

# COOPERATIVE D'HABITATION ST. GEORGES HOUSING CO-OPERATIVE

## BY-LAW NO. 2

### MEMBER SELECTION AND UNIT ALLOCATION BY-LAW

#### Preamble

This by-law deals with matters related to the selection of members and allocation of dwelling units in the Co-op. Many related provisions appear in the Co-op's Occupancy By-law which should be read together with this by-law. In the case of any conflict between this by-law and the Occupancy By-law, the terms of the Occupancy By-law shall have priority.

#### ARTICLE 1

##### MEMBER SELECTION CRITERIA

- 1.01 In assessing the suitability of applicants for membership, the Co-op will not discriminate by reason of race, national or ethnic origin, colour, religion, age, sex, marital status, political affinity or activity, sexual orientation, family relationship, physical handicap, conviction for which pardon has been granted or by any other reason which would be a violation of fundamental human rights.
- 1.02 Acceptability of applicants for membership in the Co-op will be assessed according to the following criteria:
- i) Commitment to co-op principles and a willingness to participate in Co-op decision-making and activities (for example, attending members' meetings, serving on committees, or on the Board or in other positions, or taking on miscellaneous volunteer tasks);
  - ii) Financial responsibility;
  - iii) Household income and size meet the requirements of the Co-op (that is, the household can afford the housing charge, or housing charge assistance is

- available and the household size can be accommodated according to the co-op's Occupancy Standards as set out in Article 3 of this by-law);
- iv) Indication of permanency or long-term commitment to the Co-op;
  - v) Likely to be a good resident who will maintain the unit and other Co-op property in good condition;
  - vi) Likely to be a good neighbour who will live co-operatively with and respect the rights of others;
  - vii) Indication of a positive attitude to living in a community with people from a variety of social, economic and cultural backgrounds;
  - viii) Ability to live independently in the Co-op (using support services available in the community and/or on site if required).

## ARTICLE 2

### MEMBER SELECTION PROCESS

- 2.01 The aim of the selection process is to ensure that all applicants are evaluated equally and fairly against the Co-op's selection criteria.
- 2.02 Each applicant shall:
  - i) attend an orientation session conducted and/or approved by the Co-op prior to a membership interview.
  - ii) submit a completed application including:
    - the application form, filled in and signed by all adult persons intending to reside in the dwelling;
    - proof of income in a form determined to be appropriate by the Co-op;
    - a non-refundable application fee, in an amount to be determined from time to time by the Board of Directors to cover the costs to

the Co-op of considering the application.

- 2.03        Credit checks, and/or landlord checks and income reviews shall be conducted on all applicants in accordance with procedures established by the Member Selection Committee and approved by the Board.
  
- 2.04        The record date for determining an applicant's place on the Waiting List shall be the date when all of a completed application form, proof of income, and the application fee are received from the applicant.
  
- 2.05        Normally a household shall not be interviewed until all adult members of the household have attended an orientation session. The household may, however, apply to the Member Selection Committee to have this requirement waived and the Committee may waive the requirement if it feels there are adequate reasons (such as infirmity of a household member) why one or more members of the household are not able to attend an orientation session. In such a case the Committee may establish an alternative member orientation requirement.
  
- 2.06        Membership interviews shall be conducted by two members from the Member Selection Committee in accordance with procedures established by the Committee and approved by the Board. All persons in a household who would be eligible for membership in the co-op will be required to attend a membership interview. No unit will be allocated to a household until all members of the household required by this by-law to be interviewed have been interviewed unless the Board otherwise provides.
  
- 2.07        Following receipt of a report from the interviewers, the Member Selection Committee, as a whole, shall be responsible for making recommendations to the Board to accept or reject an applicant, in accordance with the selection criteria.
  
- 2.08        The Board will normally ratify the recommendations of the Committee. If, however, the Board disagrees with a Committee recommendation concerning an applicant it will return the application to the Committee for further consideration. A written summary of its concerns shall accompany the application. If, having considered the points made by the Board, the Committee feels that its original recommendation should stand, it

shall send a representative to the next Board meeting to present its point of view. The Board's decision at this point will be final subject to 2.09 of this by-law.

- 2.09 Applicants may appeal a rejection of their application for membership by submitting to the Board, within seven days of receiving written notification of the rejection, a written statement of their wish to appeal.
- 2.10 In the case of an appeal, two interviewers from the Member Selection Committee other than those who originally conducted the interview shall conduct a second interview within thirty days of receipt of the request. The interviewers shall report to the Member Selection Committee which shall report to the Board. No subsequent appeal by an applicant will be considered.
- 2.11 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 member selection criteria. The Committee 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.

### ARTICLE 3

#### OCCUPANCY STANDARDS

- 3.01 Occupancy Standards for households in receipt of rent-geared-to-income (RGI) assistance (housing charge subsidy):
- a) In the allocation of units to households who, upon occupancy of a unit, will be eligible for and in receipt of RGI assistance provided by the Ontario Ministry of Housing, the Co-op will adhere to the occupancy standards established from time to time by the Ministry of Housing.
  - b) Exceptions to the above paragraph (a) may be considered by the Board of Directors if warranted by special circumstances. If an exception made by the Board pursuant to this paragraph (b) results in a reduction of subsidy paid by the Ministry of

Housing for a specific unit, the household resident in that unit must either move to a unit of an appropriate size consistent with Ministry of Housing guidelines or pay an adjusted housing charge in an amount which compensates the Co-op fully for the reduction in subsidy.

- c) When determining the size of unit that a household is eligible to occupy, only permanent members of the household shall 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 to be a permanent member of the household provided the Board is satisfied that it is appropriate to treat such person as a permanent member of the household rather than as a guest.
- d) In the allocation of wheelchair-accessible units, preference will be given to applicants using wheelchairs over other applicants.

3.02 Occupancy standards for market-rent units:

In the allocation of market-rent units, no dwelling unit shall be occupied by a number of persons greater than twice the number of bedrooms in the applicable unit.

- 3.03 If the household size increases such that it exceeds the maximum number of people allowed to occupy a unit, the matter will be reviewed by the Member Selection Committee or by such other committee or individual as the Board may designate. The committee or individual carrying out the review will recommend to the Board what action should be taken pursuant to the Co-op's Occupancy By-law.

#### ARTICLE 4

##### DEPOSITS AND CHARGES

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

determined by the Board.

- 4.02      The first month's housing charge, less the instalment paid, shall be due, in advance, prior to occupancy. The payment shall be non-refundable.
- 4.03      a)      Members shall pay to the Co-op, prior to moving into their unit, or at any other time as permitted by the Board, a Member Deposit equivalent to one month's housing charge. If necessary, applicants receiving housing charge assistance may sign an agreement with the Co-op to pay the Member Deposit by instalments on terms permitted by the Board. The Co-op will administer the implementation of this paragraph such that the Member Deposit does not function as a barrier to membership for lower income households.
- b)      Additional provisions relating to the Member Deposit shall be set out in the Co-op's Occupancy By-law.
- 4.04      Prior to occupancy (or in the case of applicants already resident in the Co-op, prior to signing the Occupancy Agreement) applicants shall pay to the Co-op the lifetime membership fee of \$10.00 per adult member. The amount and duration of this fee may only be changed by amendment to the Co-op's Articles of Incorporation.

## ARTICLE 5

### EXTERNAL WAITING LIST

- 5.01      Establishing and Updating the Waiting List.
- a)      A Waiting List shall be maintained, consisting of applicants who have been interviewed and accepted for membership and will become members when a unit becomes available. Applicants who are living or working out-of-town or who for other reasons are unable to attend an orientation session at the time they wish to apply to the Co-op may ask the Board for permission to make application and to have their name placed on the External Waiting List prior to attending an orientation session and being interviewed. Such applicants must, however,

MEMBER SELECTION AND UNIT  
ALLOCATION BY-LAW

- 7 -

attend an orientation session, be interviewed and accepted for membership prior to being offered a unit in the Co-op.

- b) The Waiting List shall 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 the income targeting plan category corresponding to the applicant's household income as defined by the Ministry of Housing.
- c) Priority among applicants shall be according to the applicants' record date in each targeting plan category.
- d) Approximately every six months, or at the Board's discretion, a Co-op representative will attempt to contact all applicants on the External Waiting List (by telephone or other means acceptable to the Board) to find out 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;
- e) Pursuant to paragraph (d) above, if the Co-op is unable to contact a household on the Waiting List, a letter will be sent to that household advising 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 Waiting List.
- f) Notwithstanding the above, it shall be the onus of the applicant to contact the Co-op periodically, in case a unit becomes available.
- g) A Co-op representative shall review the financial information on file concerning all applicants. Such applicants shall be required to submit updated proof of income and the Co-op shall carry

out a further credit check on the applicant if more than six months have passed since the information on file was compiled.

- h) A separate Waiting List shall be maintained consisting of households who have been referred by the Housing Authority for the Co-op's consideration. All provisions of this by-law shall apply equally to households referred in this manner, and in particular, the Waiting List of such households shall be maintained in the manner and according to the procedures outlined above in this Article 5.

5.02\*

#### Allocation of Units

- a)\* When an applicant is accepted, there shall be deemed to be a contract between the Co-op and the applicant whereby the Co-op is obligated to allocate a unit to the applicant in accordance with this by-law and permit the applicant to take occupancy and become a member in accordance with the relevant provisions of the Organizational By-law and the Occupancy By-law. Where new information about an accepted applicant comes to the attention of the Member Selection Committee, Board or staff, prior to the offer to and acceptance of a unit by such applicant, the staff or Committee may make any appropriate change to any Waiting List or the Board may withdraw its acceptance of the applicant's application without liability. In the latter event, the application shall be treated as if originally refused and the applicant shall be entitled to appeal under paragraph 2.09 of this by-law. Any monies paid by the applicant other than the non-refundable application fee shall be returned without interest.
- b) When a unit becomes available to an applicant from the External Waiting List it will, subject to 3.01 (d), be offered to the first household on the Waiting List wanting and qualifying for that size and type of unit, with the following exceptions:
  - i) If the Co-op is unable to contact the first household on the list within 48 hours, the unit will be offered to the next eligible household. The original household will

retain its position on the List.

- ii) If the household to whom the unit is first offered does not accept the unit because the date of occupancy is less than 60 days from the date the unit is offered, the Co-op will offer the unit to the next eligible household. The original household will retain its position on the List.
- c) A household offered a unit will be given 48 hours from the time the unit was offered to decide whether to accept the unit. Payment of the first instalment of the first month's housing charge, in accordance with 4.01 of this by-law, is required to confirm acceptance of a unit. This payment is normally non-refundable.
- d) A household may turn down two units that have been offered and retain its place on the Waiting List. A unit turned down under 5.02(b)(ii) shall not be considered a refusal for these purposes. If the household turns down a third unit, it shall 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. If the household fails to advise the Co-op office within 48 hours of being offered a unit whether it will accept a unit, it shall be considered to have turned down the unit.
- e) Units will be offered to applicants on the Waiting List established for referrals from the Housing Authority according to the provisions of any Referral Agreement in force between the Co-op and the Housing Authority. In the absence of any such agreement, all relevant provisions of this by-law (particularly this Article 5) and any general guidelines established by the Ministry of Housing specifically for co-operative housing projects shall be applied in the allocation of units to households on the Waiting List noted in this paragraph (e).
- f) As far as is practical, the Co-op shall attempt in the allocation of units to meet

the targets established in the Targeting Plan which is the subject of agreement between the Co-op and the Ministry of Housing. In respecting this provision after the Co-op's initial rent-up period, the Co-op will not be obliged to act in any manner which might incur a vacancy loss or other financial loss to the Co-op.

## ARTICLE 6

### INTERNAL WAITING LIST

- 6.01      An Internal Waiting List will be maintained consisting of residents who have applied, in writing, to relocate to another unit. The Internal Waiting List shall, in all cases, have priority over the External Waiting List. Non-member residents of the Co-op shall be entitled to be on the Internal Waiting List only if they have signed an acknowledgement, in a form approved by the Board, agreeing to abide by the terms of the relevant section of this by-law. In all cases, members of the Co-op shall have priority over non-member residents on the Internal Waiting List.
- 6.02      All requests to relocate to another unit in the Co-op must be submitted to the Co-op Office using a form provided by or approved by the Co-op.
- 6.03      Residents 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 this by-law. In their application, residents may specify that they only wish to relocate to a particular area of the building or site, a particular type of unit, or a particular unit or units.
- 6.04      Except in the cases outlined below, residents must have lived in a unit for a minimum of one year before they can submit an application to move to another unit, and, following an internal move, must have lived in the unit for a minimum of two years before they can apply for a second internal move. This requirement may be waived for residents who are members of the Co-op if:

- i) members are under-accommodated in their present unit (according to the Co-op's Occupancy Standards) or would qualify for another size of unit due to a change in household size, ;
- ii) members need to move to a less expensive unit for financial reasons;
- iii) another special need recognized by the Board exists.

6.05      Households in arrears of housing charges or rent are not eligible for an internal move. Unless otherwise determined by the Board, households which have been in arrears in the last six months, but at the time of application for relocation are not in arrears to the Co-op shall also not be eligible to relocate within the Co-op. An exception to this latter provision may be allowed by the Board if a household in arrears wishes to relocate to a less expensive unit or if the household has signed an arrears repayment agreement with the Co-op and the Board is satisfied that the household will be able to continue to meet the repayment terms. A household which has signed an agreement with the Co-op to pay its Member Deposit over time and is meeting the terms of the agreement shall not be considered to be in arrears for the purposes of this section 6.05.

- 6.06      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 provided that:
- i) they are members of the Co-op;
  - ii) they have been resident in the unit for the minimum period indicated in paragraph 6.04 of this by-law;
  - iii) the original household is not in arrears of housing charges or rent to the Co-op;
  - iv) the Board is satisfied that each of the households formed as a result of the relocation will be able to afford the housing charge;
  - v) the new household size meets (or will meet at the time of relocation) the Occupancy Standards set

out in this by-law; and

vi) any new residents in a household are interviewed and accepted for membership in the Co-op.

6.07 Priority for relocation will normally be based on date of application for relocation which shall be called the "record date". If a household is forced to vacate a unit because of damage to the unit by fire or other form of damage and has requested an internal move, the household shall have priority to relocate, in accordance with the Co-op's Occupancy By-law. In addition, exceptions may be allowed for residents who are members of the Co-op in cases where:

- a market-rent household needs to move to a less expensive unit; or
- because of a change in household size, a household receiving housing charge assistance requires a smaller unit in order to continue to receive assistance; or
- a household is judged by the Committee to be severely under-accommodated or over-accommodated.

In all cases where the Co-op gives priority for relocation to a household under this section, the Co-op will attempt, as far as possible, to accommodate existing requests for relocation before assigning an appropriate size unit to the household in need.

6.08 No trading of units directly between members will be allowed.

6.09 When a unit becomes available to an applicant from the Internal Waiting List it will, subject to 6.07, be offered to the first household on the list wanting and qualifying for that size and type of unit, with the following exception:

If the Co-op is unable to contact the first household on the list within 48 hours, the unit will be offered to the next eligible household. The original household will retain its position on the List.

6.10 A household may turn down one unit that has been offered and retain its priority on the Waiting List.

If a household turns down a second unit offered that meets the conditions specified on the relocation application, it shall lose its priority on the Waiting List with the record date for its application being changed to the day the household turned down the second unit.

- 6.11 Residents must advise the Co-op Office within 48 hours of being offered a unit whether they wish to accept the unit. If they fail to so advise the Co-op Office, they shall be considered to have turned down the unit.

#### ARTICLE 7

##### GENERAL

- 7.01 Anything relating to the subject matter of this by-law not set out herein or in the Co-op's other by-laws shall be decided by the Board and in the event of any conflict between this by-law and the Co-op's Occupancy By-law or Organizational By-law, the latter by-laws shall prevail.

