

MARINE HEIGHTS CO-OPERATIVE HOMES, INCORPORATED

BY-LAW NO. 20

MEMBERSHIP SELECTION & UNIT ALLOCATION BY-LAW

A By-law to repeal the Membership By-Law
(By-law No. 13) of
Marine Heights Co-operative Homes, Incorporated
(the "Co-op")

WHEREAS the Co-operative enacted a Membership By-Law (By-Law No. 13) on September 26, 1995;

AND WHEREAS it is desired to repeal the Membership By-Law.

THEREFORE, BE IT RESOLVED THAT By-Law No. 13 be repealed and the following is hereby enacted as a By-Law of the Co-operative.

A By-law which establishes the process of becoming a member of the Co-op and the process for allocating units in the Co-op.

ARTICLE I: MEMBERSHIP CRITERIA

- 1.1 The co-op will not discriminate against an applicant because of: race, ancestry, place of origin, colour, national or ethnic origin, citizenship, creed, religion, sex, sexual orientation, age, marital status, family status, conviction for which pardon has been granted, or by reason of children forming part of the family, handicap, or receipt of public assistance.

The membership criteria below set out the standards that the co-op will apply when assessing an applicant's suitability for membership. Every effort will be made to apply these standards equally to all applicants.

- 1.2 Acceptability of an applicant for membership in the co-op will be assessed according to the following criteria:
- (a) **Age:** The applicant is 16 years or older.
 - (b) **Financial Responsibility:** The household will pay the monthly housing charges on time. Judgment of financial responsibility will be based on:
 - (i) previous credit history, if any;
 - (ii) ability to pay market rent;
 - (iii) qualification and application for rent geared-to-income subsidy,
and
 - (iv) bank confirmation showing a good financial record
 - (c) **Landlord References:** Acceptable landlord references.
 - (d) **Household Size:** The applicant's household size can be accommodated according to the co-op's Occupancy Standards as set out in the Co-op's Occupancy By-Law.

In determining household size, all persons listed on the application will be included. Someone may be considered a permanent occupant even if that person only periodically resides in the unit -- for example, a child under joint custody or a spouse whose job requires extended periods away from home.
 - (e) **Interest in Co-op Living:** The applicant has shown a sincere interest in co-op living and principles and is willing to participate in the affairs of the co-op and its decision making.

1. **Membership Criteria**

- (f) **Commitment to the Co-op:** The applicant indicates that they are making a long-term commitment to the co-op.
- (g) **Community Attitude:** The applicant shows a positive attitude to living in a diverse community and shows a willingness to get along with people.
- (h) **Community Responsibility:** The applicant will be a good resident and neighbour who will maintain the unit in good condition and respect the rights of others.
- (i) **Ability to Live Independently:** The applicant is able to live independently, or demonstrates that the necessary support systems can be arranged.

ARTICLE II: - MEMBERSHIP PROCESS – EXTERNAL

- 2.1 The aim of the selection process is to ensure that all applicants are evaluated equally and fairly based on the co-op's selection criteria.
- 2.2 Persons applying for membership must:
- (a) be 16 years of age and older
 - (b) attend an external orientation meeting
 - (c) submit a completed application for membership with supporting documentation including:
 - (i) proof of income in a manner determined by the co-op;
 - (ii) documentation from the courts or a legally binding agreement where there is joint custody;
 - (iii) bank confirmation showing a good financial record;
 - (iv) a non-refundable application fee, in an amount to be determined from time to time by the Membership Selection Committee and the Board, to cover the cost of processing the application.
 - (d) attend an interview, conducted by two members of the Membership Selection Committee. All persons 16 years and older proposed as residents of the applicant's household must attend this interview at the scheduled time. No unit will be allocated to a household until all proposed residents of the household 16 years and over have been interviewed unless the Board otherwise decides. The purpose of this interview is:
 - (i) to answer questions the applicants may have;
 - (ii) to discuss the rights and responsibilities of members;
 - (iii) to clarify any questions about the application and the background checks
 - (iv) to enable the Committee to make a recommendation to the Board of Directors for approval or rejection of the applicant(s) as a member of the Co-op.

2. Membership Process – External

- 2.3 Members of the Membership Selection Committee and Board of Directors should not participate in the application or approval process if they have a conflict of interest as defined in the Organizational By-Law, Article 9.
- 2.4 A member of the Membership Selection Committee will:
- (a) complete any credit and/or landlord check, and
 - (b) review the financial and other information of the applicant
- 2.5 If the Membership Selection Committee requires additional information in order to make a recommendation to the Board of Directors, the Committee may arrange a second interview.
- 2.6 Following receipt of a report and recommendation from the Membership Selection Committee, the Board of Directors can accept the recommendation of the Membership Selection Committee. Applicants who are approved for membership in the Co-op become members when they occupy the unit allocated to them by the Co-op.
- If the Board rejects the Committee's recommendation, it can return the application to the Membership Selection Committee for further consideration. If, having considered the Board's rejection, the Committee feels that its original recommendation should be accepted by the Board, it will send a representative to the next available Board meeting to present its point of view. The Board's decision at such meeting is final.
- 2.7 The co-op will notify the applicant in writing, of the Board's decision to accept or reject the application.
- 2.8 An applicant is not entitled to receive written or other reasons for refusal of an application for membership in the co-op.
- 2.9 Members of the Membership Selection Committee must respect the confidential nature of the information gained in the application process. The co-op will require members of the Membership Selection Committee to sign Confidentiality Agreements.

ARTICLE III: - MEMBERSHIP PROCESS – INTERNAL

- 3.1 All persons residing in the co-op who are part of the original household (original household being all persons listed on the application for membership and who reach the age of 16 must apply for membership and attend an interview conducted by two members of the Membership Selection Committee at a time specified by the Membership Selection Committee.

The Membership Selection Committee will make a recommendation to the Board of Directors on whether to accept or reject the application for membership.

- 3.2 Following receipt of the recommendation from the Membership Selection Committee, the Board of Directors can accept the recommendation of the Membership Selection Committee.

If the Board rejects the Committee's recommendation, it can return the application to the Membership Selection Committee for further consideration. If, having considered the Board's rejection, the Committee feels that its original recommendation should be accepted by the Board, it will send a representative to the next available board meeting to present its point of view. The Board's decision at such meeting is final.

- 3.3 The co-op will notify the applicant in writing of the Board's decision to accept or reject the application.
- 3.4 Applicants who have been rejected can appeal the Board's decision by writing to the Board of Directors within 10 days of being notified of the decision and requesting a meeting with them. The decision of the Board at such meeting is final.
- 3.5 The co-op will not be obliged 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.
- 3.6 Any person who is not accepted as a member or who chooses not to become a member, may continue to reside in the unit as part of the member's household as a long-term guest if approved by the Board. The member(s) of such unit shall continue to be responsible for the conduct and behaviour of such long-term guest and they and the long-term guest agree to sign a Long-Term Guest Agreement.

3. Membership Process – Internal

- 3.7 If a rejected applicant for membership is not approved by the Board as a long-term guest, or if the approved applicant or member(s) fail to sign a Long-Term Guest Agreement, the member(s) in the unit will ensure that such person moves out of the unit within 30 days if the Board so requests.
- 3.8 Members of the Membership Selection Committee and Board of Directors should not participate in the application process if they have a conflict of interest as defined in the Organizational By-Law, Article 9.

ARTICLE IV: – UNIT ALLOCATION & THE KEEPING OF WAITING LISTS

4.1 Unit Allocation

The Membership Selection Committee will allocate units based on the Occupancy Standards set out in the Occupancy By-Law.

4.2 Internal and External Waiting Lists

In order to manage unit allocation, two separate waiting lists will be kept,

- (a) an Internal Waiting List, and
- (b) an External Waiting List

The Internal Waiting List is comprised of entire households wishing to relocate to another unit or building and individual members of a household who would like to apply for their own unit.

The External Waiting List is for persons who do not live in the Co-op, but have been approved for membership by the Board.

4.3 Priority of Waiting Lists

The Internal Waiting List has priority over the External Waiting List except when the number of households receiving housing charge assistance is below the minimum number required in the Co-op's agreement with Canada Mortgage and Housing Corporation. In those circumstances, the Board may give priority to persons on the External Waiting List who require housing charge assistance.

ARTICLE V: – INTERNAL WAITING LIST

5.1 Internal Waiting List

- (a) Households may apply to relocate to any unit they are qualified to live in (or will be qualified at the time of relocation) according to the Occupancy standards set out in the Occupancy By-Law.
- (b) A delegated person from the Membership Selection Committee will keep an internal waiting list of households wishing to relocate or members of a household who have applied for and been approved for a unit of their own.

5.2 Applying to Relocate

- (a) Households may specify that they wish to relocate to a particular area of or unit of the co-op. All requests to relocate to another unit in the co-op must be submitted to the co-op office using a form provided by the co-op.
- (b) On receiving a request to relocate, the co-op staff will confirm that the household is eligible for the unit requested according to household size and length of residency as a member of the co-op. A copy of the request will then be forwarded to the Membership Selection Committee.
- (c) Members who are in breach of their Occupancy Agreement with the co-op at the time a unit of their choice becomes available are not eligible to relocate. 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 or where a repayment agreement is being followed), failure to fulfil participation requirements and failure to maintain a unit in accordance with the Maintenance By-Law, all of which are breaches of the Occupancy Agreement, Housing Charge Assistance By-Law or Occupancy By-Law.

5.3 Place on Internal Waiting List

The date for determining an applicant's place on the Internal Waiting List will be the earliest date on which the request is submitted to the co-op and eligibility for the unit requested is determined, subject to the requirements of 5.4, (Occupancy Requirements for Internal Move).

5. Internal Waiting List

5.4 Occupancy Requirements for Internal Move

- (a) Members must live in the co-op for one year before they can apply to relocate the first time. Members must live in the co-op for a further period of two years before applying again.
- (b) The Board may waive the requirements set out in 5.4 (a) if:
 - (i) there are more people or fewer people in the member's household than allowed by the co-op's Occupancy Standards as set out in the Occupancy By-Law.
 - (ii) For financial reasons the household needs to move to a less expensive unit;
 - (iii) the household has any other special need recognized by the Board;
 - (iv) the household is applying to relocate to another unit because of circumstances which prevent their quiet enjoyment of their unit.

5.5 Relocation of Part of Household

- (a) If one or more, but not all members of a household wish to relocate to a separate unit, they may do so if:
 - (i) at least one of the persons remaining in the original unit is a member of the co-op and at least one of the persons moving into the new unit is a member of the co-op.
 - (ii) at least one of the members remaining in the original unit and one of the members moving into the new unit have resided in the old unit for the minimum period set out in 5.4(a), Occupancy Requirements for an Internal Move;
 - (iii) the original household is not in arrears, or if in arrears, a repayment agreement has been made and is being followed. The Board may allow an exception if the household is moving to a less expensive unit;

5. Internal Waiting List

- (iv) the members of both the new and old households have demonstrated a commitment to co-op living and have fulfilled participation requirements;
 - (v) the size of the household remaining in the old unit and the size of the household moving into the new unit will at the time of relocation, meet the co-op's Occupancy Standards as set out in the Occupancy By-Law;
 - (vi) any proposed new residents 16 years of age or older in a household have been accepted for membership in the co-op.
- (b) If part of a household applies to relocate because of a family breakup or other problem within the household, they may apply to the Board of Directors to have the length of occupancy requirements waived. The Board of Directors will make the final decision on such a request. There is no appeal from this decision.
- (c) Members who have been resident in the co-op but who have never lived in a unit of their own and wish to apply for a unit may do so as long as the Occupancy Standards as set out in the Occupancy By-Law are met.
- (d) Members wanting to relocate to their own unit must provide:
 - (i) proof of income in a manner determined by the co-op;
 - (ii) submit a completed application with supporting documentation including documentation from the courts or a legally binding agreement where there is joint custody, bank confirmation showing a good financial record and a non-refundable application fee, in an amount determined from time to time by the Membership Selection Committee and the Board of Directors, to cover the cost of processing the application.
- (e) Members requesting relocation to their own unit must attend an interview which is conducted by two members of the Membership Selection Committee. Credit checks will be performed on the applying member prior to the interview.

5. Internal Waiting List

- (f) The procedures outlined in Article II, 2.5 through 2.8 will apply and if approved, the applicant's name will be added to the end of the Internal Waiting list.

5.6 Priority

- (a) When a unit becomes vacant or the co-op learns that a unit is going to become vacant, it will offer the unit and a move-in date to the first eligible member on the Internal Waiting list who has indicated an interest in such unit unless the co-op determines to alter the priorities for reasons permitted under 5.7, Exception to Normal Priority or 5.8, Adjustment in Relation to Housing Charge Assistance.
- (b) Subject to 5.8, Adjustment in Relation to Housing Charge Assistance, the unit will not be offered to anyone on the External Waiting list until it has been refused by all eligible members on the Internal Waiting list.

5.7 Exceptions to Normal Priority

In the following circumstances, the co-op may alter members' normal priority on the Internal Waiting list and give priority to households where:

- (a) Housing charge assistance is not available and a household needs to move to and meets the criteria for a less expensive unit.
- (b) A household is under or overhoused under the co-op's Occupancy Standards as set out in the co-op's Occupancy By-Law.
- (c) The Board considers that there are other pressing financial, personal or medical factors.

5.8 Adjustment in Relation to Housing Charge Assistance

If a unit becomes available and the number of households in the co-op receiving housing charge assistance is below the minimum number required in the co-op's agreement with Canada Mortgage and Housing Corporation, the Board may give persons on the External Waiting List who require housing charge assistance priority over members on the Internal Waiting List so that the co-op will be in compliance with CMHC's requirements.

5. Internal Waiting List

5.9 No Swapping of Units

Trading of units directly between members is not permitted.

5.10 Priority if Member Unavailable

The member is responsible for providing the co-op with a telephone number at which they can be reached. If the co-op is unable to contact a member on the Internal Waiting List within 24 hours, the unit will be offered to the next eligible member. The first member will retain their place on the Internal Waiting List.

5.11 Priority if Unit Refused

If a member refuses a unit offered that meets the conditions specified on their relocation request, their name will be placed at the bottom of the Internal Waiting List. If the member refuses such a unit a second time, the member's name will be removed from the Internal Waiting List and cannot reapply for two years. It will not be considered a refusal if the household would require housing charge assistance to move into the unit offered and no assistance is available.

5.12 Notification of Acceptance by Applicant

- (a) If a member accepts the unit offered, they must notify the Membership Selection Committee within 24 hours of being offered the unit, failing which, they will be considered to have refused the unit.
- (b) If a member accepts the unit offered, the member is required to vacate their existing unit and move into the new unit on the date specified for move-in when the unit was offered. The member must sign an Internal Move Acceptance form in which they agree to reimburse the co-op for any losses it incurs as a result of their failure to move in to the unit.
- (c) The member may not change the decision to accept the unit without the consent of the Board. The Board is not obliged to allow member to withdraw acceptance. The decision of the Board to refuse to allow a member to withdraw acceptance is final and is not subject to appeal.

ARTICLE 6: – EXTERNAL WAITING LIST

6.1 External Waiting List

- (a) The co-op will keep an External Waiting List of applicants who have been approved for membership. The order of persons on the External Waiting List will be determined based on the date on which the co-op received the applicant's properly completed application form.
- (b) The waiting list will identify:
 - (i) the date the co-op received the properly completed application;
 - (ii) the size of the unit for which the household qualifies, and
 - (iii) whether the applicant may need housing charge assistance.

6.2 Keeping the Waiting Lists Up to Date

- (a) Approximately every six months, a co-op representative will attempt to contact all applicants on the External Waiting List to determine if:
 - (i) they are still interested in moving into the co-op;
 - (ii) there have been 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.
- (b) If, at the time the co-op is updating its External Waiting List, it is consistently unable to contact a household on the list, a letter will be sent to that household informing 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 list. If the co-op does not receive a response from the applicant within five weeks, the applicant's name will be removed from the list and the application for membership will be considered withdrawn.

6. External Waiting List

- (c) The co-op may require updated proof of income and bank confirmation showing a good financial record from applicants on the External Waiting List. The co-op may carry out a further credit check and/or landlord reference check. The applicant will pay the cost of any additional credit checks.

6.3 Withdrawal of Acceptance

If new information which affects Membership Criteria about a person on the External Waiting List comes to the attention of the co-op prior to the offer to and acceptance of a unit by the applicant, the co-op may make any appropriate change to the External Waiting List or may withdraw its acceptance of the application for membership without liability.

6.4 When a Unit Becomes Available

A unit will be available to an applicant on the External Waiting List when:

- (i) no member on the Internal Waiting List is eligible for such unit, or
- (ii) no member on the Internal Waiting List has accepted the unit.

6.5 Offer of Units to Applicants on External Waiting List

- (a) When a unit is available to an applicant on the External Waiting List, the unit will be offered to the first household on the External Waiting List that is eligible for that size of unit except in cases where a household requires subsidy and the co-op has subsidy available in which case the unit will be offered to such household.
- (b) If a household on the External Waiting List accepts a unit that has been offered to them, they will not be required to take occupancy and begin paying housing charges for at least one full calendar month from the date they were first offered the unit.
- (c) When a household is offered a unit, they must accept or decline the unit. They cannot request that their name be left on the waiting list until they are ready to move.
- (d) Whenever two or more units become available at the same time, the units will be allocated with consideration to population densities of a building.

6. External Waiting List

6.6 Priority if Applicant Unavailable

If the co-op is unable to contact the household with priority on the External Waiting list within 24 hours, the unit will be offered to the next eligible household. The first household will retain its place on the External Waiting List.

6.7 Priority if Unit Refused

- (a) If a household on the External Waiting List refuses a unit because the date of occupancy is less than 60 days from the date the unit is offered, the household will retain its place on the External Waiting List.
- (b) A household that otherwise refuses a unit that has been offered to them will be placed at the bottom of the External Waiting List.
- (c) A household that refuses a second unit that has been offered will be removed from the External Waiting List.

6.8 Notification of Acceptance by Applicant

- (a) A household offered a unit will be given 24 hours from the time the unit was offered, to decide whether to accept the unit.
- (b) If the household does not inform the co-op that it accepts the unit, it will be considered to have refused the unit.
- (c) If an applicant accepts the unit offered, the applicant must move into the unit on the date specified when the unit was offered.
- (d) The applicant may not change their decision to accept the unit without the consent of the Board. The Board does not have to allow the applicant to withdraw the acceptance nor return any money received. The decision of the Board in this regard is final and not subject to appeal.

ARTICLE VII: – GENERAL

- 7.1 The co-op will not be liable to anyone for: any error, omission, or mistake concerning the waiting lists; the allocation of units or the failure to allocate units to persons on a waiting list.

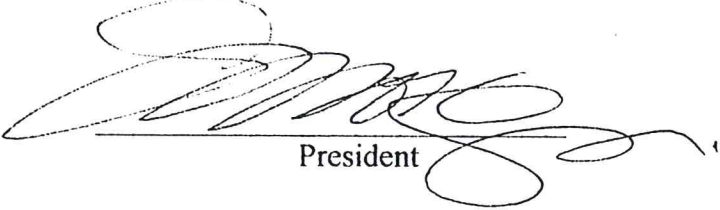
7.2 Matters Not Addressed in By-Law

The Board will decide any matters not covered by this By-Law or in the co-op's other By-Laws.

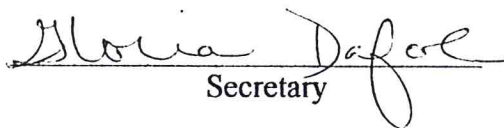
7.3 Conflict Between By-Laws

The Occupancy or Organizational By-Laws will prevail if there is any conflict between this By-Law and either of them.

PASSED by the Board of Directors and sealed with the
Corporate Seal of the Co-op on January 13, 2003.

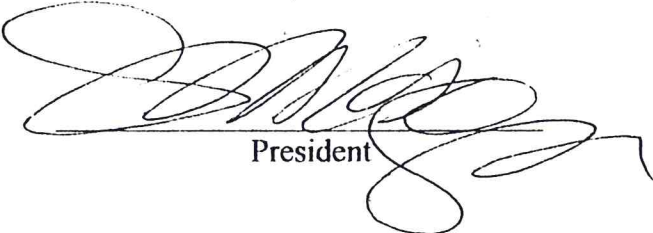


President



Secretary

Confirmed by at least two-thirds of the votes cast at a
General Meeting of the Members on January 28, 2003.



President



Secretary