

# Tabby Town Urban Housing Co-operative Corporation

**A BY-LAW TO COMPLY WITH THE  
ONTARIO *HOUSING SERVICES ACT***

By-law No. 20

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*Housing Services Act By-Law*

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Passed by the Board of Directors on January 22<sup>nd</sup>, 2015.

Confirmed by the Members on March 5<sup>th</sup>, 2015

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## **By-law No. 20 HSA By-law**

This By-law contains rules which Tabby Town Urban Housing Co-operative Corporation (the Co-op) is adopting to comply with the Ontario *Housing Services Act*.

It changes the Co-op's existing by-laws in the following areas:

- Required internal transfers (Article 3)
- Guest rules for members who pay a geared-to-income housing charge (Article 4)
- Special needs eligibility and waiting list (Article 5)
- Procedures for decisions, reviews and notices (Article 6)
- Selection of geared-to-income and special needs members (Article 7)
- Forms to be used by the Co-op (Forms A to I)

# 1. ABOUT THIS BY-LAW

## 1.1 Special Meanings

Certain words have special meanings when used in this By-law.

- (a) "*Housing Services Act*" means the Ontario *Housing Services Act*, including all amendments to bring it up to date.
- (b) "*Co-operative Corporations Act*" means the Ontario *Co-operative Corporations Act*, including all amendments to bring it up to date.
- (c) "Regulations" means official Regulations passed by the Ontario government under the *Housing Services Act*, including all amendments to bring them up to date.
- (d) "Local Rules" means rules and standards that are officially set by the Service Manager in compliance with the *Housing Services Act*.
- (e) A "Service Manager" is the municipal body that relates to the Co-op under the *Housing Services Act*. The Service Manager for the Co-op is **City of Hamilton**
- (f) "Government Requirements" is a term used in this By-law to refer to the rules that apply to co-ops as stated in the *Housing Services Act*, the Regulations, Local Rules or any of them.
- (g) A "Review" is a review of a decision about geared-to-income or special needs housing resulting from an appeal by an applicant or member under Government Requirements. Procedures for reviews by the Co-op are in Attachment 3 – Procedure for Decisions, Reviews and Notices and Attachment 5 – Procedure for a Review of a Refusal of Membership Application.

Words that have special meanings in the *Housing Services Act* and the Regulations have the same meaning when used in this By-law unless another meaning is clearly intended.

Some other words have special meanings in this By-law. These include:

- Applicable occupancy standards (section 3.6)
- Special needs households and special needs units (section 5.5)
- Household (section 6.6).

## **1.2 Applicable Rules**

Many of the rules applicable to co-ops are set out in the *Housing Services Act*, the Regulations and Local Rules. The Co-op must obey these rules even if they conflict with its by-laws. The Co-op must also continue to follow the rules in the *Co-operative Corporations Act*.

If there is a conflict among rules, they will govern in this order:

1. the *Co-operative Corporations Act* and the *Housing Services Act*
2. the Regulations under the *Housing Services Act* and any regulations that are relevant under the *Co-operative Corporations Act*
3. Local Rules
4. this By-law, including the Forms and Attachments
5. the other by-laws of the Co-op.

## **1.3 Relation to Other By-laws**

- (a) This By-law takes the place of or amends all previous by-laws or resolutions that deal with matters covered by this By-law. If there is a conflict, this By-law governs.

The following by-laws, or parts of by-laws, are repealed when this By-law is passed:

- *Social Housing Reform Act* By-law No. 12



## 2. OCCUPANCY AGREEMENT

### 2.1 Occupancy Agreement

- (a) The Co-op's Occupancy By-law Appendices A, B, C and D will form part of the Co-op's Occupancy Agreement. Appendices A and B will be used for all members. Appendix C, Housing Charge Subsidy Terms, will be used only for members who pay a geared-to-income housing charge. Appendix D, Special Needs Unit Terms, will be used only for members who live in a special needs unit.
- (b) The Co-op and the members must obey this By-law and the Occupancy Agreement and the Appendices to the Occupancy Agreement that apply to them, even if a particular member has not signed an Occupancy Agreement or the Appendices.

### 2.2 Signing Occupancy Agreement

- (a) New members must sign the Occupancy By-law's Appendices A and B when their membership in the Co-op begins and they sign an Occupancy Agreement. If they pay a geared-to-income housing charge, they must also sign Appendix C. If they occupy a special needs unit, they must also sign Appendix D.
- (b) Existing members who pay a market housing charge must sign the Occupancy By-law's Appendices A and B when they would be signing a new Occupancy Agreement.
- (c) Existing members who pay a geared-to-income housing charge must sign the Occupancy By-law's Appendices A, B and C within 12 months of this By-law passing. The Service Manager may require new Appendices to be signed sooner.
- (d) Existing members who occupy a special needs unit must sign the Occupancy By-law's Appendices A, B and D within 12 months of this By-law passing. The Service Manager may require new Appendices to be signed sooner.
- (e) Existing members who pay a market housing charge and start to receive geared-to-income assistance must sign the Occupancy By-law's Appendices A, B and C when they start to receive geared-to-income assistance.

- (f) Existing members must sign the Occupancy By-law's Appendices A and B, and Appendix C if applicable, when there is a change in their household size.
  
- (g) Members who pay a geared-to-income housing charge must make sure that non-member occupants in their household sign the Appendices as stated in the signature section.

## **3. REQUIRED INTERNAL TRANSFERS**

### **3.1 Purpose of Article 3**

The *Housing Services Act* requires the Service Manager to set up a waiting list system. This includes rules about internal transfers. The Co-op's policies and procedures must comply with Government Requirements. They are different from the Co-op's earlier policies as stated in its by-laws.

### **3.2 Relation to Other By-laws**

The policies and procedures set out in this Article are intended to work with the Co-op's existing by-laws. If there is a conflict, this By-law governs. This By-law covers only required moves for:

- households paying a geared-to-income housing charge who have requested an internal move and been given special priority status under Government Requirements and
- special needs households who have requested an internal move and been given special priority status under Government Requirements and
- households who pay a geared-to-income housing charge and are overhoused under applicable occupancy standards (see section 3.6) and
- households who live in a special needs unit and are no longer eligible for special needs housing.

### **3.3 Internal Waiting List**

The Co-op will have a waiting list for internal transfers. The Internal Waiting List will include transfers required under this By-law and all other transfers.

### **3.4 Existing Waiting List**

The Co-op's internal waiting list at the time this By-law is confirmed will be continued as the Internal Waiting List referred to in this By-law. It will be adjusted as necessary to fit the categories and rules stated in this By-law.

### **3.5 Priority**

- (a) This section states the order of priority for allocating a unit when it becomes vacant. It is subject to all Government Requirements and the specific provisions set out in this By-law.
- (b) The board of directors will offer the unit in the following order:
- first, to geared-to-income or special needs members who have requested an internal transfer and been given special priority status under Government Requirements
  - second, to members who have to make a required transfer under this By-law. They will be ranked in the following order:
    - section 3.9 (Overhoused Geared-to-Income)
    - section 3.10 (Special Needs – Modified Units)
    - section 3.11 (Special Needs – Support Services)
  - third, to members on the Internal Waiting List who are required to transfer under the Co-op's by-laws
  - fourth, to members who have requested an internal transfer
  - fifth, to external applicants.

### **3.6 Applicable Occupancy Standards**

In this By-law “applicable occupancy standards” means the occupancy standards, if any, set out in the Co-op’s Occupancy By-law and the occupancy standards set by the service manager for geared-to-income households.

### **3.7 Special Priority Status for Members Requesting an Internal Transfer**

- (a) This category is made up of geared-to-income or special needs households who have been given special priority status on the Internal Waiting List due to abuse by another member of the household or immigration sponsor. Geared-to-income households are included if the Co-op has at least one unit where the household would not be overhoused.

- (b) Households paying a geared-to-income housing charge who have been given special priority status under Government Requirements and have requested an internal transfer will be offered units of a size and type for which they are eligible under applicable occupancy standards.
- (c) Within this category, priority will be as stated in Government Requirements.
- (d) If the household is removed from the special priority category under Government Requirements, the household will be removed from the Internal Waiting List.

### **3.8 Required Transfers**

Sections 3.8 to 3.15 state rules for priority in offering units to households that must move to another unit according to Government Requirements. In this By-law these moves are called required transfers.

### **3.9 Overhoused – Geared-to-Income Households**

- (a) This category is made up of households paying a geared-to-income housing charge who have received a notice that they are overhoused from the Service Manager (or the Co-op on behalf of the Service Manager) if the Co-op has at least one unit where the household would not be overhoused. If the Co-op is giving the notice that a household is overhoused, the Co-op can use Form B, Notice of Geared-to-Income or Special Needs Decision with the Right to Review.
- (b) Within this category, priority will be as stated in Government Requirements .

### **3.10 Special Needs – Modified Units**

- (a) This category is made up of households who occupy modified units and who are no longer eligible for this type of special needs housing. The board can give them a Notice to Transfer.

These households are no longer considered special needs households so applicable occupancy standards apply to them.

- (b) Within this category, priority will be based on the date of delivery of the Notice to Transfer.

### **3.11 Special Needs – Support Services**

- (a) This category is made up of households who occupy special needs units that are not modified and who are no longer eligible for special needs housing. A household will not lose eligibility for special needs housing only because its relationship with a support services agency has ended.

If households are no longer eligible, the board can give them a Notice to Transfer under clause (b) or clause (c), if applicable.

- (b) These households are no longer considered special needs households, so applicable occupancy standards apply to them. The board can give them a Notice to Transfer if they do not meet applicable occupancy standards.
- (c) Even if a household that is no longer a special needs household meets applicable occupancy standards in the special needs unit, the board can give them a Notice to Transfer if:
- the specific unit that they occupy is part of an arrangement with a support services agency, and
  - another unit cannot be substituted in the arrangement with the support services agency without breaking the Co-op's agreement with it or causing significant trouble for it.
- (d) A household will not be given a Notice to Transfer only because its relationship with a support services agency has ended.
- (e) Within this category priority will be based on the date of delivery of the Notice to Transfer.

### **3.12 Procedure for Required Transfer**

This section applies to Notices to Transfer under sections 3.9 to 3.11. It replaces any notice requirements or other procedures relating to these notices in the Co-op's other by-laws.

### **3.13 Effect of Refusals – Overhoused Geared-to-Income Households**

Households within section 3.9 may refuse the units according to Local Rules without losing their geared-to-income assistance and being removed from the Internal Waiting List. There may be a Local Rule when a refusal is not counted.

### **3.14 Effect of Refusals – Special Priority Households**

Households within section 3.7 may refuse units according to Local Rules without being removed from the Internal Waiting List. There may be a Local Rule when a refusal is not counted.

### **3.15 Effect of Refusals – Special Needs Households**

Households within sections 3.10 and 3.11 may refuse the first **two** appropriate units that are offered to them. If they refuse to transfer to the **third** appropriate unit that is offered to them, they may be evicted. Procedures for eviction are stated in the Occupancy By-law.

### **3.16 Role of Staff in Making Offers**

- (a) Co-op staff are authorized to make offers to households that are required to transfer under this By-law without referring them to the board.
- (b) Co-op staff and directors will keep the board up to date on information they may have regarding potential move-outs and internal transfers. This is to permit offers to be made quickly.

### **3.17 Making and Accepting Offers**

The rules about offering units and how members accept the offer are in sections 5.11, 5.12 and 5.14 of the Membership Approval and Unit Allocation By-law.

### **3.18 Notification of Acceptance**

- (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 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.
- (c) When a member accepts a unit, they must come into the office and sign a form provided by the Co-op accepting the unit and agreeing to move and/or a new Occupancy Agreement. This should be done within the 48 hours, but can be postponed by Co-op staff if it is a weekend or is inconvenient for other legitimate reasons.

### **3.19 No Liability**

Anything in the Co-op's by-laws, or any commitment made by anyone that is not authorized by the board, will not create liability for the Co-op. The Co-op will not be liable to anyone for:

- any error, omission, or mistake concerning the Internal Waiting List
- the allocation of units or geared-to-income assistance
- the failure to allocate units or geared-to-income assistance to persons on the Internal Waiting List.

### **3.20 Things Not Stated in By-laws**

The board will decide anything relating to the Internal Waiting List not stated in this By-law or in the Co-op's other by-laws or in Government Requirements.



## 4. GUEST RULES

### 4.1 Purpose of Article 4

The Regulations require the Co-op to set rules for the temporary accommodation of guests in geared-to-income units. This Article only applies to households who pay a geared-to-income housing charge.

### 4.2 Relation to Other By-laws

The policies and procedures stated in this Article are intended to work with the Co-op's existing by-laws. If there is a conflict, this By-law governs.

### 4.3 Guest Rules

The Co-op's guest rules for members who pay a geared-to-income housing charge will be as stated in Article 8 of the Occupancy By-law, especially sections 8.4 (Long-Term Guests) and 8.5 (Casual Guests), except as changed by this By-law.

### 4.4 Income of Guests

Despite anything in the Occupancy By-law or the Co-op's other by-laws, if anyone is accommodated in a unit for more than **three** months for any number of visits during any twelve-month period, the income of that person must be included when calculating a geared-to-income housing charge. The board can choose the twelve-month period.

If Government Requirements are changed to establish a time limit for including income of guests, or a maximum time limit for co-ops to use, that time limit or maximum time limit will apply instead of what is stated in this By-law.

### 4.5 Signing Appendices

If a guest's income is included under section 4.4, the household must submit new Appendices A, B and C to the Occupancy Agreement including the guest's signature.

## **5. SPECIAL NEEDS ELIGIBILITY AND WAITING LIST**

### **5.1 Purpose of Article 5**

The Regulations require the Co-op to deal with eligibility for special needs housing. The Regulations include modified units within the definition of special needs units. The Regulations and this Article only apply to special needs units in the Co-op's targeting plan.

### **5.2 Relation to Other By-laws**

The policies and procedures stated in this Article are intended to work with the Co-op's existing by-laws. If there is a conflict, this By-law governs.

### **5.3 Delegation**

The board may delegate all or some of the functions stated in this Article to another party, such as a support services agency or the Service Manager. This could include related functions stated in Article 6 (Procedures for Decisions, Reviews and Notices). There should be an agreement signed with that party. Any such agreement will allow for confidential information to be shared between the Co-op and the other party. There must be appropriate safeguards.

When functions have been delegated, the parts of this Article that apply to those functions will not apply.

### **5.4 Existing Arrangements**

If there is an existing lease or agreement with a support services agency or other party, the board is authorized to renegotiate that arrangement as necessary to comply with Government Requirements and to sign a new lease or agreement with that party or any other party.

## **5.5 Special Needs Households and Special Needs Units**

- (a) In this By-law “special needs household” means a household that has applied for and been determined to be eligible for special needs housing as stated in section 5.9 (Eligibility Review) and has not ceased to be eligible.
- (b) There could be other people living in the Co-op who qualify for special needs housing, but they are not considered special needs households unless they occupy a unit described in clause (c).
- (c) In this By-law “special needs units” are:
  - modified units in the Co-op’s targeting plan
  - specific non-modified units that are part of an arrangement with a support services agency and are in the Co-op’s targeting plan
- (d) The board can substitute a different non-modified unit for a non-modified special needs unit when:
  - a non-modified special needs unit is vacant or
  - a special needs household occupying a non-modified special needs unit wants to transfer to another non-modified unit.

The original unit will no longer be a non-modified special needs unit.

The board does not have to do this. The board can only do this if it would not be breaking the Co-op’s targeting plan. The board must consider the requirements of any arrangement with a support services agency.

- (e) A special needs household occupying a special needs unit can only transfer to another special needs unit and still be considered a special needs household.

## **5.6 Waiting List**

The Co-op will use the centralized waiting list for households that have applied for and are eligible for special needs housing.

## **5.7 Previous Waiting List**

Before this By-law was passed there may have been waiting lists for special needs housing kept by the Co-op, by the Service Manager or by a support services agency under a lease or agreement with the Co-op. At the time this By-law is confirmed those lists will be continued as the list referred to in this By-law. It will be adjusted as necessary to fit the categories and rules stated in this By-law.

For an agency or Service Manager list to be continued as the list under this By-law the agency or Service Manager must give the Co-op a copy of its list and the application and other relevant materials for each applicant.

## **5.8 Policies and Procedures**

- (a) The Co-op will follow the procedures stated in Government Requirements.
- (b) The board will adopt all necessary additional detailed procedures.
- (c) Units will be offered to households whether or not they have applied for, or are eligible to pay, a geared-to-income housing charge. If they are eligible, they will pay a geared-to-income housing charge if that is stated in Government Requirements.
- (d) Being placed on the waiting list does not guarantee that a household will receive a unit. The Co-op's membership approval process must still be followed. A unit will not be offered to a household until the household has been approved for membership. The Co-op can also make an offer before approval, but it can be withdrawn if the household is not approved (even if the household has accepted the offer).

## **5.9 Eligibility Review**

- (a) If the Co-op has been designated a special needs housing administrator under the HSA, the Co-op will review the eligibility of each household that applies for special needs housing.

If the Co-op has been designated a special needs housing administrator under the HSA or if responsibility has been delegated to the Co-op by the Service Manager, the Co-op will review the eligibility of each household occupying a special needs unit each year.

- (b) Eligibility criteria will be determined under Government Requirements. If these are not complete enough, the board will make any other required decisions regarding eligibility criteria. The board can consult others as stated in clause (f).
- (c) The board will adopt all necessary additional detailed procedures.
- (d) Members and applicants must co-operate and provide any information requested by the Co-op in connection with the review. The Co-op will not require an applicant to provide information or documents if the co-op is satisfied that the applicant is unable to do so.

If the Co-op is satisfied that the information and documents previously provided by a household occupying a special needs unit are adequate to determine that the household continues to be eligible for special needs housing, the Co-op will not require the household to provide further information or documents.

The Co-op will not require a household that occupies a special needs unit that was in the special priority category on the waiting list to provide information or documents if the household believes that they would be at risk if they tried to get the information or documents.

- (e) Members must give the Co-op notice of:
  - any change in any information relating to a household's eligibility for special needs housing
  - any change in a document previously given to the Co-op, the Service Manager or a support services agency relating to a household's eligibility for special needs housing.
- (f) The board will not make determinations of eligibility itself (except on a review). Determination of eligibility will be made, in whole or in part by:
  - a staff person or
  - a support services agency.

Who makes the decision may be different depending on the type of special needs housing. The board will decide who will make the decision. The board will ask the decision maker to sign a confidentiality agreement, if the confidentiality provisions of the Co-op's by-laws do not apply to them, unless they are bound by professional or other adequate confidentiality obligations.

- (g) Article 6 (Procedures for Decisions, Reviews and Notices) will apply with respect to decisions relating to eligibility.
- (h) Households could cease to be eligible because of a change in the medical condition of a member of the household or the death of a member of a household or for other reasons.
- (i) If a household on the waiting list is not eligible, or is no longer eligible, for a unit, then it will be removed from the waiting list.
- (j) If a household occupying a unit at the Co-op ceases to be eligible, Article 3 (Internal Transfers) will apply.

#### **5.10 No Liability**

Anything in the Co-op's by-laws, or any commitment made by anyone that is not authorized by the board, will not create liability for the Co-op. The Co-op will not be liable to anyone for:

- any error, omission, or mistake concerning special needs waiting lists
- the allocation of units or geared-to-income assistance
- the failure to allocate units or geared-to-income assistance to persons on special needs waiting lists.

#### **5.11 Things Not Stated in By-laws**

The board will decide anything relating to the special needs waiting lists not stated in this By-law or in the Co-op's other by-laws or in Government Requirements.

## **6. PROCEDURES FOR DECISIONS, REVIEWS AND NOTICES**

### **6.1 Purpose of Article 6**

Under Government Requirements the Co-op must use specific procedures when making certain kinds of decisions about special needs housing, geared-to-income assistance and refusing applicants. These procedures are different from the Co-op's earlier procedures as stated in its by-laws.

The procedures for refusing geared-to-income and special needs applicants are set out in Article 7 (Selection of Geared-to-Income and Special Needs Members).

### **6.2 Relation to Other By-laws**

The policies and procedures stated in this Article are intended to work with the Co-op's existing by-laws, but some of them may be different from existing by-laws. If there is a conflict, this By-law governs. The procedures stated in this Article replace the procedures in the Co-op's other by-laws that deal with the decisions listed in section 6.4 (Kinds of Decisions under Government Requirements).

### **6.3 Decisions by Co-op**

Some of the decisions that are dealt with in this Article must always be made by the Co-op under Government Requirements. Other decisions are the responsibility of the Service Manager, but can be delegated to the Co-op. Some decisions are the responsibility of the Co-op, but can be delegated to another party, such as a support services agency or the Service Manager.

The arrangement can be that the decision is made by the Co-op, but the review of that decision is made by the other party, or that both the decision and the review are made by the Co-op.

This Article only applies to decisions that are being made by the Co-op and reviews that are being done by the Co-op.

### **6.4 Kinds of Decisions under Government Requirements**

The kinds of decisions that are referred to in sections 6.7 (Request for Review) and 6.8 (Procedure for Review) are:

- a decision that a household is not eligible or is no longer eligible for geared-to-income assistance
- a decision that a household is not included in a category within the internal waiting list or special needs waiting list that is given priority over other categories
- a decision that a household is not eligible or is no longer eligible for special needs housing
- a decision about the type and size of unit for which a household is eligible, if the household pays or will pay a geared-to-income housing charge
- a decision about the amount of a geared-to-income housing charge payable by a household

## **6.5 Making Decisions**

- (a) Under Government Requirements no one who discussed a decision with the decision-maker or who took part in making a decision mentioned in section 6.4 (Kinds of Decisions under Government Requirements) can take part in the review of that decision.

Under Government Requirements, anyone taking part in reviewing the decision must be knowledgeable about the relevant Government Requirements and Local Rules.

When the Co-op is responsible for the reviews of any of the decisions mentioned in section 6.4, the original decisions will be made, in whole or in part, by:

- a staff person
  - a support services agency (if applicable) or
  - another party.
- (b) Who makes the decision may be different depending on the type of decision. The board will decide who will make the decision. The board will ask the decision-maker to sign a confidentiality agreement, if the confidentiality



provisions of the Co-op's by-laws do not apply to them, unless they are bound by professional or other adequate confidentiality obligations.

## **6.6 Meaning of "Household"**

"Household" has a special meaning in this Article and other parts of this By-law when referring to a geared-to-income household or a special needs household. "Household" means all members and all non-member occupants of the unit, including:

- anyone who is a member of the household 16 years of age or older, and
- anyone whose income is considered in setting the amount of a geared-to-income housing charge, such as long-term guests.

This may include people who are not considered part of a household under other parts of the Co-op's by-laws, such as a guest whose income is considered in setting a geared-to-income housing charge under section 4.4 (Income of Guests).

## **6.7 Request for Review**

If any member of a household disagrees with a decision mentioned in section 6.4 (Kinds of Decisions under Government Requirements), they have the right to a review of the decision. They must follow the Government Requirements for requesting a review. The requirements are set out in Attachment 2 – Request for a Review of a Geared-to-Income or Special Needs Decision. The Board will update Attachment 2 from time to time if Government Requirement change. If there is a conflict between Attachment 2 and Government Requirements, Government Requirements will apply.

## **6.8 Procedure for Review**

If the Co-op is responsible for doing the review of a decision, the Co-op must follow the Government Requirements for reviews. These requirements are set out in Attachment 3 – Procedure for Review of Geared-to-Income or Special Needs Decision. The Board will update Attachment 3 from time to time if Government Requirements change. If there is a conflict between Attachment 3 and Government Requirements, Government Requirements will apply.

## **6.9 Role of Board Members**

In making decisions under this By-law individual directors must be very careful to avoid any bias or conflict of interest. Directors must observe all rules relating to this in the Co-op by-laws and the *Co-operative Corporations Act* and Government Requirements.

## **6.10 No Appeal to Members**

Decisions under this By-law cannot be appealed to the members.

## **6.11 Confidentiality Agreement**

When the board decides to ask someone to sign a confidentiality agreement under this By-law, it can use the attached Form F, Confidentiality Agreement.

## **6.12 Things Not Stated in By-laws**

The board will decide anything relating to the procedures for decisions dealt with in this Article that are not stated in this By-law or in the Co-op's other by-laws or in Government Requirements.

## **7 SELECTION OF GEARED-TO-INCOME AND SPECIAL NEEDS MEMBERS**

### **7.1 Purpose of Article**

Government Requirements contain rules and procedures about rejecting applications for membership from applicants who will pay a geared-to-income housing charge or occupy special needs units. This Article applies to them. It does not apply to applications for market units that are not special needs units.

### **7.2 Relation to Other By-laws**

The policies and procedures stated in this Article are intended to work with the Co-op's existing by-laws, but some of them may be different from existing by-laws. If there is a conflict, this By-law governs. Rights to information, review and other things dealt with in this Article will replace information, appeal and similar rights in the Co-op's other by-laws for applicants who will pay a geared-to-income housing charge or occupy special needs units.

### **7.3 Making Decisions**

- (a) The board will pass a motion to create a membership committee. The Organizational By-law sections will apply to it.
- (b) The board will decide how many members are on the committee. The committee could be a committee with only one member.
- (c) The board will decide who makes up the committee. The board can decide to include directors, non-directors, staff or any combination. Any volunteers must be approved by board motion.
- (d) The board will decide the duties of the committee.
- (e) The committee will report to the board on each application and will normally include a recommendation to accept or refuse the application.
- (f) The board can decide to accept or refuse the application.

If a review is requested, it will be conducted by the board.

Directors who were on the Membership Committee that made the original report to the board cannot participate in the review as directors.

#### **7.4 Refusal of Geared-to-Income and Special Needs Applicants**

The Co-op may refuse to offer a unit to a household applying for special needs housing or geared-to-income assistance only for the following reasons (or any other reasons that may be stated in Government Requirements in the future):

- (a) selection of the household would be contrary to the Co-op's mandate
- (b) the Co-op has reasonable grounds to believe, based on the household's rental history, that the household may fail to fulfill the obligation to pay housing charges for the unit in the amount and at the times they are due
- (c) members of the household do not agree to accept their responsibilities as members of the Co-op, or the Co-op has reasonable grounds to believe that members of the household will not accept or will be unable to accept those responsibilities
- (d) the unit is one in which individuals will reside in a shared living situation and the Co-op has reasonable grounds to believe that it is unreasonable for the household to reside in the shared accommodation
- (e) the unit is special needs housing and the level of service required by the household is significantly greater or significantly less than the level of service provided in the unit
- (f) the unit is special needs housing and the household is not eligible for special needs housing.

#### **7.5 Notice of Refusal**

The first time an application from a household is refused, the Co-op will give notice of the refusal by following the procedures in Government Requirements. If Government Requirements change, the Co-op will use any new Government Requirements.

## **7.6 Request for Review**

If any member of a household disagrees with the refusal of their membership application, they have the right to a review of the decision. There is only a right to review the first time an application from a household is refused.

Applicants must follow the procedure in Government Requirements for requesting a review. The procedure is set out in Attachment 4 - Request for a Review of a Refusal of Membership Application. The Board will update Attachment 4 from time to time if Government Requirements change. If there is a conflict between Attachment 4 and Government Requirements, Government Requirements will apply.

## **7.7 Procedure for Review**

Co-ops must follow the Government Requirements for procedures for a review. These requirements are set out in Attachment 5 - Procedure for Review of a Refusal of Membership Application. The Board will update Attachment 5 from time to time if Government Requirements change. If there is a conflict between Attachment 5 and Government Requirements, Government Requirements will apply.

## **7.8 No Liability**


Anything in the Co-op's by-laws, or any commitment made by anyone that is not authorized by the board, will not create liability for the Co-op. The Co-op will not be liable to anyone for:

- any error, omission, or mistake concerning an application for membership or occupancy or external waiting lists
- the allocation of units or geared-to-income assistance
- the failure to allocate units or geared-to-income assistance.

## 7.9 Things Not Stated in By-laws

The board will decide anything relating to selection of geared-to-income and special needs members that are not stated in this By-law or in the Co-op's other by-laws or in Government Requirements.

CERTIFIED to be a true copy of By-law No. 20 of Tabby Town Urban Housing Co-operative Corporation, passed by the Board of Directors at a meeting held on January 22<sup>nd</sup>, 2015 and confirmed by a two-thirds vote at a meeting of members held on March 5<sup>th</sup>, 2015.

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Secretary

c/s