

BIRCHWOOD MEADOW HOUSING CO-OPERATIVE INC.

BY-LAW#2

MEMBER SELECTION AND UNIT ALLOCATION BY-LAW

Preamble

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

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ARTICLE 1

MEMBER SELECTION CRITERIA

- 1.01 In assessing the suitability of applicants for membership, the Co-op will not discriminate by reason of race, national or ethnic origin, colour, religion, age, sex, marital; status, political affinity or activity, sexual orientation, family relationship, physical handicap, conviction for which pardon has been granted or by any other reason which would be a violation of fundamental human rights.
- 1.02 Acceptability of applicants for membership in the Co-op will be assessed according to the following criteria:
- a) Commitment to the co-op principles and willingness to participate in the Co-op decision-making and activities (attending members' meetings, serving on committees or on the Board, 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 as set out in Article 3 of this by-law);
 - d) Likely to be a good resident who will maintain the unit and other Co-op property in good condition;
 - e) Likely to be a good neighbour who will live co-operatively with and respect the rights of others;
 - f) Indication of positive attitude to living in a community with people from a variety of social, economic and cultural backgrounds;
 - g) Ability to live independently in the Co-op as indicated in the Occupancy By-Law, Article 6, Paragraph 6.3 (a), (b).

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ARTICLE2

MEMBER SELECTION PROCESS

- 2.01 The aim of the selection process is to ensure that all applicants are evaluated equally and fairly against the Co-op's selection criteria.
- 2.02 Each applicant shall:
- a) submit a completed application including:
 - the application form, filled in and signed by all adult persons intending to reside in the dwelling;
 - proof of income in a form determined to be appropriate by the Co-op
- A non-refundable application fee, in an amount to be determined from time to time by the Board of Directors to cover the costs to the Co-op of considering the application.
- 2.03 Credit checks, and/or landlord checks and income reviews shall be conducted on all applicants in accordance with procedures established by the Board of Directors.
- 2.04 The record date for determining an applicant's place on the Waiting List shall be the date when all of a completed application form, proof of income, and the application fee are received from the applicant.
- 2.05 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. 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.
- 2.06 Following receipt of a report from the interviewers, the Chairperson of the Member Selection Committee, shall be responsible for forwarding the application to the Office with the Committee 's recommendation to accept or reject an applicant, in accordance with the selection criteria. The Office will forward the application to the Board complete with all financial information attached.

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- 2.07 The Board will normally ratify the recommendation 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 application. If, having considered the points made by the Board, the Committee feels that its original recommendation should stand, it shall send a representative to the next Board meeting to present its point of view. The Board's decision at this point will be final subject to 2.09 of this by-law.
- 2.08 Applicants may appeal a rejection of their application for membership by submitting to the Board, within seven (7) days of receiving written notification of the rejection, a written statement of their wish to appeal.
- 2.09 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 2 weeks of receipt of the request. The interviewers shall report to the Member Selection Committee that shall report to the Board. No subsequent appeal by an applicant will be considered.
- 2.10 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 Board of Directors 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.

ARTICLE3

OCCUPANCY STANDARDS

3.01 OCCUPANCY STANDARDS FOR SUBSIDIZED UNITS

- a) In the allocation of units to households who qualify for subsidy assistance under the ILM Rent Supplement Program, the Co-op will adhere to the occupancy standards established by CMHC.
- b) Exceptions to the above paragraph (a) may be considered by the Board of

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Directors if warranted by special circumstances

- c) When determining the size of the unit that a household is eligible to occupy, only permanent members of the household shall be considered. A person who is only periodically resident in the household (such as a child under the joint custody of separated parents or a spouse who works out of town) may be considered to be a permanent member of the household provided the Board is satisfied that it is appropriate to treat such person as a permanent member of the household rather than as a guest.
- d) In the allocation of accessible units, preference will be given to applicants using wheelchairs however, applicants with medical or health concerns will also be considered for accessible units.

3.02 OCCUPANCY STANDARDS FOR MARKET-RENT UNITS

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

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

ARTICLE 4

DEPOSITS AND CHARGES

- 4.01 A *non-refundable deposit* as an initial instalment on the first month's housing charge shall be required at the time that an applicant agrees to accept a particular unit. The amount of the deposit will be determined by the Board.
- 4.02 The *first month's housing charge*, less the instalment paid, shall be due, in advance, prior to occupancy. The payment shall be non-refundable.
- 4.03 Members shall pay to Co-op, upon receiving the keys to their unit, a *Member Deposit* of an amount equal to the market rent of their unit. The Co-op will administer the

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implementation of this paragraph such that the Member Deposit does not function as a barrier to membership for lower income households. Additional provisions relating to the Member Deposit shall be set out in the Co-op's Occupancy By-law.

- 4.04 Prior to occupancy (or in the case of applicants already resident in the Co-op, prior to signing the Occupancy Agreement) applicants shall pay to the Co-op the *lifetime membership fee* of ten dollars (\$10.00) per adult member. The amount and duration of this fee may only be changed by amendment to the Co-op's Articles of Incorporation.

ARTICLE 5

EXTERNAL WAITING LIST

5.01 ESTABLISH AND UPDATING THE WAITING LIST

- a) A Waiting List shall be maintained, consisting of applicants who have been interviewed and accepted for membership. Applicants who are living or working out of town or who for other reasons are unable to attend an interview may request that a telephone interview be carried out. This interview must be carried out by 2 representatives of the Member Selection Committee and 1 member of the Board of Directors. The applicant will be responsible for all costs incurred by the co-operative to conduct this interview.
- 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 applicants' record date.
- d) Approximately every six months, or at the Board's discretion, the Co-ordinator will attempt to 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; or
 - There have been any changes in their financial circumstances which would affect their need or eligibility for housing charge assistance;

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- e) Pursuant to paragraph (d) above, 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 (1) month indicating that they wish their application to remain active or their name will be removed from the Waiting List.
- f) The co-op shall attempt in the allocation of units to meet the targets for subsidized units established in the Operating Agreement entered into by the Co-op and Canada Mortgage and Housing Corporation (CMHC).

5.02 ALLOCATION OF UNITS

- a) When an applicant is accepted, there shall be deemed to be a contract between the Co-op and the applicant whereby the Co-op is obligated to allocate a unit to the applicant in accordance with this by-law and permit the applicant to take occupancy and become a member in accordance with the relevant provisions of the Organizational By-law and the Occupancy By-law. Where new information about an accepted applicant comes to the attention of the Member Selection Committee, Board or staff, prior to the offer to and acceptance of a unit by such applicant, the staff or Committee may make any appropriate change to any Waiting List or the Board may withdraw its acceptance of the applicant's application without liability. In the latter event, the application shall be treated as if originally refused and the applicant shall be entitled to appeal under paragraph 2.09 of this by-law. Any monies paid by the applicant other than the non-refundable application fee shall be returned without interest.
- b) When a unit becomes available to an applicant from the External Waiting List it will, subject to 3.01 (d), be offered to the first household on the Waiting List wanting and qualifying for that size and type of unit, with the following exceptions:
 - i) If the Co-op is unable to contact the first household on the list within 48 hours, the unit will be offered to the next eligible household. The original household will retain its position on the List.
 - ii) If the household to whom the unit is first offered does not accept the unit because the date of occupancy is less than 70 days from date the unit is offered, the Co-op will offer the unit to the next eligible household. The original household will retain its position on the List.

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- c) A household offered a unit will be given 48 hours from the time the unit was offered to decide whether to accept the unit. Payment of the first instalment of the first month's housing charge, in accordance with 4.01 of this by-law, is required to confirm acceptance of a unit. This payment is normally non-refundable.
- d) A household may turn down two units that have been offered and retain its place on the Waiting List. A unit turned down under 5.02 (b) (ii) shall not be considered a refusal for these purposes. If the household turns down a third unit, it shall lose its priority on the Waiting List with the record date for its application being changed to the day it turned down the third unit. If the household fails to advise the Co-op office within 48 hours of being offered a unit whether it will accept a unit, it shall be considered to have turned down the unit.
- e) Units will be offered to applicants on the Waiting List established for referrals from the Housing Authority according to all relevant provisions of this by-law and the general guidelines established specifically for co-operative housing projects under the ILM Rent Supplement Program.

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 form provided by or approved by the Co-op.
- 6.03 Residents may apply to relocate to any size or type of unit for which they qualify (or will qualify at the time of relocation) according to the Occupancy Standards set out in this by-law. In their application, residents may specify that they only wish to relocate to a particular area of the building or site, a particular type of unit, or a particular unit or units.
- 6.04 Except in the cases outlined below, residents must have lived in a unit for a minimum of one year before they can submit an application to move to another unit, and, following an internal move, must have lived in the unit for a minimum of two years before they can apply for a second internal move. This requirement may be waived for residents who are members of the Co-op if:

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- a) Members are under-accommodated in their present unit (according to the Co-op's Occupancy Standards) or would qualify for another size of unit due to a change in household size;
 - b) Members need to move to a less expensive unit for financial reasons;
 - c) Another special need recognized by the Board exists.
- 6.05 Unless otherwise determined by the Board, households which are, or have been in the last six months, in arrears of housing charges to the Co-op 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 agreement with the Co-op to pay its Member Deposit over time and is meeting the terms of the agreement shall not be considered to be in arrears for the purposes of this section 6.05.
- 6.06 If one or more, but not all, residents who live together in a unit wish to relocate to a separate unit they may do so provided that:
- a) They are members of the co-op
 - b) They have been resident in the unit for a minimum period indicated in paragraph 6.04 of this by-law;
 - c) The original household is not in arrears of housing charges or rent to the Co-op, or if in arrears, complies with 6.05;
 - d) The Board is satisfied that each of the households formed as a result of the relocation will be able to afford the housing charge;
 - e) The new household size meets (or will meet at the time of relocation) the Occupancy Standards set out in this by-law; and
 - f) Any new residents in a household are interviewed and accepted for membership in the Co-op.
- 6.07 Priority for relocation will normally be based on the date of application that 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

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addition, exceptions may be allowed for residents who are members of the Co-op in cases where:

- A market-rent household needs to move to a less expensive unit; or
- Because of a change in household size, a household receiving housing charge assistance requires a smaller unit in order to continue to receive assistance; or
- A household is judged by the Board of Directors 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 A household may turn down one unit that has been offered and retain its priority on the Waiting List. If a household turns down a second unit offered that meets the conditions specified on the relocation application, it shall lose its priority on the Waiting List with the record date for its application being changed to the day the household turned down the second unit.
- 6.10 Residents must notify the Co-op office in writing within 48 hours of being offered a unit whether they wish to accept the unit. If they fail to do so, they shall be considered to have turned down the unit.

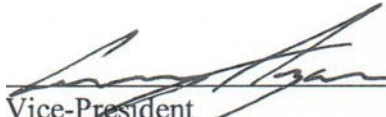
ARTICLE 7

GENERAL

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

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PASSED by the Board of Directors and sealed with the Corporate Seal
of the Co-operative this 11th day of September, 2002.


Vice-President


Secretary