

BY- LAW NO. 4

MEMBER SELECTION AND UNIT ALLOCATION BY-LAW

A By-law relating to the selection of members and allocation of units.

Came into Force	:	26th	June	1991
Amended	:	26th	June	1993
Amended	:	28th	Jan	1995
Amended	:	21st	Sep	1996
Amended	:	20th	Jan	2001
Amended	:	22nd	Sep	2001

Amendments Consolidated February 2004

CITY PARK CO-OPERATIVE APARTMENTS INC.

BY-LAW NO. 4

MEMBER SELECTION AND UNIT ALLOCATION BY-LAW

TABLE OF CONTENTS

	Page Number
ARTICLE 1 – MEMBERSHIP SELECTION CRITERIA	
1.1 Discrimination	1
1.2 Member Selection Criteria	1
ARTICLE 2 – MEMBER SELECTION PROCESS	
2.1 Aim	2
2.2 Application	2
2.3 Selection	2
2.4 Appeal	3
ARTICLE 3 – OCCUPANCY STANDARDS	
3.1 Unit Size	3
3.2 Changes in Household Size	4
ARTICLE 4 – DEPOSITS OR OTHER PAYMENTS	
4.1 Application Payment re: Administrative Costs	4
4.2 Deposits	4
ARTICLE 5 EXTERNAL WAITING LISTS	
5.1 Establishing and Updating the Waiting Lists	4
5.2 Priority	5
5.3 Acceptance	5
ARTICLE 6 – INTERNAL WAITING LIST	
6.1 Establishing and Updating the Internal Waiting list	5
ARTICLE 7 – GENERAL	
7.1 Reference to Other By-Laws	7

MEMBER SELECTION & UNIT ALLOCATION BY-LAW NO.4

CITY PARK CO-OPERATIVE APARTMENTS INC.

BY- LAW NO.4

MEMBER SELECTION AND UNIT ALLOCATION BY- LAW

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.

1. ARTICLE 1 – MEMBERSHIP SELECTION CRITERIA

1.1 Discrimination

In assessing the suitability of applicants for membership and in accordance with the Ontario Human Rights Code, City Park Co-operative 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 or conviction for which pardon has been granted.

1.2 Member Selection Criteria

- a) The member selection criteria below set out the standards that the Co-op will use when assessing whether an applicant is suitable for membership. Every effort will be made to apply these standards equally to all applicants.
- b) Suitability of applicants for membership in the Co-op will be assessed according to the following criteria:
 - i) commitment to the Co-op principles and a willingness to participate in Co-op decision-making and activities (for example, by attending members' meetings, serving on the Board of Directors, or committees or in other positions, or taking on miscellaneous volunteer tasks);
 - ii) ability to meet the housing charge;
 - iii) household income and size and suitable (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);
 - 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 culturally backgrounds; and
 - viii) ability to live independently in the Co-op in accordance with Article 6.3 of the Occupancy By-Law.

2. ARTICLE 2 – MEMBER SELECTION PROCESS

2.1 Aim

The aim of the selection process is to ensure that all applicants are evaluated equally and fairly against the Co-op's selection criteria.

2.2 Application

Each applicant shall:

- a) submit a completed application including:
 - i. the application form, filled in and signed by all applicants
 - ii. proof of income in a form determined to be appropriate by the Co-op.
 - iii. a non-refundable payment, in an amount to be determined from time to time by the Board of Directors to cover the Administrative Costs of processing the application (e.g. Credit Bureau Reports, etc.)
 - b) attend an orientation session approved by the Co-op prior to a membership interview when appropriate, as determined by the Member Selection Committee.
- Amended 21.09.96
- c) credit checks, landlord checks and income reviews shall be conducted on all applicants in accordance with procedures established by the Member Selection Committee.
- Amended 21.09.96
Amended 28.01.95
- d) 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 payment required per Para 2.2(a), are received from the applicant except where Occupancy By-Law 7.8 (Temporary Absence) applies.

2.3 Selection

- a) When it is necessary for a household to attend an orientation session, all members of the household must attend prior to being interviewed. The household may, however, apply to the Board to have this requirement waived and the Board may waive the requirement if it feels there are adequate reasons why one or more members of the household are not able to attend an orientation session. In such a case the Board may establish an alternative member orientation requirement.
 - b) 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 children of a household may 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.
- Amended 09.22.01
- c) Following receipt of a report from the interviewers, the Member Selection Interview team shall be responsible for making recommendations to the Board to accept an applicant, in accordance with the selection criteria. In the event of a rejection, the Member Selection Committee shall be responsible for making recommendations to the Board.

- d) The Board will normally ratify the recommendations of the interview team. If, however, the Board disagrees with a 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 paragraph 2.4 of this By-Law.
- e) The Co-op shall not be obligated to give nor shall any applicant be entitled to receive written or other reasons for refusal of an application for membership in the Co-op.
- f) 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 direction, decline to consider a new application if it feels that an applicant's circumstances have not substantially changed since the previous application was considered.

2.4 Appeal

- a) 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.

Amended 28.08.93
Amended 22.09.91

- b) In the case of an appeal, two interviewers from the Board shall conduct a second interview within thirty days of receipt of the request and report their findings to the Board. No subsequent appeal by an applicant will be considered.

Added 26.06.93

- c) Applicants(s) whose appeal has been denied may not re-apply to the Co-op for two years following the date of the original notice of rejection.

3. ARTICLE 3 – OCCUPANCY STANDARDS

3.1 Unit Size

- a) Unit size Restrictions re. household sizes for members.

Amended 18.01.14	Minimum	Maximum
Bachelor	1	2
1 bedroom	1	2
2 (S) bedroom	2	3
2 (L) bedroom	2	4

- b) Exception

Minimum occupancy standards for two bedroom units do not apply to members of record at the time this By-Law is approved.

- c) When determining the size of a 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.

Notwithstanding para 3.1 (a) of this By-Law, the Co-op may accept an application from two persons who wish to occupy a Bachelor unit as a Household, subject to para. 6.2 (c) of the Occupancy By-Law which deals with exceeding the Maximum Occupancy Standards

3.2 Changes in Household Size

Changes in household size will be governed by paragraph 6.2, Occupancy By-Law. The Board may delegate any review to the Member Selection Committee or to another committee or individual.

Amended 21.09.96

4. ARTICLE 4 – DEPOSITS OR OTHER PAYMENTS

Amended 21.09.96

4.1 Application Payment re: Administration Costs

Prior to an interview, applicants shall pay to the Co-op a payment to cover the Co-op's Administrative Costs (e.g. cost of Credit Bureau Reports, etc.) as per Para 2.2(a).

4.2 Deposits

The first month's housing charge together with the member deposit required by paragraph 3.3, Occupancy By-Law, shall be due in advance prior to occupancy at the time the unit is accepted.

5. ARTICLE 5 – EXTERNAL WAITING LISTS

The Co-op will maintain external waiting lists governed by the following policy:

5.1 Establishing and Updating the Waiting Lists

Separate waiting lists will be established for each size of unit.

- a) Within each of the Waiting Lists established by unit type, separate lists will be maintained for:
- applicants not requiring subsidy;
 - applicants requiring subsidy.
- b) Applicants may put their name on the Waiting List for each size unit for which they qualify according to Occupancy Guidelines.

Amended 20.01.2001

- c) Every twelve months the Property Management Office will contact all applicants on the External Waiting list 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 and are eligible for; and/or
- there have been any changes in their financial circumstances which would affect whether they would require subsidy.

If the Property Management Office is consistently unable to contact an applicant on the Waiting List, they will send a letter to that household advising them to contact the Co-op within one month or their name will be removed from the Waiting List.

- d) Applicants may have their name moved or added to any section of the Waiting List for which they are eligible by submitting a written request to the Co-op.
- e) The Property Management Office will also inform applicants when their names come to the top of a Waiting List. At this time, the income and credit information should be updated.

When a unit is offered the Property Management Office should confirm with the applicants that the information on file is current.

- f) Two copies of the External Waiting List will be maintained and updated: one to be used by the Committee as a working copy and the other to be filed in the Property Management Office.

5.2 Priority

Amended 28.01.95

- a) The waiting list for applicants will be ordered according to the date on which their completed application in accordance with paragraph 2.2(d) was received except where Occupancy By-Lay 7.8 (Temporary Absence) applies.
- b) When a unit becomes available to an applicant from the External Waiting List it will be offered to the household at the top of the Waiting List for that size and type of unit, with the following exceptions:
 - If the Co-op is unable to contact the first household on the list within 72 hours, the unit will be offered to the next eligible household. The household that had been at the top of the list will retain that position.
 - If the household at the top of the Waiting List is unable to accept a unit because of the date of occupancy is less than 60 days from the date the unit is offered, the Co-op shall offer the unit to the next household on the Waiting List. The household that had been at the top of this List will retain that position.
 - If the vacating member had been subsidized and the subsidy is not required internally, the vacant unit shall be offered to the first household on the appropriate Subsidy List.
 - If the targeting plan, agreed to with the Ministry of Housing, has been achieved, the vacant unit shall be offered to the first household on the waiting list not requiring subsidy.

5.3 **Acceptance**

Amended 17.09.16

a) A household will be given three (3) business days from the time they were offered the unit to decide whether they will accept it. A viewing of the unit will be arranged during that period. If they reject the unit, it will be offered to the next eligible household.

Amended 21.09.95

b) When a household has turned down two units, their name will go to the bottom of the waiting list for that type of unit.

6. **ARTICLE 6 – INTERNAL WAITING LIST**

The Co-op will maintain an internal waiting list governed by the following policy:

6.1 **Establishing and Updating the Internal Waiting List**

- a) Internal Waiting List will consist of resident members who wish to move to another unit. The Internal Waiting List will, in all cases, have priority over the External Waiting List.
- b) Members may apply to relocate to any size or type of unit for which they qualify according to the Co-operative's Occupancy Standards. Members may specify in their request that they wish to relocate to a particular type of unit, or a particular area of the Co-op.
- c) Members must live in a unit for a minimum of one year before they can apply 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 if:
 - i) members, are under or over housed in their present unit, or qualify for another size unit because of a change in household size.;
 - ii) members need to move to a less expensive unit for financial reasons;
 - iii) members apply to move to a unit modified for the disabled;
 - iv) any other special need is recognized by the Board.
- d) Members who are in breach of their Occupancy Agreement are not eligible to relocate within the Co-op. Grounds for refusing a request to relocate include, but are not limited to: arrears (where no repayment agreement has been made with the Co-op), failure to fulfil participation requirements; and failure to maintain the unit in accordance with the Maintenance Policy. An exception to this provision might be allowed if a member in arrears wishes to relocate to a less expensive unit.

If a household's request to relocate is refused because of a breach of the Occupancy Agreement, that household may appeal the decision to the Board of Directors. The unit requested will be reserved pending the appeal only if the delay does not result in a vacancy loss for the Co-op.

- e) If some, but not all, members of an existing household wish to relocate to a separate unit they may do so provided that:
 - i) they have lived in the unit for the minimum period indicated in paragraph 6
 - ii) the new household size meets the Occupancy Standards

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

In cases where members of a household are applying to relocate to a separate unit because of family breakup or other problems with the household, they may apply for the minimum residency requirement to be waived per paragraph 6.1(c) iv

- f) Priority for relocation will generally be based on date of application. Exceptions, however, may be allowed if:
 - i) housing charge assistance is not available and a household needs to move to a less expensive unit;
 - ii) a household is judged by the Committee to be severely under or over housed;
 - iii) a household is forced to vacate a unit because of fire or other forms of damage;
 - iv) any other special need is recognized by the Board.
- g) Trading of units of equal size between existing members of the Co-op may be arranged through the Management Office.
- h) If a household twice turns down a unit offered that meets the conditions specified on their relocation request, their name will be placed at the bottom of the Waiting List except in cases where the household would require housing charge assistance to move into that unit and no assistance is available.
 - i) All requests to relocate must be submitted in writing to the Management Office.

Added 11.02.16
 - ii) Any household that has signed a new occupancy agreement accepting a new unit must give at least two weeks' notice if the household wishes to cancel the move. The written notice must be accompanied by an explanation of the cancellation. The decision will be based on individual circumstances. If the cancellation is accepted, the household will not lose its place on the internal waiting list. If the cancellation is not accepted, and the household refuses to move, the household will then go to the bottom of the internal waiting list and will be liable for any expenses incurred by the other household that was not able to move into their unit.

Added 11.02.16
 - iii) Examples of acceptable circumstances include but are not limited to: Medical issues, with appropriate proof; financial issues, such as job loss; changes in the size of the household; relationship breakdown; family issues that necessitate leaving the area; employment that necessitates leaving the area.

Added 20.01.01
- j) Every twelve months the Property Management Office will contact all applicants on the Internal Waiting List to find out if they are still interested in their request. This will also confirm their place on the waiting list.
- k) A household will be given three (3) business days from the time they were offered the unit to decide whether they will accept it. A viewing of the unit will be arranged during that period.

7. ARTICLE 7 – GENERAL

7.1 **Reference to Other By-Laws**

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.

The Member Selection and Unit Allocation By-Law came into effect 26 June 1991

Later amendments

26 Jun 1993	Paras. 2.4(b)+(c); 3.1(d)
28 Jan 1995	Paras. 2.2(d); 5.2(a)
21 Sep 1996	Paras. 2.2(a)(d); 4.1; 5.3(b)
20 Jan 2001	Paras. 5.1(c); 6.1; addition of (j)
17 Sep 2016	Paras. 6.1 inserted (k)