

**CITATION:** The Regional Municipality of Durham v. William Peak Co-Operative Homes Inc.,  
2020 ONSC 4477  
**OSHAWA COURT FILE NO.:** CV-20-1208  
**DATE:** 20200722

**SUPERIOR COURT OF JUSTICE - ONTARIO**

**RE:** The Regional Municipality of Durham, Applicant

**AND:**

William Peak Co-Operative Homes Inc., Respondent

**BEFORE:** The Honourable Mr. Justice H. Leibovich

**COUNSEL:** Jeffrey W. Tighe, for the Applicant

M. Abramowitz, for the interim receiver acting on behalf of the Respondent

**HEARD:** July 21, 2020

**ENDORSEMENT**

- [1] The applicant is making an application for an Order appointing Deloitte Restructuring Inc. as receiver of William Peak Co-Operative Homes Inc pursuant to s.85(7) of the *Housing Services Act*. The respondent owns and operates the William Peak Co-op social housing project and property located at 1990 Whites Road, Pickering Ontario.
- [2] On April 9 and 10, 2019, the applicant, as designated service manager under sections 11 and 68 of the *Act*, conducted an operational review and found several serious and ongoing issues. On February 14, 2020, the applicant appointed Deloitte Restructuring Inc. as interim receiver in accordance with s. 85(6) of the *Act*. The interim receiver has stabilized the operations and has issued two interim reports but there is still significant work that must be done. The housing project's board of directors' terms have all expired and they have all resigned. The project does not have a board of directors. Pursuant to s. 95(2) of the *Act*, the mandate of the interim receiver automatically expires on August 12, 2020, unless the court orders otherwise.
- [3] Given the numerous issues, as well as the existing restrictions surrounding the COVID-19 pandemic, and the uncertainty as to when those restrictions will be lifted, it is clear that Deloitte will not be in a position to return control of the respondent to a reconstituted board of directors by August 12, 2020. Hence, this application pursuant to s. 85(7) of the *Act* to have Deloitte's appointed as receiver. I agree that the application is appropriate. Without the appointment of a receiver, the property, the housing project, and the stakeholder interests will all be left in limbo, as there is no board of directors in place, and therefore no one in whose charge the respondent can be placed. Ultimately, the goal is to select

candidates for a new board of directors provide them with appropriate training and turn control over William Peak back to a new board.

[4] Order to go as per draft order filed.



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The Honourable Justice H. Leibovich

**Date:** July 22, 2020