

ALLIANCE HOUSING CO-OPERATIVE INC.

BY-LAW NO. 5

**MEMBERSHIP APPROVAL AND UNIT ALLOCATION
BY-LAW**

Passed by the Board of Directors on the 8th day of January, 2019.

Confirmed by two-thirds majority of the Members on the 21st day of February, 2019.

BY-LAW NO. 5

Membership Approval and Unit Allocation

ARTICLE 1: GENERAL

1.1 About this by-law

This by-law takes the place of or amends all previous by-laws or decisions that deal with membership approvals, unit allocations and waiting lists. Some related provisions appear in the Co-op's Occupancy By-law, Organizational By-law, the Co-op's Operating Agreement, and the Co-op's Articles of Incorporation. If there is a conflict between documents, the following will govern in order of authority:

- 1) the *Co-operative Corporations Act* and the Co-op's Operating Agreement;
- 2) the Co-op's Articles of Incorporation;
- 3) the Co-op's Organizational and Occupancy By-laws; and
- 4) this by-law.

1.2 Aims of the process

The aims of the application and membership approval process are to make sure that:

- applications are evaluated fairly against the Co-op's membership criteria as outlined in the by-laws;
- applicants have enough information to decide whether they are committed to living in the Co-op;
- the Co-op has enough information to evaluate the application; and
- the process minimizes loss of revenue caused by vacancies.

1.3 Non-Discrimination

In assessing applications for membership the Co-op will comply with the *Ontario Human Rights Code* and will not discriminate against anyone in a way that is prohibited by the *Human Rights Code*.

1.4 Membership criteria

Applicants for membership in the Co-op must meet the following standards:

- at least one member of the household is aged 18 years or older (aged 16 years or older if the child has withdrawn from parental control)¹;
- the household's rental history and financial background do not give the Co-op reasonable grounds to believe the household may fail to pay the housing charge;
- the household size meets the applicable occupancy standards; and

¹ *Children's Law Reform Act*, RSO 1990, c. C12, s. 65

- applicants must demonstrate:
 - a positive attitude towards living in a community with people from different social, economic, and cultural backgrounds, and a commitment to treating other members with respect;
 - a commitment to contributing to the operation and community life of the Co-op;
 - a willingness to maintain the unit and Co-op property in good condition; and
 - ability to live independently in the Co-op.

The Co-op will apply these standards equally to all applicants.

ARTICLE 2: APPLYING TO THE CO-OP

2.1 Application requirements

- a) As part of its commitment to education, the Co-op will use various means to inform potential applicants about the Co-op's operations and expectations of members. These means could include information sessions, written handouts, websites, welcoming packages and Committee meet and greets.
- b) All applicants must attend an orientation session before receiving an application for membership. All applicants must apply to the Co-op on the Application form that the Co-op provides. Application forms must be completed and signed by all applicants. All applications must go through the Co-op's membership process. Forms can be found in the Procedures Manual.
- c) All applicants must provide proof of income in a form determined by the Co-op.

2.2 Confidentiality

Each applicant must sign a form that gives permission for the Co-op to conduct a credit check and landlord check for purposes of determining rental history and financial risk only. The Co-op will use the information obtained only in connection with the application and with the applicant's membership, if accepted.

(This consent is included as part of the application form)

2.3 Membership process

The Board may adopt procedures for dealing with member applications. The procedures shall conform to this by-law.

2.4 Interviews

Membership interviews shall be conducted by a minimum of three members of the Membership Committee in accordance with procedures established by the Committee and approved by the Board. All members of a household, eighteen years of age and over, will normally be required to attend a membership interview. No unit will be allocated to a household until all members of the household eighteen years and over have been interviewed unless the Board decides otherwise.

2.5 Board Decision

The Membership Committee presents recommendations to the Board to accept or reject an applicant. If the Board disagrees with a Committee recommendation concerning an applicant, it will return the application to the Committee with a written summary of its concerns. 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 will then vote on the recommendations and either approve or deny the application for membership.

2.6 Disqualification

False statements made by an applicant during the application process are grounds for disqualification.

ARTICLE 3: REFUSALS AND INTERNAL REVIEWS

3.1 Purpose of this article

The Co-op will consider all applications seriously and will not refuse applications without careful consideration. This article sets out the rules for the refusal of applicants.

3.2 Refusals

Applications will be refused should they not meet the criteria stated in this by-law.

3.3 Internal Reviews

All applicants are entitled to request an internal review of a decision to refuse their membership applications. This request must be made to the Board of Directors in writing. Applicants will not have the right to appeal the Board's decision. The Co-op is not required to provide a reason for refusal to the applicant.

3.4 Record of refusals

The Co-op will maintain a written record of refusals for a period of at least one year after the day the Notice of Refusal was given to the applicant. The written record will include:

- the Board's decision to refuse;
- copies of all notices that were given to the applicant;
- any materials received from the applicant; and
- the information used by the Co-op to make its decision.

3.5 Re-applying after refusal

Applicants that have been refused membership can submit a new application after one year and after attending another orientation session.

ARTICLE 4: WAITING LISTS

4.1 Two waiting lists

There are two waiting lists in the Co-op:

- "The Internal Waiting List"
- "The External Waiting List"

The "Internal Waiting List" is made up of members who live in the Co-op who:

- are required to transfer under the Co-op's by-laws;
- are a part of a subsidized or accessible household who have been given special priority status and have requested a transfer; and
- want or need to move to a different unit for any reason.

The "External Waiting List" is made up of households who do not live in the Co-op but have been approved for membership and will become members when a unit becomes available.

4.2 Priority

The Internal Waiting List normally has priority over the External Waiting List.

ARTICLE 5: INTERNAL WAITING LIST

5.1 Transfers required under the Co-op's Occupancy By-law

For households that are required to transfer under the Co-op's Occupancy By-law, the rules are set out in the section on household size in the Occupancy By-law. These households have greater priority than households described in this by-law.

5.2 Eligibility for Internal Transfer

Members may apply to transfer to any size or type of unit for which they qualify (or will qualify at the time of transfer), subject to the following:

- a) must have resided at their current unit for at least one year, or two years following an internal transfer;
- b) must not be in arrears on their housing charges;
- c) must be meeting their participation obligations;
- d) must keep their unit in good repair as per the standards outlined in the Co-op's Maintenance and Improvements By-law; and
- e) will be responsible for all costs associated with returning their current unit to the Co-op standard in preparation for new occupants.

All households must meet any applicable occupancy standards, as set out in the Occupancy By-law

Members may specify that they only wish to transfer to a particular area of the Co-op, a particular type of unit or a particular unit or units.

All requests to transfer to another unit in the Co-op may be submitted to the Co-op office using a form provided by the Co-op. Forms can be found in the Procedures Manual.

5.3 Members Requesting an Internal Transfer

For members requesting an internal transfer that is not required under the Household Size article of the Occupancy By-law, priority will be lower than households described in this by-law.

Priority for determining an applicant's place in this category on the Internal Waiting List will be the date that a completed application for transfer is approved by the Board.

5.4 No trading of units

No trading of units directly between members will be permitted.

5.5 Relocation of part of household

If one or more, but not all, members who live together in a unit wish to transfer to a separate unit, they may do so provided that:

- 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;
- at least one member remaining in the old unit and at least one member moving to the new unit have resided in the old unit for the minimum period of residency set out above;
- the household is not in arrears;
- 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 the transfer, meet the applicable occupancy standards as defined in the Co-op's Occupancy By-law and sign new Occupancy Agreements;
- any new residents in a household who are 16 years of age² or older are accepted for membership or given long-term guest status in the Co-op; and
- the Board is satisfied that the household remaining in the old unit and the household moving to the new unit will meet the obligation to pay housing charges for the unit in the amount and at times they are due.

5.6 Unit allocation priority

- a) When a unit becomes vacant, the Co-op 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 in accordance with the members' record dates or approved exceptions.

- b) No unit will 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.

5.7 Serious damage to unit

Despite anything in the Co-op's by-laws, if the Board determines that a household is required to move because of fire or other serious damage to their unit, or contamination of their unit or any other reasons that require the unit to be vacant, the Board can offer any vacant unit to that household. When the household's original unit is repaired they will move back. The Board can decide to give them the option of staying in the new unit.

5.8 Arrears

A household on the Internal Waiting List will not be eligible to be allocated a unit that becomes available if the household is in arrears, with the exception of:

- an over-housed subsidy household;

² *Ibid.*

- a household that has requested an internal transfer and has been given special priority status; and
- a market-paying household that wishes to transfer to a less expensive unit and has signed a Payment Agreement and is meeting the terms of the Payment Agreement.

5.9 Role of the office in making offers

- a) The office is authorized to make offers to households that are on the Internal Waiting List.
- b) The office will keep the Board up-to-date on information they may have regarding potential move-outs and internal moves. This is to permit offers to be made quickly.

5.10 Priority if member unavailable

If the Co-op is unable to contact the member with priority on the Internal Waiting List within two business days, the unit will be offered to the next eligible member on Internal Waiting List. The original member will retain his or her priority on the waiting list. The Co-op will maintain written records of the contacts made with each household including date and time of contact.

5.11 Effect of refusals

Households on the Internal Waiting List may refuse two units that have been offered and retain their priority on the Internal Waiting List. If they refuse three units that meet the conditions specified by them in their application, they will be removed from the Internal Waiting List.

5.12 Notification of acceptance by applicant

- a) For all households on the Internal Waiting List that have been offered a unit for which they are eligible, members must notify the Co-op office within 48 hours 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 on the Internal Waiting List has accepted a unit, the member must 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. Members of the household cannot appeal the Board's decision.

ARTICLE 6: EXTERNAL WAITING LIST

6.1 Maintaining the External Waiting List

- a) The External Waiting List will be comprised of applicants who have been approved for membership.
- b) The record date for determining an applicant's place on the Co-op's External Waiting List will be the date the application is approved for membership by the Board.

6.2 Offer of Units to Applicants on the External Waiting List

- a) The office may be authorized to make offers to households that are on the External Waiting List.
- b) A unit will be considered available to an applicant on the External Waiting List if no member who has requested an internal transfer is eligible or no such member has accepted the unit.
- c) When a unit becomes available to an applicant on the External Waiting List, it will be offered to the first household on the External Waiting List that is eligible for that size and type of unit.
- d) Units are normally offered at least 60 days before the expected move-in date.

6.3 Withdrawal of membership approval

Where new information about an approved applicant comes to the attention of the Co-op prior to the offer of a unit, the Co-op may make any appropriate change to its waiting list or may withdraw its approval of the application for membership without liability. If approval of the application is withdrawn, the application will be treated as if originally refused and the applicant will be entitled to an internal review as described in this by-law.

6.4 Priority if applicant is unavailable

If the Co-op is unable to contact the household with priority on the External Waiting List within two business days, the unit will be offered to the next eligible household. The original household will retain its priority on the waiting list. In order to avoid vacancy losses, the Co-op can contact several households (in order of priority) within the time frame. The Co-op will maintain written records of the contacts made with each household, including date and time of contact or attempted contact.

6.5 Priority if offer is refused

- a) A household on the External Waiting List may refuse a unit because the date of occupancy is less than the 60 days from the date the unit is offered without losing its priority on the waiting list.
- b) A household on the External Waiting List may refuse two units that have been offered and still retain their priority on the waiting list. If the household refuses a third unit, it will be removed from the list.

6.6 Notification of acceptance by applicant

- a) A household offered a unit will be given 48 hours to decide whether to accept the unit and sign the Occupancy Agreement and complete all other required documents.
- b) If the household does not inform the Co-op office, within 48 hours, that it accepts the unit and makes arrangements to sign the Occupancy Agreement, it will be considered to have refused the unit.

ARTICLE 7: INTERNAL REVIEW OF WAITING LIST DECISIONS

7.1 Right to internal review

All members and applicants can request an internal review of decisions regarding their priority on the waiting lists, acceptance of a unit or any other decision regarding the waiting lists.

7.2 Process for internal review

The review will be conducted by the Board in accordance with an established internal review process that will be fair and objective in that records will be properly kept, applicants will be informed, the process and timelines will be properly defined and applied to everyone in this situation equally.

ARTICLE 8: NO LIABILITY

8.1 No liability

- a) Anything in the Co-op's by-laws, or any commitment made by anyone that is not authorized by the Board will not create any liability for the Co-op.

The Co-op will not be liable to anyone for:

- any error, omission, or mistake concerning the waiting lists;
 - the allocation of units; and
 - the failure to allocate units.
- b) The provisions of the Co-op by-laws are for the benefit of the Co-op and its members. They do not create any rights in favour of non-members. Anyone who is accepted for membership will have no right to make any claim respecting any breach of this by-law or any of the other Co-op by-laws.
- c) The Co-op will in no case have any liability if a unit is not available for occupancy on a date notified or agreed to with anyone because of failure of the prior occupant to vacate or need for repairs or maintenance work.

8.2 Matters Not Addressed in By-law

The Board will decide anything relating to membership approval and waiting lists not set out in the by-law or the Co-op's other by-laws.

PASSED by the Board of Directors and sealed with the corporate seal of the Co-op this 8th day of January, 2019.

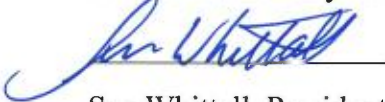


Sue Whittall, President



Justin Guigue, Secretary

CONFIRMED by a vote of two-thirds of the members present at a general meeting of members held on the 21st day of February, 2019.



Sue Whittall, President



Justin Guigue, Secretary