

CARDIFF HOUSING CO-OPERATIVE INC.

By-law No. 31

Member Selection and Unit Allocation By-law

Passed by the Board of Directors: July 29, 2002

Confirmed by the Members: September 19, 2002

BY-LAW NO. 31

A BY-LAW TO REPEAL AND REPLACE BY-LAW NO. 23

MEMBER SELECTION AND UNIT ALLOCATION BY-LAW

Preamble

This By-law deals with matters related to the selection of members and allocation of units. Many related provisions appear in the Co-op's Occupancy By-law, which should be read together with this By-law.

ARTICLE 1

MEMBER SELECTION CRITERIA

- 1.01 In assessing the suitability of applicants for membership in the Co-op will not discriminate by reason of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, sex, marital status, family status, handicap or the receipt of public assistance.

The member selection criteria below set out the standards that the Co-op will use when assessing applicants' suitability for membership.

- 1.02 Acceptability of applicants for membership in the Co-op will be assessed according to the following criteria:
- (a) 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);
 - (b) Financial responsibility;
 - (c) 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);
 - (d) Indication of permanency or long-term commitment to the Co-op;
 - (e) Likely to be a good resident who will maintain the unit and other co-op property in good condition;
 - (f) In the case of units designated for persons with or wheelchair accessible units (or other special need), demonstrated need for these units;
 - (g) Applicants must occupy or have need of a dwelling in Ontario;

- (h) Applicants and members of their households must be Canadian citizens, permanent residents or refugee claimants;
- (i) Immediately prior to occupancy, applicants must be permanently resident in Ontario and, subject to clause (h), must not have a principal place of residence elsewhere;
- (j) Applicants must be 18 years of age or older or must have withdrawn from parental control and be 16 or 17 years of age;
- (k) Former occupants or tenants of publicly assisted geared-to-income housing who have outstanding arrears can be considered only if the arrears are paid in full unless the creditor has agreed to waive payment of the arrears or accept partial payment of the arrears;
- (l) Indication of a positive attitude to living in a community with people from a variety of social, economic and cultural backgrounds; and
- (m) Ability to live independently in the Co-op (using support services available in the community, if required).
- (n) Homeowners are not eligible unless they agree in writing to sell their property within a six-month period of being offered accommodation; however, the six-month period may be extended at the discretion of the Co-op.

ARTICLE 2

MEMBER SELECTION PROCESS

- 2.01 The aim of the selection process is to ensure that all applications are evaluated equally and fairly against the Co-op's selection criteria.
- 2.02 Each applicant shall:
 - i) submit a completed application including:
 - the application form, filled in and signed by all applicants
 - 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
 - (ii) attend an orientation session approved by the Co-op prior to a membership interview.
- 2.03 Credit checks, landlord checks and income reviews shall be conducted on all applicants in accordance with procedures established by the 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 time application fee is 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 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

- (a) Except as provided in 2.06(b), all membership interviews will be conducted by two members of the Member Selection Committee in accordance with procedures established by the Committee and approved by the Board.
- (b) If two Committee members are not available and in the case of an emergency, a member of the Board may be asked to participate in the membership interview.
- (c) All members of a household sixteen years old 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 sixteen years and over 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 Bylaw.

2.09 Applicants may appeal a rejection of their application for membership by submitting to the Board, within fourteen days after the Board mails notice of 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 If the applicant appeals the rejection and gives a written request to the Co-op at least seven days prior to their subsequent interview, the Co-op will provide them with brief, written reasons for refusal of their application.

2.12 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.

2.13 Prospective sub-occupants of a Member (who will not become a Member, of the Co-op) shall be interviewed by the Member Selection committee in accordance with the provisions of Article 7 of the Occupancy By-law of the Co-op, as amended (By-law No. 28) and the procedures governing Sub-occupancy in the Co-op. An interview report as provided to the Committee shall be completed and submitted to the Board for approval.

- 2.14 Prospective long-term Guests (who may or may not be or become Members of the Co-op) shall be interviewed by the Member Selection Committee in accordance with the provisions of Article 7 of the Occupancy By-law of the Co-op as amended (By-law 28) and the Procedures governing long-term Guests of Co-op Members. An interview report as provided to the Committee shall be completed and submitted to the Board for approval.

ARTICLE 3

OCCUPANCY STANDARDS

- 3.01
- (a) Please refer to Bylaw #28, which outlines the Occupancy Standards that govern the allocation of units in the co-op
- b) 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 a 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 rather than a guest.
- 3.02 If the household size increases to the point where it exceeds the maximum number of people allowed to occupy a unit by more than one person, 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.

The Board has the right to take action. Notwithstanding, if no recommendation is forthcoming, the Board will make the final decision in accordance with the Occupancy Bylaw.

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 Board shall determine the amount of the deposit. The instalment to be paid by a household receiving housing charge assistance shall be 50% of the full instalment.
- 4.02 The first month's housing charge, less the instalment paid, shall be due, in advance, one month prior to occupancy. If the member agrees to accept a unit less than one month prior to occupancy, the first month's housing charge shall be due at the time the unit is accepted. The payment shall be non-refundable.
- 4.03 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, which shall be 140% of one month's housing charge, rounded to the nearest dollar. Should a member be receiving Housing Charge Assistance, the Member Deposit shall be 100% of the full housing Charge for the unit.

If necessary, applicants may sign an agreement with the Co-op to pay the Member Deposit by instalments on terms permitted by the Board.

The Co-op shall not pay members interest on the Member Deposits.

- 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 as decided by the Board per adult member.

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, 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 whether the applicant requires housing charge assistance.
- (c) Priority among applicants shall be according to the applicant's record date.
- (d) Approximately every six months, a Co-op representative will attempt to contact all applicants on the External Waiting List by telephone to find out if:
 - i) they are still interested in moving into the Co-op;
 - ii) there have been any changes in the size or type of unit which they require; or
 - iii) there have been any changes in their financial circumstances, which would affect their need or eligibility for housing charge assistance.

If the Co-op is consistently 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.

- (e) In addition to updating information concerning all applicants every six months, a Co-op representative shall contact applicants with high priority on the waiting list to advise them of their position on the list and to suggest that they should contact the Co-op periodically, in case a unit becomes available.
- (f) A Co-op representative shall review the financial information on file concerning applicants who have high priority on the Waiting List. 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

5.02 Allocation of Units

- (a) No contract shall be deemed to exist between the Co-op and any applicant until the applicant has actually been allocated and accepted a unit under the terms of this by-law. No one will have any right to make any claim against the Co-op respecting acceptance as a member or allocation of a unit until then. Where new information about an accepted applicant comes to the attention of members of the Member Selection Committee, Board or staff, prior to the applicant actually occupying and moved in to the unit, the staff or Committee may make any appropriate change to any Waiting List or the Board may withdraw its acceptance of the party's application without liability and whether or not an occupancy agreement or any other document has been signed.

In the latter event, the application shall be treated as if originally refused and the applicant shall be entitled to appeal under 2.08 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(b) and (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 this unit to the next eligible household. The original household will retain its position on the List.
 - iii) If housing charge assistance (other than the Co-op's Emergency and/or Reserve assistance) are available beyond what is needed to satisfy any internal applications, the vacant unit will be offered to the first eligible household on the Waiting List that requires assistance even though there may be households which applied earlier and are eligible to occupy the unit.
- (c) A household offered a unit would 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 three units that have been offered and retain its place on the Waiting List. If the household turns down a fourth 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 fourth unit. If the household fails to advise the Co-op office within 48 hours of being offered a unit whether it would accept the unit, it shall be considered to have turned down the unit.

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.
- 6.02 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 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, 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 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, because of a change in household size, would qualify for another size of unit;
 - ii) members need to move to a less expensive unit for financial reasons;
 - iii) another special need recognized by the Board exists.
- 6.05 Unless otherwise determined by the Board, households that are in arrears of housing charges or rent to the co-op or other serious default under the Co-op By-laws, shall not be eligible to relocate within the co-op. An exception to this 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 arrears repayment agreement with the Co-op to pay its Member Deposit 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:
- (a)
 - 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. or if in arrears, complies with 6.05;
 - 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) other serious default under the Co-op By-laws;
 - vi) the new household size meets (or will meet at the time of relocation) the Occupancy Standards set out in this By-law for both the original and the new unit; and

- vii) any new residents in a household are interviewed and accepted for membership in the Co-op.
 - viii) Both the original and new household will continue to occupy their units in the Co-op as their principal residence.
- (b) In order 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.
- (c) For the purposes of the By-law, a person will be considered to be "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 in order to remain on the Waiting List, even though the absence would be one that is permitted under the relevant provision of the Occupancy By-law.

A member will not be considered to have ceased to be continuously resident during any absence authorized by the Board under this Article or another provision of the Co-op's By-laws (such as the sub-occupancy provisions of the Occupancy By-law).

It is recommended that members write to the Board if expected to be away for more the six weeks stating the reason for absence.

- (d) Once a member has accepted a 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.

6.07 Priority for relocation will normally be based on (date of application, 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:

- housing charge assistance is not available and a 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 If a household turns down a unit twice that has been offered their name will be placed at the end of the Waiting List.

- 6.10 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 and their name will be placed at the end of the Waiting List.
- 6.11 Households that are in arrears of housing charges, whether or not they have signed an arrears repayment agreement, may be offered any smaller unit by the Board under 6.05 and 6.07, whether or not the unit meets the requirements specified by the household under 6.03. The household must accept the first unit offered or the household will lose its priority on the Waiting List with the record date for its application being changed to the day the household turned down the unit.

ARTICLE 7

GENERAL

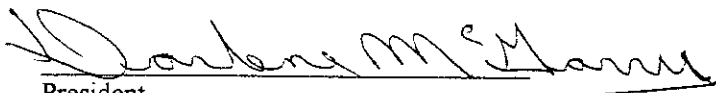
- 7.01 Anything relating to the subject matter of this By-law not set out herein or in the Co-op's other By-laws shall be decided by the Board and in the event of any conflict between this By-law and the Co-op's Occupancy or Organizational By-law, the latter By-laws shall prevail.

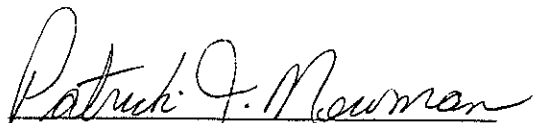
PASSED by the Board of Directors and sealed with the corporate seal of the Co-operative this 29th day of July, 2002.


President


Secretary

CONFIRMED by at least two-thirds of the votes cast at a general meeting of members this 19th day of September, 2002.


President


Secretary