

**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

**SUPPLEMENTAL MOTION RECORD  
(RETURNABLE ON MAY 13, 2025)**

May 8, 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](mailto:pcho@weirfoulds.com)

Tel: 416.365.1110

**Lawyers for the Receiver,  
TDB Restructuring Limited**

**TO: THE SERVICE LIST**

**SERVICE LIST**  
**(as at May 1, 2025)**

<p><b>TDB Restructuring Limited</b> 11 King St. W., Suite 700 Toronto, Ontario M5H 4C7</p> <p><b>Arif Dhanani</b> <a href="mailto:adhanani@tdbadvisory.ca">adhanani@tdbadvisory.ca</a></p> <p>Tel: 647.725.0183 Fax: 416.915.6228</p> <p><b>Receiver</b></p>	<p><b>WeirFoulds LLP</b> Barristers &amp; Solicitors TD Bank Tower Suite 4100, P.O. Box 35 66 Wellington Street West Toronto, ON M5K 1B7</p> <p><b>Philip Cho (LSO # 45615U)</b> <a href="mailto:pcho@weirfoulds.com">pcho@weirfoulds.com</a></p> <p>Tel: 416.365.1110 Fax: 416.365.1876</p> <p><b>Counsel to the Receiver</b></p>
<p><b>City Solicitor's Office</b> City of Toronto Station 1260, 26<sup>th</sup> floor, Metro Hall 55 John Street Toronto, Ontario M5V 3C6</p> <p><b>Mark Siboni (LSO #50101V)</b> <a href="mailto:mark.siboni@toronto.ca">mark.siboni@toronto.ca</a></p> <p>Tel: 416.392-9786 Fax: 416.397.5624</p> <p><b>Ryan Krahn (LSO #74645M)</b> <a href="mailto:ryan.krahn@toronto.ca">ryan.krahn@toronto.ca</a></p> <p>Tel: 416.338.1395 Fax: 416.397.5624</p> <p><b>Lawyers for the Applicant</b></p>	<p><b>Betty's Law Office</b> 2300 Yonge St., Suite 1600 Toronto, Ontario M4P 1E4</p> <p><b>Courtney Betty (LSO #28347U)</b> <a href="mailto:betty@bettyslaw.com">betty@bettyslaw.com</a></p> <p>Tel: 416.972.9472</p> <p><b>Lawyers for the Respondent</b></p>

<b>CANADA REVENUE AGENCY</b> c/o Department of Justice Ontario Regional Office The Exchange Tower, Box 36 130 King Street West, Suite 3400 Toronto, ON M5X 1K6  <a href="mailto:AGC-PGC.Toronto-Tax-Fiscal@justice.gc.ca">AGC-PGC.Toronto-Tax-Fiscal@justice.gc.ca</a>	<b>MINISTRY OF FINANCE (ONTARIO)</b> Lega; Services Branch 33 King Street West, 6 <sup>th</sup> Floor Oshawa, ON L1H 8H5  <a href="mailto:insolvency.unit@ontario.ca">insolvency.unit@ontario.ca</a>
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### EMAIL

[adhanani@tdbadvisory.ca](mailto:adhanani@tdbadvisory.ca); [pcho@weirfoulds.com](mailto:pcho@weirfoulds.com); [mark.siboni@toronto.ca](mailto:mark.siboni@toronto.ca);  
[ryan.krahn@toronto.ca](mailto:ryan.krahn@toronto.ca); [betty@bettyslaw.com](mailto:betty@bettyslaw.com); [AGC-PGC.Toronto-Tax-Fiscal@justice.gc.ca](mailto:AGC-PGC.Toronto-Tax-Fiscal@justice.gc.ca);  
[insolvency.unit@ontario.ca](mailto:insolvency.unit@ontario.ca)

**ONTARIO  
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**TDB Restructuring Limited**  
Licensed Insolvency Trustee

11 King St. W, Suite 700   
Toronto, ON M5H 4C7

info@tdbadvisory.ca   
416-575-4440   
416-915-6228 

**tdbadvisory.ca**

**IN THE MATTER OF THE RECEIVERSHIP OF  
HARRY SHERMAN CROWE HOUSING COOPERATIVE INC.**

**SUPPLEMENT TO THE SECOND REPORT TO THE COURT OF  
TDB RESTRUCTURING LIMITED**

**MAY 8, 2025**

**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

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## 1.0 INTRODUCTION

1. By order of the Ontario Superior Court of Justice (the “**Court**”) dated March 14, 2023, RSM Canada Limited was appointed receiver and manager (the “**Receiver**”), without security, of all of the assets, undertakings and properties of Harry Sherman Housing Cooperative Inc. (“**HSC**” or the “**Co-op**”) acquired for, or used in relation to a business carried on by HSC, including all proceeds thereof (the “**Appointment Order**”).
2. On March 1, 2024, the Court granted an order substituting the name TDB Restructuring Limited in place of RSM Canada Limited as Receiver.
3. This report (the “**Supplemental Report**”) is a supplement to the second report to the Court of the Receiver dated April 30, 2025 (the “**Second Court Report**”) and should be read in conjunction with the Second Court Report. Capitalized terms, unless otherwise expressly defined, shall have the meaning set out in the Second Court Report.

### 1.1 Purpose of the Supplemental Report

4. The purpose of the Supplemental Report is to provide the Court with:
  - a) information in relation to the communication and correspondence between the Receiver’s counsel, WeirFoulds LLP (“**WeirFoulds**”), and counsel to the board of directors of HSC (the “**Board**”), Betty’s Law Office (“**Betty’s Law**”), on and after the date the Receiver served the Second Court Report, May 1, 2025; and
  - b) the Receiver’s concerns regarding the Annual General Membership Meeting proposed to be held on May 10, 2025.

## 2.0 COMMUNICATION EXCHANGE

5. Much of the correspondence between WeirFoulds and Betty’s Law, prior to May 1, 2025, is included in the Second Court Report.
6. On May 1, 2025, Betty’s Law sent an email to WeirFoulds advising that it was awaiting confirmation from the City of Toronto (the “**City**”) regarding its fees for representing



the Co-op (or the former Board) and that the Co-op was scheduling an Annual General Meeting which would be happening shortly. Betty's Law also advised that it was seeking an adjournment of the May 13, 2025 Court hearing.

7. WeirFoulds replied to Betty's Law's request for an adjournment by advising that the Receiver's motion record would be served that same day and that any discussion regarding an adjournment would be more appropriate after Betty's Law had the opportunity to review the Receiver's motion record.
8. Betty's Law then forwarded to WeirFoulds a Notice of Annual General Membership Meeting to be held on May 10, 2025 (the "**Meeting**") and an agenda for same. A copy of the email from Betty's Law dated May 1, 2025 and the materials forwarded to the Receiver are attached hereto as **Appendix "A"**.
9. Subsequent to this, WeirFoulds and Betty's Law exchanged correspondence regarding the appropriateness of holding the Meeting in light of the Receiver's Second Court Report and motion record. As part of this correspondence, the City responded to Betty's Law to advise that it was not in a position to make a decision in respect of the request made by Betty's Law on payment of its fees and that a formal motion to the Court would have to be made in this regard. A copy of the full correspondence exchange between WeirFoulds and Betty's Law, including the City's email, is attached hereto as **Appendix "B"**.

### **3.0 RECEIVER'S CONCERNS**

10. Based on the email exchange between Betty's Law and WeirFoulds and the Notice of Annual General Membership Meeting and agenda thereto, the Receiver has the following concerns:
  - a) as set out in paragraph's 9-11 of the April 29<sup>th</sup> Endorsement, a copy of which is attached to the Second Court Report as Appendix E, the Court indicated that the Board was to work with the City and the Receiver to work towards showing that it has a clear understanding of what is required from a regulatory, governance and financial point of view for the successful operation of the Co-op; however, the Receiver has not heard from the Board and understands that the City has not heard from the Board either. The Board has not demonstrated that it has taken

advantage of any of the resources available to it or that it has any better understanding of what is required from a regulatory, governance and financial point of view for the successful operation of the Co-op;

- b) the lack of responsiveness from Betty's Law as counsel to the Board and its responses to WeirFoulds, when it has chosen to respond, have been unhelpful in making any progress with respect to complying with the April 29<sup>th</sup> Endorsement;
- c) the appropriateness of the Meeting to be held in advance of and on the "eve" of the May 13, 2025 Court hearing;
- d) only the notice and agenda for the Meeting were forwarded to the Receiver on May 1, 2025. The Receiver has not received copies of any of the materials to be disseminated at the Meeting;
- e) the Receiver has not been invited to the Meeting, and it understands that neither the City nor the Cooperative Housing Federation of Toronto ("**CHFT**") have been invited to the Meeting;
- f) the agenda for the Meeting sets out that the membership is to be provided with an update on the receivership, the City and CHFT; however, if the Board has not had any meaningful contact with any of these parties, the Receiver questions how the Board intends to provide its membership with any update;
- g) the agenda for the Meeting sets out that three new Board members are to be elected; however, the Receiver has no information on the candidates or their qualifications to serve as Board members. The Receiver is unaware if the nomination of these candidates was done in compliance with the Co-op's policies in this regard, which appears to require the use of an Election Committee, as per the election procedures policy (the "**Election Procedures Policy**") which was part of the Co-op's books and records. This is especially concerning in light of the Receiver's proposed RFEIQ Process. A copy of the Election Procedures Policy is attached hereto as **Appendix "C"**.
- h) the Receiver does not know what pre and post receivership budgets are to be compared or the appropriateness and accuracy for comparison of same;


- i) notwithstanding that the Receiver has been in regular communication with York University and has asked for information in respect of its development plans as they may relate to the Co-op, the Receiver has not been provided with any information from York University on the York University Development Project. The Receiver questions what update the Board may be able to provide to its membership in this regard; and
- j) the agenda sets out that the Meeting is to be held in the Co-op's community room. The community room is a secured space that may be used by the membership to host events, provided that it is reserved for such an event with the Receiver's property manager, Community First Developments Inc. ("CFDI"), in advance and a key to access the community room is provided by CFDI to the individual making the reservation. As of the time of writing this report, CFDI has advised that no reservation has been made by anyone for May 10, 2025.

## 4.0 CONCLUSION

- 11. Based on the foregoing, the Receiver respectfully requests that the Court grant the order requested in the Second Court Report.

All of which is respectfully submitted to this Court as of this 8<sup>th</sup> day of May 2025.

**TDB RESTRUCTURING LIMITED**, solely in its capacity  
as Receiver and Manager of Harry Sherman Crowe Housing  
Cooperative Inc. and not in its personal or corporate capacity

Per:   
Arif Dhanani, CPA, CA, CIRP, LIT  
Managing Director

# **APPENDIX A**

## Arif Dhanani

---

**From:** Philip Cho <pcho@weirfoulds.com>  
**Sent:** Thursday, May 1, 2025 4:38 PM  
**To:** Arif Dhanani  
**Cc:** Bryan Tannenbaum; Kelsey Ivory; Victoria Bazak  
**Subject:** Fw: General Members Meeting  
**Attachments:** NOTICE OF ANNUAL GENERAL for May 10th.pdf

External sender

See below and attached. Let's discuss tomorrow. I can't today.

**PHILIP CHO** (he/him/his) | Partner | T. [416-619-6296](tel:416-619-6296) | C. [647-638-7828](tel:647-638-7828) | [pcho@weirfoulds.com](mailto:pcho@weirfoulds.com)

---

### WeirFoulds LLP

66 Wellington Street West, Suite 4100, P.O. Box 35, TD Bank Tower, Toronto, Ontario, Canada. M5K 1B7 | T. [416-365-1110](tel:416-365-1110) | F. [416-365-1876](tel:416-365-1876) | [www.weirfoulds.com](http://www.weirfoulds.com)

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---

**From:** Courtney Betty <betty@bettyslaw.com>  
**Sent:** Thursday, May 1, 2025 4:32:56 PM  
**To:** Philip Cho <pcho@weirfoulds.com>; Mark Siboni <mark.siboni@toronto.ca>  
**Subject:** FW: General Members Meeting

### [External Message]

Hi Philip,  
Here is the Notice of Annual General meeting.  
Thanks



## **NOTICE OF ANNUAL GENERAL MEMBERSHIP MEETING**

All Members please take notice that Annual General Members Meeting of  
**Harry Sherman Crowe Housing Co-operative** has been scheduled for:

**SATURDAY MAY 10th, 2025**  
At 5:00 pm

**IN THE BUILDING'S COMMUNITY ROOM**

The purpose of this meeting will be as per the attached agenda.  
Please Bring this package with you to the meeting.

***Rosell Kerr***

Rosell Mae Kerr  
President, Board of Directors

## **AGENDA: ANNUAL GENERAL MEMBERS MEETING**

SATURDAY MAY 10th, 2025 At 5:00 pm in the Community Room

- |                              |   |
|------------------------------|---|
| <b>4:45 PM</b>               | Directors arrive                                    |
| <b>5 PM</b>                  | Call to order                                       |
| <b>5:10 PM</b>               | Approval of the Chairperson and recording secretary |
| <b>5:15 PM</b>               | Approval of Agenda                                  |
| <b>5:30 PM</b>               | Update on Receivership, City of Toronto, CHFT       |
| <b>5:45 PM</b>               | Motion: Elect 3 New Board Members                   |
| <b>6:00 PM</b>               | Budget Comparison: Pre vs. Current Receivership     |
| <b>6:15 PM</b>               | Update on the York University Development Project   |
| <b>6:30 PM</b>               | Open Floor: Questions and Community Concerns        |
| <b>6:45 PM</b><br>Signatures | Community Petition: Request for Support and         |
| <b>7:00 PM</b>               | Adjournment   |

# **APPENDIX B**



## Arif Dhanani

---

**From:** Courtney Betty <betty@bettyslaw.com>  
**Sent:** Wednesday, May 7, 2025 3:39 PM  
**To:** Philip Cho  
**Cc:** Kelsey Ivory; Arif Dhanani; Tenechia Williams; Bryan Tannenbaum; Mark Siboni  
**Subject:** Re: Court File No.: CV-22-00688248-00CL City of Toronto v Harry Sherman Crowe Co-operative

External sender

Phillip Your suggestion has no merit and does not deserve a response.

---

**From:** Philip Cho <pcho@weirfoulds.com>  
**Date:** Wednesday, May 7, 2025 at 3:30 PM  
**To:** Courtney Betty <betty@bettyslaw.com>  
**Cc:** Kelsey Ivory <kivory@weirfoulds.com>, 'Arif Dhanani' <adhanani@tdbadvisory.ca>, Tenechia Williams <tenechia@bettyslaw.com>, 'Bryan Tannenbaum' <btannenbaum@tdbadvisory.ca>, Mark Siboni <Mark.Siboni@toronto.ca>  
**Subject:** RE: Court File No.: CV-22-00688248-00CL City of Toronto v Harry Sherman Crowe Co-operative

Mr. Betty, the email below and the Receiver's Second Report speak for themselves. The Receiver has suggested a process that engages the members of the Co-op regarding the management of the Co-op. Until your recent email, the Receiver has had little to no information from you or your client with respect to the activities of your client. As such, we question the appropriateness of the timing of your client's proposed meeting given the Receiver's proposal.

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



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---

**From:** Courtney Betty <betty@bettyslaw.com>  
**Sent:** May 4, 2025 8:13 PM  
**To:** Philip Cho <pcho@weirfoulds.com>  
**Cc:** Kelsey Ivory <kivory@weirfoulds.com>; 'Arif Dhanani' <adhanani@tdbadvisory.ca>; Tenechia Williams <tenechia@bettyslaw.com>; 'Bryan Tannenbaum' <btannenbaum@tdbadvisory.ca>; Mark Siboni <Mark.Siboni@toronto.ca>  
**Subject:** Re: Court File No.: CV-22-00688248-00CL City of Toronto v Harry Sherman Crowe Co-operative

[External Message]

Hi Philip,

I am not sure what you are suggesting. The Board has complied with the requirements and to suggest anything else as to why they should not proceed in deciding how they are governed is not the role of the Receiver which is what I fear the path things would go down.

---

**From:** Philip Cho <pcho@weirfoulds.com>

**Date:** Friday, May 2, 2025 at 5:19 PM

**To:** Courtney Betty <betty@bettyslaw.com>

**Cc:** Kelsey Ivory <kivory@weirfoulds.com>, 'Arif Dhanani' <adhanani@tdbadvisory.ca>, Tenechia Williams <tenechia@bettyslaw.com>, 'Bryan Tannenbaum' <btannenbaum@tdbadvisory.ca>, Mark Siboni <Mark.Siboni@toronto.ca>

**Subject:** RE: Court File No.: CV-22-00688248-00CL City of Toronto v Harry Sherman Crowe Co-operative

Mr. Betty,

I trust you have forwarded the Receiver's Motion Record to your client. I am writing to you in respect of the emails you recently sent yesterday and today.

Regarding the Annual General Meeting that has been called by Ms. Kerr, we believe this might be premature and would be more appropriate to wait for the Court to provide direction. I appreciate that the Notice of the Meeting appears to have been sent to the Co-Op's membership prior to you or your client having had the opportunity to see and review the Receiver's Second Report and proposed relief sought. In its materials, the Receiver has proposed a process that aims to provide information to all of the members, and to seek interest from members with respect to serving on the Board. The process is designed to ensure that members have all of the information necessary to make a decision about serving on a Board for the Co-Op. The process contemplates a Town Hall-style meeting for all members to ask questions about what it means to serve on a Board and to manage the operations of the Co-Op. The Receiver is an important source of that information as it has the current information about capital repairs and the financial status of the Co-Op. We are not commenting at this time about the validity of the calling of the meeting but consideration should also be given as to whether any AGM called at this stage, in the present circumstances, would be valid in terms of board appointments and other business.

Respectfully, the Receiver requests that the AGM be postponed pending, at least, the Receiver's Motion.

The Receiver notes that the meeting is on a weekend, which makes it difficult and impractical for representatives of the Receiver and the City (as Service Manager) to attend the AGM. If your client will insist on proceeding with the AGM, then the Receiver expects that all of the Receiver's reports are provided to the members well in advance of the meeting. The Notice of AGM refers to "this package". If there are other documents that were included with the notice, then please also ask your client to provide the Receiver and the City with all documents that are presented or provided to members in connection with the AGM. Please also confirm if your client has made arrangements for access to the Community Room because the Receiver is not aware of any such arrangements having been made.

The Receiver reserves any comment on the validity of any business concluded at such meeting as the Receiver lacks sufficient information. Particularly in relation to the appointment of board members, the Receiver understands that there is an Election Procedure adopted by the Co-Op that requires the creation of an Election Committee to solicit and appoint board members.

Regarding the adjournment request, the Receiver does not believe it is necessary or appropriate at this time to adjourn the Receiver's Motion. The relief requested by the Receiver does not result in any

prejudice to the Co-Op as it only seeks to facilitate information sharing with the members, and then seek interest and qualifications from members who may wish to serve on the Board. If the process results in sufficient interest, then the Receiver can return to Court and seek directions on an election process. The only other relief is approval of the Receiver's activities, fees, and interim statement of receipts and disbursements, similar to last time. If there are any aspects of the proposed RFEIQ Process in the Receiver's Motion Record that require discussion, then please let me know and we can discuss any specific changes that your client may suggest.

I look forward to hearing from you. Thank you.

**PHILIP CHO** | Partner | T. 416-619-6296 | C. 647-638-7828 | [pcho@weirfoulds.com](mailto:pcho@weirfoulds.com)



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**From:** Mark Siboni <[Mark.Siboni@toronto.ca](mailto:Mark.Siboni@toronto.ca)>  
**Sent:** May 2, 2025 11:54 AM  
**To:** 'Courtney Betty' <[betty@bettyslaw.com](mailto:betty@bettyslaw.com)>; Philip Cho <[pcho@weirfoulds.com](mailto:pcho@weirfoulds.com)>  
**Cc:** Kelsey Ivory <[kivory@weirfoulds.com](mailto:kivory@weirfoulds.com)>; 'Arif Dhanani' <[adhanani@tdbadvisory.ca](mailto:adhanani@tdbadvisory.ca)>; 'Tenechia Williams' <[tenechia@bettyslaw.com](mailto:tenechia@bettyslaw.com)>; 'Bryan Tannenbaum' <[btannenbaum@tdbadvisory.ca](mailto:btannenbaum@tdbadvisory.ca)>  
**Subject:** RE: Court File No.: CV-22-00688248-00CL City of Toronto v Harry Sherman Crowe Co-operative

[External Message]

Good morning Mr. Betty,

Further to our previous discussion, we understand you to be making a request that the funds of the Co-op be accessed to compensate you and your firm for the work being done in connection with this matter.

The City of Toronto, in its capacity as Service Manager, cannot make a decision in respect of this request.

This request has to be presented to the Court by way of formal motion, given that the Co-op is in Receivership. We expect the Court will consider the nature and context of any request made and the basis for it, and any submissions that the Receiver and Service Manager may make once they review the request. They will then determine whether it is appropriate to grant such relief.

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](mailto:mark.siboni@toronto.ca)

---

**From:** Courtney Betty <[betty@bettyslaw.com](mailto:betty@bettyslaw.com)>  
**Sent:** May 2, 2025 10:16 AM  
**To:** Philip Cho <[pcho@weirfoulds.com](mailto:pcho@weirfoulds.com)>

**Cc:** Mark Siboni <[Mark.Siboni@toronto.ca](mailto:Mark.Siboni@toronto.ca)>; Kelsey Ivory <[kivory@weirfoulds.com](mailto:kivory@weirfoulds.com)>; Arif Dhanani <[adhanani@tdbadvisory.ca](mailto:adhanani@tdbadvisory.ca)>; Tenechia Williams <[tenechia@bettyslaw.com](mailto:tenechia@bettyslaw.com)>; Bryan Tannenbaum <[btannenbaum@tdbadvisory.ca](mailto:btannenbaum@tdbadvisory.ca)>

**Subject:** [External Sender] Re: Court File No.: CV-22-00688248-00CL City of Toronto v Harry Sherman Crowe Co-operative

Hi Philip,

Before reviewing I am awaiting a response from Mark in regard to compensation for the work we are doing.

Thanks

---

**From:** Philip Cho <[pcho@weirfoulds.com](mailto:pcho@weirfoulds.com)>

**Date:** Thursday, May 1, 2025 at 5:46 PM

**To:** Courtney Betty <[betty@bettyslaw.com](mailto:betty@bettyslaw.com)>

**Cc:** Mark Siboni <[mark.siboni@toronto.ca](mailto:mark.siboni@toronto.ca)>, Kelsey Ivory <[kivory@weirfoulds.com](mailto:kivory@weirfoulds.com)>, Arif Dhanani <[adhanani@tdbadvisory.ca](mailto:adhanani@tdbadvisory.ca)>, Tenechia Williams <[tenechia@bettyslaw.com](mailto:tenechia@bettyslaw.com)>, Bryan Tannenbaum <[btannenbaum@tdbadvisory.ca](mailto:btannenbaum@tdbadvisory.ca)>

**Subject:** RE: Court File No.: CV-22-00688248-00CL City of Toronto v Harry Sherman Crowe Co-operative

Mr. Betty, we have 45 minutes booked before Justice Kimmel on May 13. You should be receiving the Receiver's Motion Record today by email.

We can discuss your request for an adjournment after you have had a chance to review our Motion Record and the materials.

Thank you.

**PHILIP CHO** | Partner | T. 416-619-6296 | C. 647-638-7828 | [pcho@weirfoulds.com](mailto:pcho@weirfoulds.com)



66 Wellington Street West, Suite 4100, P.O. Box 35, TD Bank Tower, Toronto, Ontario, Canada. M5K 1B7 | T. 416-365-1110 | F. 416-365-1876 | [www.weirfoulds.com](http://www.weirfoulds.com)

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**From:** Courtney Betty <[betty@bettyslaw.com](mailto:betty@bettyslaw.com)>

**Sent:** May 1, 2025 3:37 PM

**To:** Philip Cho <[pcho@weirfoulds.com](mailto:pcho@weirfoulds.com)>; Tenechia Williams <[tenechia@bettyslaw.com](mailto:tenechia@bettyslaw.com)>

**Cc:** Malika Grewal <[mgrewal@weirfoulds.com](mailto:mgrewal@weirfoulds.com)>; Mark Siboni <[mark.siboni@toronto.ca](mailto:mark.siboni@toronto.ca)>

**Subject:** Re: Court File No.: CV-22-00688248-00CL City of Toronto v Harry Sherman Crowe Co-operative

[External Message]

Hi Phillip,

Trust all is well. I am waiting confirmation from Mark regarding our fees for representing the Co-op. Also the Co-op is scheduling an Annual General meeting which will be happening shortly. Based on this I am seeking a delay of the scheduled hearing.

Thanks

---

**From:** Courtney Betty <[betty@bettyslaw.com](mailto:betty@bettyslaw.com)>  
**Date:** Friday, April 26, 2024 at 11:50 AM  
**To:** Philip Cho <[pcho@weirfoulds.com](mailto:pcho@weirfoulds.com)>, Tenechia Williams <[tenechia@bettyslaw.com](mailto:tenechia@bettyslaw.com)>  
**Cc:** Malika Grewal <[mgrewal@weirfoulds.com](mailto:mgrewal@weirfoulds.com)>  
**Subject:** Re: Court File No.: CV-22-00688248-00CL City of Toronto v Harry Sherman Crowe Co-operative

Phillip I only 30 minutes.

---

**From:** Philip Cho <[pcho@weirfoulds.com](mailto:pcho@weirfoulds.com)>  
**Date:** Friday, April 26, 2024 at 11:49 AM  
**To:** Tenechia Williams <[tenechia@bettyslaw.com](mailto:tenechia@bettyslaw.com)>  
**Cc:** Courtney Betty <[betty@bettyslaw.com](mailto:betty@bettyslaw.com)>, Malika Grewal <[mgrewal@weirfoulds.com](mailto:mgrewal@weirfoulds.com)>  
**Subject:** Re: Court File No.: CV-22-00688248-00CL City of Toronto v Harry Sherman Crowe Co-operative

It may help if we think that we will not need more than 1 hr for the motion. Motions 90minutes and under are virtual on the commercial list. I think that based on the materials now filed, we would unlikely be more than an hour. Please confirm this with Mr. Betty

**PHILIP CHO** (he/him/his) | Partner | T. [416-619-6296](tel:416-619-6296) | C. [647-638-7828](tel:647-638-7828) | [pcho@weirfoulds.com](mailto:pcho@weirfoulds.com)

**WeirFoulds LLP**

66 Wellington Street West, Suite 4100, P.O. Box 35, TD Bank Tower, Toronto, Ontario, Canada. M5K 1B7 | T. [416-365-1110](tel:416-365-1110) | F. [416-365-1876](tel:416-365-1876) | [www.weirfoulds.com](http://www.weirfoulds.com)

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**From:** Tenechia Williams <[tenechia@bettyslaw.com](mailto:tenechia@bettyslaw.com)>  
**Sent:** Friday, April 26, 2024 11:44:17 AM  
**To:** [toronto.commercialist@jus.gov.on.ca](mailto:toronto.commercialist@jus.gov.on.ca) <[toronto.commercialist@jus.gov.on.ca](mailto:toronto.commercialist@jus.gov.on.ca)>  
**Cc:** Courtney Betty <[betty@bettyslaw.com](mailto:betty@bettyslaw.com)>; Philip Cho <[pcho@weirfoulds.com](mailto:pcho@weirfoulds.com)>; Mark Siboni <[mark.siboni@toronto.ca](mailto:mark.siboni@toronto.ca)>; [a33abcda24cb46679233191ff232d7de@lawmail.cosmolex.com](mailto:a33abcda24cb46679233191ff232d7de@lawmail.cosmolex.com)  
<[a33abcda24cb46679233191ff232d7de@lawmail.cosmolex.com](mailto:a33abcda24cb46679233191ff232d7de@lawmail.cosmolex.com)>  
**Subject:** RE: RE: Court File No.: CV-22-00688248-00CL City of Toronto v Harry Sherman Crowe Co-operative

[External Message]

Dear Sir/ Madam,

Our firm Betty's Law Office and Courtney Betty act for the Respondent, Harry Sherman Crowe Co-operative Inc. Mark Siboni act for the Applicant, City of Toronto. Philip Cho act for the Receiver, TDB Restructuring Ltd. This matter is listed for hearing on Monday April 29, 2024, for the Receiver's Motion, before the Honourable Justice Penny in-person. Counsel Courtney Betty is not in the jurisdiction and therefore unable to attend in-person.

Both Counsels have communicated and are agreeable for this matter to be heard virtually. As such, we are humbly requesting that the matter be heard virtually instead of in-person.

Your indulgence in this matter would be greatly appreciated.

***Tenechia Williams***

Operations Manager, LLB (UK), CPM  
Betty's Law Office  
2300 Yonge St, #1600  
Toronto, ON, M4P 1E4



416-972-9472 ext. 105

<https://bettyslaw.com>

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# **APPENDIX C**

## **ELECTION PROCEDURES**

### **ELECTION COMMITTEE**

The Board shall establish an Election Committee approximately 1 month prior to the Election of the Directors. It should be composed of 3-4 members who do not intend to stand for election. One member of the committee will be designated the Election Chairperson and will chair the election proceedings. The committee is responsible for the following:

- Publicizing the upcoming Election
- Explaining the election process to the members
- Seeking candidates and providing a list of candidates at the Election meeting
- Arranging an election workshop and meet the candidate night
- Ensuring that an election newsletter is prepared
- Ensuring that all nominees are qualified to stand for election. The co-op coordinator will ascertain and inform nominees of any problems prior to their acceptance of the nomination
- Ensuring that the election is conducted in accordance with the bylaws
- Obtaining a list of members eligible to vote
- Supplying initialled or otherwise identified ballots. Supply containers for ballots
- Preparing tally sheets for counting the votes

### **ELECTION WORKSHOP**

The Election Committee will arrange for an election workshop to be put on prior to the election. All candidates are urged to attend since this workshop gives an overview of what is involved in being a Director. All members are encouraged to attend because there will be material as to what to consider when choosing your Board of Directors.

### **MEET THE CANDIDATES NIGHT**

The Election Committee will host a drop in meeting where members can talk informally to the Candidates. Refreshments will be served.

### **ELECTION MEETING PROCEDURES**

The General Members meeting where elections are to be held, the Election Chairperson will conduct the Proceeding in the following manner:

- As members sign in for the meeting, the Election Chairperson will give each member a ballot.
- Identify that the number of positions to be filled are eight and that the four members who receive the highest number of votes will serve for a two year term. The remaining four will serve for a one year term so that in subsequent years the co-op is electing four directors.



- Read out the list of candidates who have agreed to stand for election.
- Call for additional nominations. This must be repeated three (3) times after which the Election Chairperson asks for a motion that nominations be closed.
- Confirm candidates willingness to stand for election. Any candidate not present at the meeting must have previously confirmed their intention to run in writing.
- The Election Chairperson introduces each candidate in alphabetical order and asks him/her to give a maximum two (2) minute presentation. Keep time and let the candidate know when their time is up.
- Remind members that they must vote for the exact number of candidates as there are positions open and that if there are more or fewer names the ballot will be considered spoiled and will not be counted. Ask whether any members require help filling in the ballot. A member of the election committee or the coordinator could provide such assistance, if necessary. The Election Committee then collects the ballots.
- The Election Committee counts the ballots and determines whether a ballot should be considered spoiled. The Chairperson will read each ballot aloud and the other committee members will record the votes on a tally sheet. If the results agree, no second count is necessary. If they do not agree, the votes are re-counted until there is agreement.
- The Election Chairperson will announce the names of those elected in alphabetical order. The number of votes received by each candidate should not be revealed. If there is a tie vote, a second election will be held immediately involving the candidates receiving the same number of votes for such position. The second election shall be by ballot in accordance with the procedure outlined above.
- Following the election, the Election Chairperson shall ask for and obtain a motion from the members to destroy the ballots after 48 hours unless a General Members meeting has been requisitioned for the purpose of recounting the votes. The ballots will then be returned to a sealed envelop or sealed ballot box and shall be kept in the co-op office for 48 hours before the ballots are destroyed.

**CITY OF TORONTO**

-and-

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

Applicant

Respondent

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

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

PROCEEDING COMMENCED AT  
TORONTO

**SUPPLEMENTAL MOTION RECORD  
(RETURNABLE ON MAY 13, 2025)**

**WEIRFOULDS LLP**  
Barristers & 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](mailto:pcho@weirfoulds.com)  
416.619.6296

Tel: 416.365.1110

**Lawyers for the Receiver,  
TDB Restructuring Limited**