

By-Law VIII – Social Housing Reform Act – 2006

FORESTWOOD CO-OPERATIVE HOMES INC.

BY-LAW NUMBER VIII

SOCIAL HOUSING REFORM ACT BY-LAW

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

RECORD OF ENACTMENT BY THE CO-OPERATIVE

This By-Law was passed by the Board of Directors of FORESTWOOD CO-OPERATIVE HOMES INC. on the 25th day of September, 2002.

Carole-Ann Sullivan

Authorized Signing Officer

Rada Loncarevic

Authorized Signing Officer

This By-Law was confirmed by at least two-thirds of the votes cast by the General Members of FORESTWOOD CO-OPERATIVE HOMES INC. at a meeting called for that purpose on the 16th day of October, 2002.

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Article 1: About This By-Law

1.1 Special Meanings

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

- (a) “*Social Housing Reform Act*” means the Ontario *Social Housing Reform 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 *Social Housing Reform 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 *Social Housing Reform Act*.
- (e) A “Service Manager” is the municipal body that relates to the Co-op under the *Social Housing Reform Act*. The Service Manager for the Co-op is: THE REGION OF PEEL
- (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 *Social Housing Reform Act*, the Regulations, Local Rules or any of them.
- (g) An “Internal Review” is a review of a decision about geared-to-income or housing resulting from an appeal by an applicant or member under Government Requirements. Procedures for internal reviews by the Co-op are in Article 6 (Procedures for Decisions, Internal Reviews and Notices) and Article 7 (Selection of Geared-to-Income Members).

Words that have special meanings in the *Social Housing Reform 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)
- Household (section 6.6)
- Business days (section 6.15).

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1.2 Applicable Rules

Many of the rules applicable to co-ops are set out in the *Social Housing Reform 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 *Social Housing Reform Act*
2. the Regulations under the *Social Housing Reform Act* and any regulations that are relevant under the *Co-operative Corporations Act*
3. Local Rules
4. this By-law, including the Appendices and Forms
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.
- (b) The following by-laws, or parts of by-laws, are repealed when this By-law is passed:
 - The Housing Charge Assistance By-law (By-law No.6)
 - Section 3.6 (Housing Charge Subsidy) of The Occupancy By-law (By-law No.4)

Article 2: Occupancy Agreement

2.1 Occupancy Agreement

- (a) The Occupancy By-law is amended by deleting Appendices A, B and C of the Occupancy Agreement and replacing them with Appendices A, B and C to this By-law.
- (b) The attached Appendices A and B will be used for all members. The attached Appendix C, Terms of the Member's Housing Charge Subsidy, will be used only for members who pay a geared-to-income housing charge.
- (c) The Co-op and the members must obey this By-law and the Occupancy

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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 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.
- (b) Existing members who pay a market housing charge must sign 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 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 pay a market housing charge and start to receive geared-to-income assistance must sign Appendices A, B and C when they start to receive geared-to-income assistance.
- (e) Existing members must sign Appendices A and B, and Appendix C if applicable, when there is a change in their household size.
- (f) 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.

Article 3: Required Internal Transfers

3.1 Purpose of Article 3

The Regulations require the Co-op to set policies and procedures for internal transfers of geared-to-income households. These 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 by the co-op and
- special needs households who have requested an internal move and been given

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special priority status by the Co-op 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 members who have requested an internal transfer and been given special priority status by the Co-op
 - second, to members who have to make a required transfer under this By-law. They will be ranked in the following order:
 - section 3.8 (Overhoused Geared-to-Income)
 - 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 in Government Requirements that are used to determine the size of unit that a geared-to-income household can occupy.

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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 and have requested an internal transfer will be offered units of a size and type for which they are eligible under applicable occupancy standards regardless of preference.
- (c) Applicable occupancy standards do not apply to special needs households.
- (d) Within this category, priority will be as stated in Government Requirements.

3.8 Required Transfers

- (a) Sections 3.8 to 3.14 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 D, Notice of Geared-to-Income or Special Needs Decision with the Right to Internal Review.

3.10 Special Needs – Modified Units & 3.11 – Special Needs - Support Services do not apply and have been removed

3.12 Procedure for Required Transfer

- (a) This section applies to Notices to Transfer under section 3.9 . 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 3.8 (Overhoused Geared-to-Income Households) may refuse appropriate units as allowed under the Government Requirements.

If a household has not moved and is still overhoused, they will be removed from the

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Internal Waiting List when required under Government Requirements. This could result in the household being put on the Service Manager's centralized waiting list or the household losing geared-to-income assistance.

If the household has been removed from the Internal Waiting List for a required transfer, the household may apply for a voluntary transfer.

3.14 Effect of Refusals – Special Priority Households

Households within section 3.7 may refuse the first TWO (2) appropriate units that are offered to them. If they refuse to transfer to the THIRD (3rd) appropriate unit that is offered to them, they will be removed from the internal transfer list.

3.15 Effect of Refusals – Overhoused Geared-to-Income Households

Households within section 3.8 (Overhoused Geared-to-Income Households) may refuse appropriate units as allowed under the Government Requirements.

3.16 Effect of Refusals – Special Needs Households does not apply and has been removed

3.17 Role of Staff in Making Orders

- (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.

3.18 Serious Damage to the Unit

Despite anything in the Co-op's by-laws, if the board determines that a household is required to move because of fire or other serious damage to their unit or contamination of their unit or any other reason that requires the unit to be vacant, the board can offer any vacant unit to that household. When the household's original unit is repaired, they will move back. The board can decide to give them the option of staying in the new unit. If they agree to stay in the new unit, the original unit will be available for an internal transfer.

3.19 Priority If Member Unavailable

If the Co-op is unable to contact the member with priority on the Internal Waiting List within 48 hours, the unit will be offered to the next eligible member. The original household will retain its priority on the Internal Waiting List.

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3.20 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.

3.21 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.

3.22 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.

ARTICLES 4 AND 5 HAVE BEEN DELETED FROM THE ORIGINAL PROPOSED SHRA BY-LAW. THESE ARTICLES ARE NOT RELEVANT TO FORESTWOOD CO-OPERATIVE HOMES INC. AS FORESTWOOD HAS LONG TERM GUEST RULES (OCCUPANCY BY-LAW 4, ARTICLE 7), AND BECAUSE THERE ARE NO SPECIAL NEEDS UNITS AT FORESTWOOD AT THE TIME OF ADOPTION OF THIS BY-LAW (October 2002)

Article 6: Procedures for Decisions, Internal Reviews & Notices

6.1 Purpose of Article 6

Under Government Requirements the Co-op must use specific procedures when making certain kinds of decisions about, 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 applicants are set out in Article 7 (Selection of Geared-to-Income 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 internal review of that decision is made by the other party, or that both the decision and the internal review are made by the Co-op.

This Article only applies to decisions that are being made by the Co-op and internal 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 section 6.7 (Opportunity to Comment) and sections 6.9 (Request for Internal Review) and 6.10 (Procedure for Internal Review) are:

- a decision that a household is not eligible for geared-to-income assistance
- a decision about which category within the internal waiting list the household will be included in
- 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

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- a decision about the amount of a geared-to-income housing charge payable by a household
- a decision about a request for deferral of a geared-to-income housing charge payable by a household.

6.5 Making Decisions

- (a) Under Government Requirements no one who took part in making a decision mentioned in section 6.4 (Kinds of Decisions under Government Requirements) can take part in the internal review of that decision. Therefore, directors cannot be involved in both making the decision and reviewing it.
- (b) When the Co-op is responsible for the internal 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 committee (not including directors)
 - a support services agency (if applicable) or
 - another party.

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.

- (c) When the Co-op is not responsible for doing internal reviews of the decisions mentioned in section 6.4, then the board may decide that directors can also be involved in these decisions or that the decisions will be made by the board.

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. “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 casual guest whose income is considered in setting a geared-to-income housing charge under section 4.4 (Income of Guests).

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6.7 Opportunity to Comment

- (a) Before the Co-op makes one of the decisions mentioned in section 6.4 (Kinds of Decisions under Government Requirements) that is negative to a household, it will give each member of the household the opportunity to comment on any information that the Co-op believes could be important in making the decision.
- (b) The Co-op does not have to give an opportunity to comment to a household about information received from a member of the household within 30 days before the decision is made.
- (c) The Co-op will give each member of the household notice of their opportunity to comment. The notice must be given within the time and contain information stated in Government Requirements. The Co-op can use the attached Form B, Notice of Opportunity to Comment.
- (d) Members must give their comments to the Co-op in writing signed by them by the date stated in the notice.
- (e) Members can sign a waiver of their opportunity to comment. If all persons in the household do this, the decision could be made sooner. The household can use the attached Form C, Waiver of Opportunity to Comment.
- (f) The Co-op can make a decision that is different from what was stated in the Notice of Opportunity to Comment. If the Co-op does this, there will be no additional opportunity to comment.

6.8 Notice of Decisions

- (a) Government Requirements have special rules for notices of decisions relating to geared-to-income households. These are different depending on:
 - the kind of decisions
 - whether the household has a right to an internal review or does not have a right to an internal review
 - whether the decision is that the household is eligible or not eligible.
- (b) Clauses (c) to (f) describe the use of these notices.
- (c) When giving notice of decisions about eligibility for geared-to-income assistance, the Co-op can use:
 - Form D, Notice of Geared-to-Income Decision with Right to Internal Review if the decision is that the household is not eligible

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- Form E, Notice of Final Geared-to-Income Decision if the decision is that the household is eligible.
- (d) When giving notice of other decisions mentioned in section 6.4 (Kinds of Decisions under Government Requirements), the Co-op can use Form D.
- (e) When giving notice of decisions about waiting list, and what category the household is listed in, the Co-op can use Form E.
- (f) If a decision is made that a household is eligible for geared-to-income assistance, both Form D and Form E have to be used.

Form E is given to state that the household is eligible. If applicable, it will also state that:

- A decision has been made and what category the household is listed in.

Form D is given about the type and size of unit for which the household is eligible.

- (g) The Co-op will give each member of the household notice of these decisions if they are made by the Co-op. The notice must be given within seven business days after the decision was made.

6.9 Request for Internal Review

- (a) 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 an internal review of the decision. They must give a written request to the Co-op, if it made the decision.
- (b) The request must be received within ten business days after the day the notice of the decision was received by the individual.
- (c) The Co-op can extend the time for giving a request for a review if the Co-op is satisfied that the member of the household acted in good faith and was unable to comply with clause (b) because of absence, accident, illness or some other reason beyond their control.
- (d) An individual may withdraw their request for an internal review by giving written notice to the Co-op. The withdrawal is not effective if it is received after the review is completed.

6.10 Procedure for Internal Review

- (a) If the Co-op is responsible for doing the internal review of a decision, the board will conduct the internal review. The internal review must be completed within ten business days after the request for the review is received.

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- (b) Because of the time frames in Government Requirements, the board cannot extend the time for doing the review of a decision mentioned in section 6.4 (Kinds of Decisions under Government Requirements).
- (c) Each member of the household that requested the internal review will be given five days written notice of the board meeting at which the internal review will be conducted. The board can use the attached Form F, Notice of Board Meeting to Conduct Internal Review.
- (d) Members of the household involved can attend and speak at the board meeting, or have a representative speak. The representative can be a lawyer or another person.
- (e) Directors, staff members and others who took part in making the decision cannot take part in the internal review of a decision mentioned in section 6.4 (Kinds of Decisions under Government Requirements). See clause (a) of section 6.5 (Making Decisions).
- (f) The board can get help from someone with special knowledge, such as a representative of a support services agency (if applicable), their local federation or the manager of another Co-op.
- (g) That party can review the file before the meeting, but must give their advice to the board at the meeting so that the household involved can hear it and make any comments on it. The board will ask that party 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.
- (h) In the case of medical or similar evidence, the board can rely on a letter from a doctor or other professional, but it must give a copy of the letter to the household with the notice of the meeting or within two business days of receiving it, if it is received after the notice of the meeting was sent.
- (i) The board can make any decision that could have been made originally. This decision could be more favourable to the household, or less favourable.
- (j) The board must give written notice of its decision to the individuals who requested the internal review within five business days after the board meeting. The board can use the attached Form G, Notice of Decision after Internal Review.
- (k) The board can delegate responsibility for all internal reviews, or specific kinds of internal reviews, or a specific internal review to a committee made up of directors. The committee will perform the duties of the board under this section and all rights and responsibilities of the board will be exercised by the

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committee. The decision of the committee will be considered the decision on the internal review and cannot be appealed to the board.

6.11 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.

6.12 No Appeal to Members

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

6.13 Confidentiality Agreement

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

6.14 Giving Notices

When the Co-op gives notices about things dealt with in this By-law, it must follow this procedure:

- (a) A notice will be given to all members of the household who are 16 years old or older.
- (b) A notice to more than one member of the same household may be by a single notice. It must be addressed to all the members of the household. It can be given to any member of the household, as stated in clause (c). If the Co-op knows about more than one address at which members of the household live, a single notice must be given at each known address.
- (c) A notice may be given to a person in any of the following ways:
 - by giving the notice directly to the person. It is considered to be given and received on that day.
 - by leaving the notice at the last known address of the person, either in a place that appears to be for incoming mail or with an individual who appears to be 16 years old or older. It is considered to be given on that day and received on the next business day.
 - by mailing the notice to the person to the last known address of the person. It is considered to be given on that day and received on the fifth business day after it is mailed.
- (d) The notice provisions stated above are based on Government Requirements. If

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Government Requirements change, the Co-op will use any new Government Requirements.

- (e) Notices can be signed for the Co-op by a staff person or any director. The person signing a notice is authorized to fill in all the blanks.
- (f) A person who signs a notice about an opportunity to comment or a decision cannot be involved in the internal review of that decision.

6.15 Business Days

When this By-law refers to “business days” it means days from Monday to Friday, other than public holidays.

6.16 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.

Article 7: Selection of Geared-to-Income Members

7.1 Purpose of Article 7

The Regulations contain rules and procedures about rejecting applications for membership from applicants who will pay a geared-to-income housing charge. This Article applies to them. It does not apply to applications for market 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, internal 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.

7.3 Making Decisions

- (a) The board will decide who will make the original decision to recommend or refuse an application for housing. It could be made by a committee or Co-op staff person.
- (b) If the committee or staff person decides that it is appropriate to refuse an applicant, they will do so. No director will be involved in the interview of the applicant or the member selection committee decision. The refusal will not be referred to the board or discussed with directors until after the time to request an internal review is passed or until an internal review is done.

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- (c) If the committee or staff person decides that it is appropriate to accept an application, or if they cannot make a decision, they will take the application to the board. The recommendation will not be discussed with directors except at a board meeting. Written materials can be distributed to directors in advance of the board meeting.
- (d) The board can decide to accept or reject the application.
- (e) If an internal review is requested, it will be conducted by the board.
- (f) Staff and others who participated in making the first decision cannot participate in the internal review. This does not include a director whose only involvement in the first decision was as a director at a board meeting to consider approving the applicant or reviewing material distributed in advance of the board meeting.
- (g) Procedures related to the initial consideration of an application by a committee or staff will be as set out in the Co-op's other by-laws. If they do not set out a procedure, or it is inappropriate, the board will decide on the procedures.

7.4 Refusal of Geared-to-Income Applicants

The Co-op may refuse to offer a unit to a household applying for 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 did 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 Co-op has reasonable grounds to believe that the unit is not suitable for the household due to the physical characteristics of the unit in relation to the number, gender and ages of the members of the household.

7.5 Notice of Refusal

If an application is refused, the Co-op will give each member of the household notice of refusal. The notice must be given not more than ten days after the decision is made.

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The Co-op can use the attached Form I, Notice of Refusal of Membership Application for Geared-to-Income Household.

7.6 Request for Internal Review

- (a) If any member of a household disagrees with the refusal of their application, they have the right to an internal review of the decision. They must give a written request to the Co-op.
- (b) The request must be given to the Co-op within ten business days after the day the notice of the decision was given to the household.
- (c) An individual may withdraw a request for internal review by giving written notice to the Co-op. The withdrawal is not effective if it is received after the review is completed.

7.7 Procedure for Internal Review

- (a) The board will conduct the internal review. The internal review must be completed within ten business days after the request for the review is received.
- (b) Because of the time frames in Government Requirements, the board cannot extend any time limits under this section.
- (c) Each member of the household that requested the internal review will be given five days written notice of the board meeting at which the internal review will be conducted. The board can use the attached Form J, Notice of Board Meeting to Conduct Internal Review of Membership Decision.
- (d) Members of the household involved can attend and speak at the board meeting, or have a representative speak. The representative can be a lawyer or another person.
- (e) The board can get assistance from someone with special knowledge, such as a representative of a support services agency (if applicable), their local federation or the manager of another co-op.
- (f) That party can review the file before the meeting, but must give their advice to the board at the meeting so that the household involved can hear it and make any comments on it. The board will ask that party 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) In the case of medical or similar evidence, the board can rely on a letter from a doctor or other professional, but it must give a copy of the letter to the household with the notice of the meeting. If the letter is received after the notice of the meeting was sent, a copy must be given to the household within two business

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- (h) days of receiving it.
- (i) The board can make any decision that could have been made originally. This decision could be more favourable to the household, or less favourable.
- (i) The board must give written notice of its decision to the individuals who requested the internal review within five business days after the board meeting. The board can use Form K, Notice of Results of Internal Review.

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 members that are not stated in this By-law or in the Co-op's other by-laws or in Government Requirements.

NOTE: AT THE TIME OF ADOPTION OF THIS BY-LAW (OCTOBER 2002) , THERE WERE NO SPECIAL NEEDS UNITS AT FORESTWOOD CO-OPERATIVE HOMES INC.

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Appendix A

Charges to the Member

FORESTWOOD CO-OPERATIVE HOMES INC.

Monthly charges

Unit: _____ Block: 11_____ Forestwood Drive, Mississauga, ON L5C 1H_____

as of: _____

Market housing charge* _____

Less Geared-to-income assistance _____

Your housing charge* _____

Parking charge _____

Sector support charge _____

Your total housing charge is: _____

**does not include sector support charge*

Member Deposit: _____

Note: The figures stated may change from time to time as stated in the Co-op by-laws or the other rules governing geared-to-income assistance, if applicable. There may be other charges as permitted under the Co-op by-laws and Government Requirements.

Signatures of Members:

1. _____
Print Name

Signature

Date

2. _____
Print Name

Signature

Date

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3. _____
Print Name

Signature

Date

4. _____
Print Name

Signature

Date

Signatures of Non-Member Occupants if Household Pays a Geared-to-Income Housing Charge:

1. _____
Print Name

Signature

Date

2. _____
Print Name

Signature

Date

3. _____
Print Name

Signature

Date

4. _____
Print Name

Signature

Date

Note: This form must be signed by all members. If the household pays a geared-to-income housing charge, this form must also be signed by all non-member occupants, including:

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

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Appendix B

Member's Household

FORESTWOOD CO-OPERATIVE HOMES INC.

Unit: _____

List each member in the member unit:

- 1. _____
- 2. _____
- 3. _____
- 4. _____

List each non-member in the member unit (including children) :

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

I agree to give prompt written notice of any change in my household size or the persons who make up my household. This includes any long-term guests and sub-occupants.

If I receive geared-to-income assistance, this includes anyone whose income should be considered in setting the amount of a geared-to-income housing charge.

I understand that no one may occupy the unit except the people listed on this form. To have additional occupants I must comply with Article 7 (Occupancy by Members) of the Occupancy By-law and By-law 4, article 7 (Long Term Guest).

Signatures of Members:

1. _____
Print Name

Signature

Date

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2. _____
Print Name

Signature

Date

3. _____
Print Name

Signature

Date

4. _____
Print Name

Signature

Date

Signatures of Non-Member Occupants if Household Pays a Geared-to-Income Housing Charge:

1. _____
Print Name

Signature

Date

2. _____
Print Name

Signature

Date

3. _____
Print Name

Signature

Date

4. _____
Print Name

Signature

Date

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Note: This form must be signed by all members. If the household pays a geared-to-income housing charge, this form must also be signed by all non-member occupants, including:

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

Appendix C

Terms of the Member's Housing Charge Subsidy

FORESTWOOD CO-OPERATIVE HOMES INC.

Unit: _____

Rules for geared-to-income assistance:

1. This document states rules for households paying a geared-to-income housing charge.
2. These rules are required by the *Social Housing Reform Act* and Regulations passed by the Ontario Government, and Local Rules set by the municipal Service Manager. These are called Government Requirements.
3. This document does not state all the rules that apply. Government Requirements and the Co-op by-laws have many other rules for households to receive geared-to-income assistance.
4. Households receiving geared-to-income assistance are responsible for finding out about all the rules that apply to them. This includes any changes in the rules.
5. The Co-op or the Service Manager can give people an information package that may answer any questions about the rules. Members should ask the Co-op or Service Manager if they have any other questions.
6. The rules in this document could be changed if Government Requirements or the Co-op's by-laws are changed. The new rules will govern even if there is no change in this document.
7. In case of conflict, Government Requirements will take priority over this document.

Basic agreement

8. The household and the Co-op agree to comply with the rules in Government Requirements and the Co-op by-laws. The household and the Co-op agree to comply with all decisions duly made under Government Requirements and the Co-op by-laws.
9. "Household" in this document means all members and all non-member occupants of the unit. This includes:
 - 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.

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10. Each person who is part of the household will be fully responsible for all obligations of the household under this document and the Co-op's Occupancy Agreement and by-laws. By signing this document each person agrees to perform those obligations.
11. This document forms an agreement between the Co-op and each member and non-member occupant. Each non-member occupant who signs this document agrees to comply with the applicable parts of the Co-op's Occupancy Agreement and by-laws and the Co-op's standard Long-term Guest Agreement.

Amount of geared-to-income assistance

12. The housing charges payable by the household are stated in Appendix A to the Occupancy Agreement. These charges apply at the time it was signed.
13. A change in the household's financial circumstances could affect their geared-to-income housing charge in the following ways:
 - The amount of a geared-to-income housing charge may go up or down.
 - The household may receive no geared-to-income assistance, but remain eligible for 12 months. This could happen if the household's income increases so that no assistance is payable under the geared-to-income formula.
 - The household may lose eligibility for geared-to-income assistance if their income or assets are above limits set by the Service Manager.

Decisions about these things will be made by the Service Manager, or by the Co-op if responsibility has been delegated to it.

14. Overpayments of assistance must be repaid to the Co-op. The geared-to-income housing charge can be increased or the household can be required to repay the entire amount. These decisions will be made by the Service Manager, or by the Co-op if responsibility has been delegated to it.
15. If it is determined that the household did not receive all the assistance it was entitled to, the household will be credited with the underpayment of assistance. The credit will be applied to later housing charge payments as they fall due.
16. Under Government Requirements households can get a notice telling them to pursue certain types of income. The household has to apply for and use reasonable efforts to get the income. If the household does not comply with the notice, it is no longer eligible for assistance. The types of income include:
 - Ontario Works assistance
 - child or spousal support under applicable laws
 - employment insurance
 - government pension benefits for persons 65 or older
 - support or maintenance under an immigration undertaking.

The exact types of income are stated in the Regulations.

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Occupancy of unit:

17. No one may occupy the unit except people who were members of the household at the time the Occupancy Agreement was signed and any additional people authorized by the Co-op, as stated in Article 7 (Occupancy by Members) of the Occupancy By-law
18. The household must immediately inform the Co-op in writing of any persons who cease to occupy the unit or start to occupy the unit after the Occupancy Agreement was signed. This does not include casual guests, if the guest's income does not have to be included in calculating geared-to-income assistance.
19. The household may no longer be eligible for assistance if the household has not occupied a unit in the Co-op for longer than the time set by the Service Manager, if any. This will not be less than 60 days. This applies whether or not the absence is permitted under the Co-op's by-laws.
20. Households that are overhoused will have to move or they will no longer be eligible for assistance. Rules relating to when the household has to move are in Government Requirements and the Co-op's by-laws. Overhousing will be determined according to occupancy standards under Government Requirements. The Co-op may have occupancy standards for underhousing that could apply.
21. The household may not assign their Occupancy Agreement or the right to occupy the unit. The household may not allow anyone to occupy their unit as a sub-occupant, tenant or on any other basis. The parts of the Co-op's by-laws that permit sub-occupancy do not apply to the household.

Giving information:

22. Government Requirements require reviews by the Service Manager for each household receiving geared-to-income assistance. These reviews must be done at least once a year and can be more often. These items have to be reviewed:
 - continuing eligibility for geared-to-income assistance
 - amount of geared-to-income assistance for which the household is eligible
 - size of unit for which the household is eligible.
23. The household must:
 - co-operate in the review
 - provide all required information both with respect to members and non-member occupants
 - do this within the time limits required.
24. The Co-op may be doing some or all of these reviews on behalf of the Service Manager.
25. Government Requirements require prompt updating of information. Between reviews, it is the household's responsibility to promptly report in writing to the Service Manager, or

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to the Co-op if responsibility has been delegated to it:

- any change in income
 - any change in assets
 - any change in household composition
 - any change in immigration status.
26. These changes must be reported no matter how small the change is unless the Service Manager has made a different Local Rule.
27. These reports must be made within the time set by Government Requirements. The household must make these reports even if the paperwork relating to the change has not been received. The household must use any forms that are set by the Service Manager or Co-op.
28. The household agrees that the Co-op can receive, through its employees or agents, credit information from any credit agency or other source. The member must have all persons in the member's household sign an authorization for a credit check, if requested by the Co-op.
29. Personal information about the household may be shared with the Service Manager and other bodies as stated in Government Requirements and the Co-op's by-laws or as stated in other laws. Except for this, the Co-op must keep all personal information confidential.

Losing assistance:

30. Households can lose their geared-to-income assistance if they break any of the rules that apply – whether or not the rules are stated in this document. In addition:
- They may have to repay amounts that should have been paid by them, either immediately or over time.
 - To get geared-to-income assistance again:
 - they will have to go on the Service Managers' centralized waiting list
 - they will have to pay any arrears or sign a repayment agreement. The Service Manager or housing provider has to be satisfied that they will repay the arrears
 - they will have to wait two years after subsidy has been ended if there has been a conviction relating to geared-to-income assistance or a decision that there was misrepresentation by a court or the Rental Housing Tribunal. Local Rules could extend this time period.
31. Households can also lose their geared-to-income assistance without breaking any rules. This can happen for the following reasons:
- The household's income increases so that no assistance is payable under the geared-to-income formula. The household will remain eligible for 12 months in case their circumstances change.

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- The household's income or assets increase above a limit set by the Service Manager. The household will no longer be eligible.
- An overhoused household does not move after being offered the number of units stated in Government Requirements. The household will no longer be eligible.

Opportunity to Comment

32. Before certain decisions are made that are negative to a household, members of the household have the opportunity to make written comments on any significant information. These decisions are listed in section 34. The household is entitled to receive notice of the information. A household does not have an opportunity to comment on information provided by a member of the household within 30 days before the decision is made.

Internal Review

33. If any member of a household disagrees with certain decisions, they are entitled to an internal review of the decision. See section 34 for the types of decision. The household is entitled to receive notice of the decision.

Members' rights on decisions

34. The household has a right to comment and can request an internal review of:
- a decision that the household is not eligible for geared-to-income assistance
 - a decision about the amount of a geared-to-income housing charge
 - a decision about a request for deferral of a geared-to-income housing charge
 - a decision about the type and size of unit for which the household is eligible.
35. These decisions are made by the Service Manager, or by the Co-op if responsibility has been delegated to it. Even if responsibility for the decision has been delegated to the Co-op, the Service Manager may be responsible for the internal review.
36. Procedures, requirements and other rules about making comments and about internal reviews are stated in Government Requirements and the Co-op by-laws. See Article 6 of the *Social Housing Reform Act By-law*.
37. Members need to act within the required time limits or they lose their opportunity to comment or their right to an internal review. Members should ask the Co-op or Service Manager if they do not know who performs the internal review or if they have any other questions.

By signing this document, the undersigned agrees to observe and comply with the *Social Housing Reform Act*, the Regulations, Local Rules, the Co-op's by-laws, the Co-op's Occupancy Agreement and this document.

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Signatures of Members:

1. _____
Print Name

Signature

Date

2. _____
Print Name

Signature

Date

3. _____
Print Name

Signature

Date

4. _____
Print Name

Signature

Date

Signatures of Non-Member Occupants if Household Pays a Geared-to-Income Housing Charge:

1. _____
Print Name

Signature

Date

2. _____
Print Name

Signature

Date

3. _____
Print Name

Signature

Date

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4.

Print Name

Signature

Date

Note: This form must be signed by all members. If the household pays a geared-to-income housing charge, this form must also be signed by all non-member occupants, including:

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

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Form A

Notice to Transfer

FORESTWOOD CO-OPERATIVE HOMES INC.

To: _____

Address: _____

This is your notice that the Co-op requires you to move to a different unit in the Co-op. Your name has been put on the Internal Waiting List.

If you refuse **THREE (3)** appropriate units that are offered to you, you may be evicted. The Co-op may take other steps because of the situation described in this Notice. These steps may be taken before or after you have been offered any units.

Internal review

You are entitled to an internal review of the decision to issue this Notice. To receive an internal review you must make a written request to the Co-op.

This request must be received by the Co-op on or before:_____

Articles 3 and 6 of the *SHRA* By-law, as well as other parts of the Co-op’s by-laws, state rights and obligations that apply to you in this situation.

Reason

The following is the reason why this Notice has been given to you:

Your household occupies a unit for which you are not eligible. See section 3.9 of the *SHRA* By-law.

Details:

The facts on which the Co-op relied in making its decision to issue this Notice are:_____

Signature for the Co-op:

Signature
Forestwood Co-operative Homes Inc.

Date

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Form B

Notice of Opportunity to Comment
FORESTWOOD CO-OPERATIVE HOMES INC.

To: _____

Address: _____

This is your notice that the Co-op is considering a decision about your household.

Any member of your household may comment on the information described in this Notice before the decision is made. Comments must be in writing and must be signed by the person who is making them.

Comments must be received by the Co-op on or before: _____

Members of your household can waive their right to comment. The Co-op has a form that each member of the household can sign. The form is enclosed.

Decision

The proposed decision is:

___ that your household is not eligible for geared-to-income assistance.

___ about the type and size of unit for which your household is eligible, if your household pays or will pay a geared-to-income housing charge. The specific decision being considered is: _____

___ about the category into which your household will be placed on the internal waiting list :

___ about the amount of a geared-to-income housing charge payable by your household. The specific decision being considered is: _____

___ about a request for deferral of a geared-to-income housing charge payable by your household. The specific decision being considered is: _____

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Information

A summary of any information that the Co-op believes could be important in making the decision is: _____

Signature for the Co-op:

Signature
Forestwood Co-operative Homes Inc.

Date

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Form C

Waiver of Opportunity to Comment

FORESTWOOD CO-OPERATIVE HOMES INC.

I received a Notice of Opportunity to Comment dated _____, 2____.
I give up and waive my right to comment on the information described in the Notice.

From: _____

Address: _____

Signatures of Members:

1. _____
Print Name

Signature

Date

2. _____
Print Name

Signature

Date

3. _____
Print Name

Signature

Date

4. _____
Print Name

Signature

Date

Signatures of Non-Member Occupants if Household Pays a Geared-to-Income Housing Charge:

1. _____
Print Name

Signature

Date

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2. _____
Print Name

Signature

Date

3. _____
Print Name

Signature

Date

4. _____
Print Name

Signature

Date

Form D

Notice of Geared-to-Income Decision with Right to Internal Review

FORESTWOOD CO-OPERATIVE HOMES INC.

To: _____

Address: _____

This is your notice that the Co-op has made a decision about your household.

The decision was made on: _____

Internal review

You are entitled to an internal review of this decision. To receive an internal review you must make a written request to the Co-op.

This request must be received by the Co-op on or before: _____

Opportunity to comment

Your household was given an opportunity to comment before the decision was made.

Notice of the opportunity to comment was given on: _____

Comments had to be received by: _____

Comments were provided by the following members of your household: _____

Decision

The decision was:

___ that your household is not eligible for geared-to-income assistance.

___ about the type and size of unit for which your household is eligible, if your household pays or will pay a geared-to-income housing charge. The specific decision being considered is: _____

___ about the category into which your household will be placed on the internal waiting list :

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This is the notice referred to in section 32(2) of Ontario Regulation 298/01 and section 3.8 of this By-law.

___ about the amount of a geared-to-income housing charge payable by your household.
The specific decision being considered is: _____

___ about a request for deferral of a geared-to-income housing charge payable by your household. The specific decision being considered is: _____

Reason

The reasons for the Co-op's decision is: _____

Signature for the Co-op:

Signature
Forestwood Co-operative Homes Inc.

Date

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Form E

Notice of Final Geared-to-Income Decision

FORESTWOOD CO-OPERATIVE HOMES INC.

To: _____

Address: _____

This is your notice that the Co-op has made a decision about your household.

The decision was made on: _____

The decision is final. You may not request an internal review.

Decision

The decision was:

___ that your household is eligible for geared-to-income assistance.

Inclusions

If the decision was a decision that your household is eligible for geared-to-income assistance, the following Notice accompanies this Notice, if applicable

___ a Notice about the type and size of unit for which your household is eligible (Form D).

Signature for the Co-op:

Signature
Forestwood Co-operative Homes Inc.

Date

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Form F

Notice of Board Meeting to Conduct Internal Review
FORESTWOOD CO-OPERATIVE HOMES INC.

To: _____

Address: _____

The Co-op gave you a Notice dated _____ about a decision or decisions described in the Notice.

You requested an internal review.

The board of directors is going to conduct the internal review at a board meeting.

This meeting will be on _____ in the Co-op Centre at the Co-op, 1186 Forestwood Drive, Mississauga, Ontario. The board meeting will start at _____ but you do not have to arrive before _____. Because of the time frames set by Government Requirements, the board cannot change this time.

You may appear and speak at the meeting. You may present written material. You may have a lawyer or other representative speak for you.

You may withdraw your request for internal review by giving written notice to the Co-op.

The main facts and circumstances that the board will consider are: _____

Signature for the Co-op:

Signature
Forestwood Co-operative Homes Inc.

Date

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Form G

Notice of Decision After Internal Review

FORESTWOOD CO-OPERATIVE HOMES INC.

To: _____

Address: _____

The Co-op gave you a Notice dated _____ about a decision or decisions described in the Notice.

You requested an internal review.

This is your notice that the Co-op has conducted an internal review of the decision. The following is the result of the internal review:

___ There is no change in the decision. The original decision has been confirmed.

___ The original decision has been changed. The new decision is: _____

The decision stated above is final.

Signature for the Co-op:

Signature
Forestwood Co-operative Homes Inc.

Date

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Form H

Confidentiality Agreement

FORESTWOOD CO-OPERATIVE HOMES INC.

I have agreed to assist the Co-op in performing an internal review of one or more decisions under the Co-op's *Social Housing Reform Act* By-law.

Confidential information is any personal, financial, medical or other information about any individuals.

I agree that I will keep secret any confidential information that I learn in connection with an internal review unless required by law to reveal it or unless it is revealed to the Co-op board, staff or committees in relation to the review process.

Print Name

Signature

Date

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Form I

**Notice of Refusal of Membership Application for
Geared-to-Income Household**

FORESTWOOD CO-OPERATIVE HOMES INC.

To: _____

Address: _____

This is your notice that the Co-op refuses to offer you membership and a unit of housing in the Co-op.

You are entitled to an internal review of this refusal. To receive an internal review you must make a written request to the Co-op.

This request must be received by the Co-op on or before: _____

The procedures for the internal review are stated in Articles 6 and 7 of the Co-op's *Social Housing Reform Act* By-law. A copy of Articles 6 and 7 is attached to this notice.

Reasons

The reasons for the Co-op's refusal to offer the unit to you are:

- ___ selection of your household would be contrary to the Co-op's mandate
- ___ the Co-op has reasonable grounds to believe, based on your household's rental history, that your household may fail to fulfill the obligation to pay housing charges for the unit in the amount and at the times they are due
- ___ members of your household did not agree to accept their responsibilities as members of the Co-op, or the Co-op has reasonable grounds to believe that members of your household will not accept or will be unable to accept those responsibilities
- ___ 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 your household to reside in the shared accommodation
- ___ the Co-op has reasonable grounds to believe that the unit is not suitable for your household due to the physical characteristics of the unit in relation to the number, gender and ages of the members of your household

By-Law VIII – Social Housing Reform Act – 2006

Details

The facts on which the Co-op relied in making its decision not to offer the unit to you are:

Signature for the Co-op:

Signature
Forestwood Co-operative Homes Inc.

Date

Form J

Notice of Board Meeting to Conduct Internal Review of Membership Decision

FORESTWOOD CO-OPERATIVE HOMES INC.

To: _____

Address: _____

The Co-op refused to offer you a unit of housing in the Co-op. You requested an internal review of this refusal.

The board of directors is going to conduct the internal review at a board meeting.

This meeting will be on _____ in the Co-op Centre at the Co-op, 1186 Forestwood Drive, Mississauga, Ontario. The board meeting will start at _____ but you do not have to arrive before _____. Because of the time frames set by Government Requirements, the board cannot change this time.

You may appear and speak at the meeting. You may present written material. You may have a lawyer or other representative speak for you.

You may withdraw your request for internal review by giving written notice to the Co-op.

Signature for the Co-op:

Signature
Forestwood Co-operative Homes Inc.

Date

By-Law VIII – Social Housing Reform Act – 2006

Form K

Notice of Result of Review of Membership Decision
FORESTWOOD CO-OPERATIVE HOMES INC.

To: _____

Address: _____

The Co-op refused to offer you a unit of housing in the Co-op. You requested an internal review of this refusal.

This is your notice that the Co-op has conducted an internal review of the refusal.

- ___ The original refusal has been confirmed. The Co-op still refuses to offer you membership and a unit of housing in the Co-op.
- ___ The original refusal has been reversed. The Co-op has accepted your household for membership. You will become a member when a unit is allocated to you and you sign all necessary papers. You will be contacted when a unit is available.
- ___ The original decision has been changed. The Co-op is prepared to accept your household for membership, if the conditions stated below are fulfilled. You will become a member when the conditions are fulfilled, a unit is allocated to you and you sign all necessary papers. You will be contacted when a unit is available. If the conditions are not fulfilled, your application is refused.

The decision stated above is final.

Signature for the Co-op:

Signature
Forestwood Co-operative Homes Inc.

Date