

Britannia Glen Co-operative Homes Inc.

Member Approval and Unit Allocation By-law

By-law # 6

Date Approved by the Board of Directors: March 11, 1993

Date Confirmed by the Members: August 12, 1993

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INTRODUCTION

This Bylaw deals with matters related to the selection of members and the allocation of units of housing in the Co-operative. Many related provisions appear in the Occupancy Bylaw which should be read with this Bylaw.

ARTICLE 1 MEMBERSHIP CRITERIA

1.01 Assessing Applications

The Co-op will not discriminate against applicants due to race, national or ethnic origin, colour, religion, age, sex, marital status, political affinity or activity, sexual orientation, family relationship, degree of ablist, conviction for which pardon has been granted, or receipt of public assistance, or for any other reason defined by the Ontario Human Rights Code to be a violation of fundamental human rights.

1.02 Membership Criteria

The co-op will assess applicants for membership according to the following criteria:

- financial responsibility;
- household income and size are suitable (that is, the household can afford the housing charge, or rent geared-to-income housing charge assistance is available and the household size can be accommodated according to the Co-op's occupancy standards);
- likely to be a good resident who will maintain the unit and other Co-op property in good condition;
- indication of a positive attitude to living in a community with people from a variety of social, economic and cultural backgrounds; and
- ability to live independently in the Co-op (using support services available in the community, if required).

The Co-op will make every attempt to apply these criteria equally to all applicants.

ARTICLE 2 MEMBERSHIP PROCESS

2.01 Aims of the Membership Process

The aims of the membership process are:

- to make sure that applicants have the information they need to decide whether they are

- interested in living in the Co-op,
- to make sure that the Co-op has the information it needs to assess whether an applicant is suitable for membership
- to make sure that all applicants are evaluated equally and fairly against the Co-op's membership criteria.

2.02 Application Requirements

Each applicant must submit a completed application. This means that all questions on the application must be answered and it must be signed by all adult household members.

2.03 Review of Credit History, Income and Previous Tenancy

Credit checks, income, and landlord checks will be conducted on all applicants according to procedures established and approved by the Board.

2.04 Establishing Priority on the Waiting List

The record date for placing an applicant's on the Waiting List will be the date when a completed application form is received from the applicant.

2.05 Membership Interviews

Membership interviews will be conducted according to procedures approved by the Board. All members of a household will be encouraged to attend a membership interview. No unit will be allocated until all members of the household sixteen years and over have been interviewed unless the Board otherwise provides.

2.06 Membership Recommendations

A designated staff member and/or Board committee will be responsible for making recommendations to the Board to accept or reject an applicant according to membership criteria.

2.07 Decision by the Board

The Board will make the final decision about accepting applicants into membership

2.08 Appeal in Case of Rejection

An applicant may appeal a rejection of his or her application for membership. To do so, the applicant must submit to the Co-op office, within fourteen days of the date of mailing of the written notification of the rejection, a written statement that he or she wishes to appeal the decision. All applicants who submit an appeal will be entitled to a second membership interview.

2.09 Appeal Process

In the case of rejection, interviewers other than interviewer(s) who originally conducted the interview, will conduct a second interview within thirty days of receipt of request. The results of the interview will be reported to the Board. No subsequent appeal by an applicant will be considered.

2.10 Notice of Rejection

The written notice of rejection given to applicants will include notification of the applicant's right to appeal. The Co-op will not be obliged to give nor will any applicant be entitled to receive written or other reasons for refusal of an application for membership in the Co-op.

2.11 New Membership Applications

Applicants may, at a future date, submit a new membership application to the Co-op if they feel that their circumstances have changed and that they now meet the Co-op's membership criteria. The Board may, at its discretion, decline to consider a new application if it feels that an applicant's circumstances have not substantially changed since the previous application was considered. There will be no appeal of the decision of the Board.

ARTICLE 3 OCCUPANCY STANDARDS GOVERNING ALLOCATION OF UNITS

3.01 Application of this Article

This Article deals with the allocation of units to new members and to members relocating to another unit in the Co-op. The Co-op's Occupancy Bylaw sets out occupancy rights and standards that apply when there is a change in the size of an existing household within the Co-op and sets out circumstances in which members may cease to be entitled to occupy their existing unit.

3.02 Occupancy Standards

- (a) A unit will not be allocated to a household with fewer persons than the minimum or more persons than the maximum number set out below opposite each type of unit:

Unit Size	Minimum #	Maximum #
One-Bedroom	1 Person	1 Person
Two-Bedroom	2 Persons	4 Persons
Three-Bedroom	3 Persons	6 Persons

- (b) No unit will be allocated to a household from the Co-op's External Waiting List that does not meet the Co-op's Occupancy Standards.
- (c) Units may be allocated to households on the Co-op's Internal Waiting List that do not meet the Occupancy Standards as provided in 6.08. Following a change in household size, households that no longer meet the Occupancy Standards will be permitted to continue to occupy their units except according to the Occupancy Bylaw.

3.03 Only Permanent Members of Household Considered

When determining the size of unit that a household is eligible to occupy, only permanent members of the household will be considered. A person who is only periodically resident in the household (such as a child under the joint custody of separated parents or a spouse who works out of town) may be considered a permanent member of the household provided the Board is satisfied that it is appropriate to treat that person as a permanent member of the household rather than as a guest. The right of persons who are not permanent members of the household to be present in the unit will be governed by the Occupancy Bylaw.

ARTICLE 4 DEPOSITS AND CHARGES

4.01 Initial Instalments

A **non-refundable deposit** as an initial instalment on the first month's housing charge will be required at the time that an applicant agrees to accept a particular unit. The amount of the deposit will be set by the Board.

4.02 First Month's Housing Charge

The first month's housing charge, less the instalment paid, will be due, in advance, one month before occupancy. If the member agrees to accept a unit less than one month before occupancy, the full first month's housing charge will be due at the time the unit is accepted.

The payment will be non-refundable.

4.03 Member Deposit

- a) Each household must pay to the Co-op, before moving into their unit, or at any other time as permitted by the Board, a Member Deposit. The Member Deposit will be 100% of the current monthly housing charge for the unit rounded down to the nearest dollar. No member will be permitted to pay the Member Deposit over a period exceeding three months.
- b) The member will not be entitled to interest on the Member Deposit.

4.04 Membership Fee

Before occupancy, applicants shall pay to the Co-op the **lifetime membership fee** of \$10.00 per adult member.

ARTICLE 5 EXTERNAL WAITING LIST

5.01 External Waiting List to be Maintained

- (a) A waiting list will be maintained, consisting of applicants who have been interviewed and accepted for membership and will become members when a unit becomes available. This waiting list will be called the external waiting list. The Co-op will attempt, always, to maintain a waiting list with the names of several households in need of housing charge assistance, households not in need of housing charge assistance, to be able to fill any vacancies with minimal vacancy loss.
- (b) The waiting list will identify applicants' record date, the size and type of unit they are eligible to occupy, any restrictions applicants have identified concerning units they wish to be offered, and whether the applicant wishes housing charge assistance.
- (c) If the Co-op has entered an agreement requiring the Co-op to give consideration to applicants who are on the Metropolitan Toronto Housing Authority ("MTHA") waiting list and are referred to the Co-op by MTHA, then the Co-op's external waiting list will contain two distinct sections, one for households who are on the MTHA waiting list (the "MTHA Referral List") and one for households who are not on the MTHA Referral List. No household may be on both portions of the waiting list.
- (d) If the Co-op has entered an agreement requiring the Co-op to give consideration to

applicants who are referred from an agency(s) which has an Agency Referral Agreement with the Co-op, then the Co-op's external waiting list will contain a distinct section for households referred from the agency(s).

5.02 Record Date for External Waiting List

The record date for determining an applicant's place on the Co-op's external waiting list will be the date when a completed application form is received from the applicant.

5.03 Priority

Except as otherwise provided in this Bylaw, priority among applicants on the external waiting list will be according to the applicant's record date as defined in paragraph 5.02.

5.04 Updating Waiting Lists

- (a) Approximately every six months, a Co-op representative will attempt to contact all applicants on the External Waiting List to determine if:
- they are still interested in moving into the Co-op;
 - there have been any changes in the size or type of unit which they require; or
 - there have been any changes in their financial circumstances which would affect their need or eligibility for housing charge assistance.
- (b) If, at the time the Co-op is updating its external waiting list, it is consistently unable to contact a household on the list, a letter will be sent to that household informing them that they must contact the Co-op within one month indicating that they wish their application to remain active or their name will be removed from the list. If no response is received from the applicant within five weeks, the applicant's name will be removed from the list and the application for membership will be considered withdrawn.
- (c) Applicants on the external waiting list may be required to submit updated proof of income to determine eligibility for housing charge assistance. The Co-op may carry out a further credit check and/or reference check on the applicant if the Co-op wishes to check any information on file.

5.05 Withdrawal of Acceptance

When an applicant is accepted, there will be deemed to be a contract between the Co-op and the applicant under which the Co-op is obligated to allocate a unit to the applicant according to this Bylaw and to permit the applicant to take occupancy and become a member according to the Organizational Bylaw. However, where new information about an accepted applicant comes to the attention of the Co-op before the offer to, and acceptance of a unit by the applicant, the Co-op may make any appropriate change to its waiting list or may withdraw its acceptance of the application for membership without liability. If acceptance of the application is withdrawn, the application will be treated as if originally refused and the applicant will be entitled to appeal under paragraph 2.08 (Appeal in Case of Rejection) of this Bylaw. Any monies paid by the applicant will be returned without interest.

5.06 Offer of Units to Applicants on External Waiting List

- (a) A unit will be considered available to an applicant from the external waiting list when there is no member eligible for the unit on the internal waiting list or no such member has accepted the unit, or an applicant from the external waiting list has been given priority over applicants on the internal waiting list under 6.09 (Adjustment in Relation to Housing Charge Assistance). When a unit becomes available to an applicant from the external waiting list, it will be offered to the first household on the external waiting list that has indicated it wants, and is eligible for, that size and type of unit, except as provided in (b), (c) and (d) of this paragraph.
- (b) Subject to (c) of this paragraph, when a unit becomes available to an applicant from the external waiting list and housing charge assistance is available beyond what is needed to satisfy any internal applications, the vacant unit will be offered to households on the Co-op's external waiting list that are eligible for the unit and are eligible for assistance, although households not eligible for assistance may have an earlier record date.
- (c) If, as referred to in 5.01 (c), the Co-op is required to offer units to applicants on an MTHA Referral List, every second time a unit becomes available to households on the external waiting list and housing charge assistance is available, the unit and assistance will be offered to households on the MTHA Referral List according to their record dates. If there are no persons on the MTHA Referral List, then new MTHA referrals will be solicited according to the Co-op's agreement with MTHA.
- (d) If a household on the external waiting list accepts a unit that has been offered to them, they will not be required to take occupancy and commence payment of housing charges for at least one full calendar month from the date they were first offered the unit. If the unit is vacant earlier, the household must make all reasonable efforts to move in and commence paying housing charges earlier, if it can be done without financial loss to them.

5.07 Priority if Applicant Unavailable

If the Co-op is unable to contact the household with priority on the external waiting list within 48 hours, the unit will be offered to the next eligible household. The original household will retain its priority on the list.

5.08 Priority if Unit Refused

- (a) A household on the external waiting list may refuse a unit because the date of occupancy is less than 60 days from the date the unit is offered without losing its priority on the list for future units.
- (b) A household may refuse two units that have been offered and retain its place on the external waiting list. A unit refused under (a) of this paragraph will not be considered a refusal for these purposes. If the household refuses a third unit, it will lose its priority on the waiting list with the record date for its application being changed to the day it turned down the third unit.

5.09 Notification of Acceptance by Applicant

- (a) A household offered a unit will be given 48 hours from the time the unit was offered to decide whether to accept the unit and pay the first instalment of the first month's housing charge, according to 4.01 (Initial Instalment) of this Bylaw.
- (b) If the household does not, within 48 hours of being offered a unit inform the Co-op office, in writing, that it accepts the unit and pay the initial instalment, it will be considered to have refused the unit.
- (c) Once an applicant has accepted a unit under this Article, the applicant will be bound to move into the unit on the date specified when the unit was offered. Such acceptance may not be withdrawn without the consent of the Board. The Board will not be obliged to permit the withdrawal of an acceptance or the return of the initial instalment and the decision of the Board in this regard will not be subject to appeal.

ARTICLE 6 INTERNAL WAITING LIST

6.01 Internal Waiting List to be Maintained

An internal waiting list will be maintained recording the names of resident members who have applied, in writing, to relocate to another unit. The Internal Waiting List will, always, have priority over the External Waiting List.

6.02 Members' Right to Apply

- (a) Members may apply to relocate to any size or type of unit for which they qualify (or will qualify at the time of relocation) according to the occupancy standards set out in Article 3. In their application, members may specify that they only wish to relocate to a particular area of the co-op, a particular type of unit or a particular unit or units.
- (b) All requests to relocate to another unit in the Co-op must be submitted to the Co-op office using a Relocation Form provided by the Co-op.

6.03 Record Date for Internal Waiting List

The record date for determining an applicant's place on the internal waiting list will be the later of:

- (i) the date that a completed application for relocation is received by the Co-op;
- (ii) the earliest date on which the member is first permitted to apply for the relocation under 6.04 (Minimum Period of Residence).

6.04 Minimum Period of Residence

- (a) Except as set out in (b) of this paragraph, members must have been resident in a unit for a minimum of one year immediately before submitting an application to relocate and, following an internal move, must have been resident in the unit for a minimum of two years immediately before applying for a further internal move.
- (b) In case of need, the Board may, in its discretion, waive the requirements set out in (a) of this paragraph and members may be permitted to apply for relocation without waiting for the expiry of the period normally required provided:
 - (i) the number of persons in the member's household exceeds the maximum occupancy standards set out in Article 3; or
 - (ii) the member's household size has changed and, because of the change, the household qualifies for a size of unit for which it was not previously eligible; or
 - (iii) the household needs to move to a less expensive unit for financial reasons; or
 - (iv) any other special need recognized by the Board exists.
- (c) Except as provided in 6.05 (b), a member who has moved into the Co-op to share a unit with a member already resident may not apply to relocate independently of that member for one year and will not be eligible to have the waiting period waived under (b) of this paragraph.

6.05 Relocation of Part of Household

- (a) If one or more, but not all, residents who live together in a unit wish to relocate to a separate unit, they may do so if:
 - (i) at least one of the persons remaining in the original unit is a member of the Co-op and at least one of the persons moving to the new unit is a member of the Co-op;
 - (ii) at least one member remaining in the old unit and one member moving to the new unit have resided in the old unit for the minimum period set out in paragraph 6.04;
 - (iii) the original household is not in arrears of housing charges to the Co-op, or if in arrears, complies with 6.10;
 - (iv) the size of the household remaining in the old unit and the size of the household moving to the new unit will, at the time of relocation, meet the occupancy standards set out in Article 3;
 - (v) any new residents in a household are interviewed and accepted for membership in the Co-op.

- (b) In cases where members of a household are applying to relocate to a separate unit because of family breakup or other problems within the household, they may apply to the Board to have the minimum residence requirement waived. The Board will make the final decision on such a request.

6.06 Continuous Residence

- (a) to remain on the internal waiting list, a member must continuously reside in the Co-op. The Board will remove the member's name from the internal waiting list if it determines that the member has not been continuously resident in the Co-op during the period that he or she has been on the waiting list.

- (b) For the purposes of this Bylaw, a person will be considered "continuously resident" if the person has a unit in the Co-op as their exclusive principal residence and personally occupies the unit for at least ten and a half months of each consecutive twelve month period. If a member wishes to be absent from the Co-op for a longer period and wishes to remain on the internal waiting list, the member must obtain permission from the Board before ceasing to personally occupy the unit. This permission is necessary to remain on the waiting list, although the absence would be one that is permitted under the relevant provision of the Occupancy Bylaw. A member will not be considered to have ceased to be continuously resident during any absence authorized by the Board under this paragraph or another provision of the Co-op's bylaws (such as the sub-occupancy provisions of the Occupancy Bylaw).

6.07 Priority

- (a) When a unit becomes vacant or the Co-op determines that a unit is going to become vacant, it will offer the unit to qualified members on the internal waiting list who have indicated an interest in that unit or that type of unit. The units will be offered according to the members' record dates unless the Co-op determines to alter the priorities for reasons permitted under 6.08 (Exceptions to Normal Priority).
- (b) Subject to 6.09 (Adjustment in Relation to Housing Charge Assistance), the unit will not be offered to anyone on the external waiting list until it has been refused by all persons on the internal waiting list who have indicated an interest in that unit or that type of unit.

6.08 Exceptions to Normal Priority

- (a) In the circumstances set out in this paragraph, members' normal priority on the internal waiting list will be altered and households with a later record date will be given priority for a unit that becomes available.
 - (i) First priority will be given to any household which is entitled to be offered a unit under the provisions of the Occupancy Bylaw which deal with expropriation, fire or other damage or sale of part of the Co-op. Priority among such households will be in the order in which they first became entitled to be offered a unit.
 - (ii) Second priority will be given to any household which is eligible for housing charge assistance and wishes to move to a less expensive unit because housing charge assistance is not available. If there is more than one such household, the Board will determine the priority based on the degree of financial need.
 - (iii) Third priority will be given households required to relocate under the minimum or maximum occupancy standards of the Occupancy Bylaw, (if any). If there is more than one such household, the Board will determine their priority based on the severity of the situation.
- (b) Where a member on the internal waiting list loses priority because of the provisions of this paragraph, the Board will attempt to make a series of moves to accommodate the households with higher priority, if that can be reasonably done without prejudice or harm to the households with special priority under this paragraph. For example, if a household at the top of the waiting list has applied for a move from one type of two-bedroom unit to a preferred type of two-bedroom unit, but because of damage by fire another household is entitled to priority, the Board may decide to first permit the original household to move to the two-bedroom unit it prefers before permitting the household given priority, because of the fire, to move.

6.09 Adjustment to Relation to Housing Charge Assistance

If a unit becomes available at the time when the number of households in the Co-op receiving housing charge assistance is fewer than the maximum number permitted under the Co-op's agreement with the Ministry of Housing, the Board will depart from the priority given to households already resident in the Co-op under this Bylaw to the extent necessary to ensure that the unit ultimately becoming vacant because of any internal moves is allocated to a household eligible for assistance.

6.10 Arrears

- (a) A household on the internal waiting list will not be eligible to be allocated a unit that becomes available if it is in arrears of housing charges and does not pay the arrears within the 48 hours after being offered the unit.
- (b) The Board may, in its discretion, allow an exception to this provision if the household in arrears wishes to relocate to a less expensive unit or if the household has signed an arrears repayment agreement, the agreement is in good standing and the Board is satisfied that the household is likely to continue to meet the repayment terms.
- (c) A household which has signed an agreement to pay its initial member deposit over a period of time and is in good standing under such an agreement will not be considered in arrears for the purposes of this paragraph.

6.11 No Trading of Units

No trading of units directly between members will be permitted.

6.12 Priority if Member Unavailable

If the Co-op is unable to contact the member with priority on the internal waiting list within 48 hours, the unit will be offered to the next eligible member. The original member will retain his or her priority on the waiting list.

6.13 Priority if Unit Refused

Members may refuse one unit that has been offered and retain their priority on the internal waiting list. If they refuse two units that meet the conditions specified by them in their application, they will lose their priority on the waiting list with the record date being changed to the day that they refused the second unit.

6.14 Notification of Acceptance by Applicant

- (a) Members must notify the Co-op office within 48 hours of being offered a unit whether they wish to accept the unit. If they fail to do so, they will be considered to have refused the unit.
- (b) Once a member has accepted the unit under this Article, the member will be bound to vacate his or her existing unit and move into the new unit on the date specified when the unit was offered. Acceptance of the unit may not be withdrawn without the consent of the Board. The Board will not be obliged to permit members to withdraw acceptance and the decision of the Board to refuse to allow members to withdraw acceptance will not be subject to appeal to a general meeting of members.

ARTICLE 7 **GENERAL**

7.01 **No Liability**

Despite anything contained in the Co-op's bylaws or any commitment made by anyone purporting to be authorized by the Co-op, the Co-op will not be liable to anyone for any error, omission, or mistake concerning the administration or functioning of its waiting lists or the allocation of units or assistance, or the failure to allocate units or assistance to persons on a waiting list.

7.02 **Matters Not Addressed in Bylaw**

Anything relating to the subject matter of this Bylaw not set out in the Bylaw or in the Co-op's other bylaws will be decided by the Board.

7.03 **Conflict Between Bylaws**

In case of any conflict between this Bylaw and the Co-op's Occupancy or Organizational Bylaw, the latter Bylaws will prevail.

PASSED by the Board of Directors and sealed with the corporate seal of the Co-op on
(date). *March 11/93.*

John Ferguson

President
c/s

Mimi Beggs

Secretary

CONFIRMED by at least two-thirds of the votes cast at a General Meeting of the
Members on (date). *August 12/93.*

John Ferguson

President
c/s

Mimi Beggs

Secretary