd. (“TBD”) in its capacity as court-appointed receiver and manager of Harry Sherman Housing Co-operative Inc. to pay outstanding legal fees to the Respondent's counsel with respect to court hearing date December 11, 2025.
3. Such further and other reliefs as this Honourable Court may deem just.

THE GROUNDS FOR THE MOTION ARE:

1. On December 03, 2025, the Receiver brought a motion returnable December 11, 2025, for:
 - i. *Authorizing and directing the Receiver to continue developing the requirement and viability of options available to the HSC for the purpose of developing a process, subject to the court approval...*
 - ii. *Authorizing the Receiver 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, R.S.O. 1990, c. C.35 and the by-laws of HSC;*
 - iii. *Approving the Third Report to the Court dated November 20, 2025 (the “Third 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.*
2. 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”), at the hearing held on December 11, 2025. Counsel was required to review the Receiver’s Third Report, prepare responding materials, advise the Board, engage with the Receiver and the City, and attend before the Court to address the relief sought.
3. At the December 11, 2025, hearing, counsel for the Board actively participated in resolving issues raised by the Receiver’s motion, including objections to the Receiver’s request for authority to approve new membership applications, which resulted in amendments to the proposed order and the removal of that aspect of the relief sought.
4. Pursuant to paragraph 11 of the Endorsement of Justice Kimmel dated December 16, 2025, the Court stated that Mr. Betty raised the matter of his fees at the conclusion of the hearing, but the Court had no material or time to consider them, and that “*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*” This motion is brought in compliance with that direction.
5. The fees incurred are fair, proportionate, and consistent with the complexity and importance of the issues addressed at the December 11, 2025, hearing, including the

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

6. 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.
7. 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.
8. 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.
9. 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, and
2. Such further and other evidence as this Honourable Court may permit.

Dated at Toronto this 06 day of February, 2026.

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

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CITY OF TORONTO and

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(Applicant)

(Respondent)

ONTARIO

SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT TORONTO

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