



Waiting List By-law, By-law No. 34

There are two waiting lists in the co-op:

- Internal Waiting List
- External Waiting List.

The Internal Waiting List is for members who already live in the co-op, and want to move to a different unit.

The External Waiting List is for people who do not live in the co-op, but have applied for a unit. They will become members once they follow the process as per the Membership Process By-law.

When filling vacancies, the Co-op will alternate between the Internal Waiting List and the External Waiting List. Housing charge assistance will be allocated in accordance with the provisions of the Housing Charge Assistance By-law.

This By-law explains how each waiting list is set up and used by the co-op. The Waiting List Policies and Procedures (1988) and Internal Waiting List Policy (1990) is repealed.

Article 1 Internal Waiting List

1.1 Right to apply

a) Members 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*. In their application to relocate, members may specify that they wish to relocate to a:

- particular area of the co-op,
- particular size or type of unit, or
- particular unit or units.

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) Members who are in breach of their Occupancy Agreement with the Co-op are not eligible to relocate within the Co-op. Grounds for refusing a request to relocate include, but are not limited to:

- failure to fulfil participation requirements;
- being in housing charge arrears;
- failure by the member to maintain their Unit in accordance with the Maintenance Policy.

1.2 Requirement to Relocate

Households will be required to relocate under the following circumstances:

- there are less people in the member's household than allowed by the minimum occupancy standards for the unit size as follows:

one-bedroom	1 person
two-bedroom	2 persons
three-bedroom	3 persons
four-bedroom	4 persons;
- a household lives in a unit modified for the disabled and no longer has a disabled person living with them.

Households can refuse two offers of an appropriate unit before the household will be considered in breach of this By-law. Refusal of the offer of a third appropriate unit will be grounds for eviction.

As of the date this By-law is approved by the General Members, members will not be expected to transfer in order to meet the new minimum standards. In addition members who have applied internally for a transfer before the by-law approval date, will still be eligible for the unit size requested. In both cases, the members will need to meet the old minimum standards as per By-law #11, Article 6.2.

1.3 Record date for Internal Waiting List

The record date for determining an applicant's place on the Internal Waiting List will be the later of:

- a) the date that a completed application for relocation is received by the Co-op;

- b) the earliest date on which the member is first permitted to make an application for the relocation under 1.4, *Minimum period of residence*.
- c) the date the household is no longer eligible for the unit will be based on Article 1.2

1.4 Minimum period of residence

- a) Members must live in the co-op for one year before they can apply to relocate for the first time. Members must live in the co_op for two additional years before they can apply to relocate again.
- b) The Board may waive the requirements set out in 1.4 (a) if:
 - there are more people in the member's household than allowed by the *Occupancy By-law*;
 - the household needs to move to a less expensive unit for financial reasons;
 - the household needs a unit modified for the disabled;
 - the household has any other special need recognized by the Board.

1.5 Relocation of part of household

- a) 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 if:
 - 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 to the new unit is a member of the Co-op;
 - at least one member remaining in the old unit and one member moving to the new unit have resided in the old unit for the minimum period set out in 1.4;
 - the original household is not in arrears;
 - the size of the household remaining in the old unit and the size of the household moving to the new unit will, at the time of relocation, meet the occupancy standards set out in the *Occupancy By-law*;
 - any new residents over 18 years of age in a household are interviewed and accepted for membership in the Co-op.
- b) If members of a household apply to relocate because of a family break-up or other

problems within the household, they may apply to the Board to have the minimum residence requirement waived. The Board will make the final decision on such a request.

- c) A member who has moved into the Co-op to share a unit with a member already in residence may not apply to relocate independently of that member for a period of one year.
- d) The grand-parenting clause in Article 1.2 does not apply to new households being created by relocation.

1.6 Continuous residence

- a) In order to remain on the Internal Waiting List, a member must continuously reside in the Co-op. The Board will remove the member's name from the internal waiting list if it determines that the member has not been continuously resident in the Co-op during the period that he or she has been on the waiting list.
- b) For the purposes of this By-law only, a person will be considered to be continuously resident if the person has a unit in the Co-op as their exclusive principal residence and personally occupies the unit for at least ten and a half months of each consecutive twelve month period.

If a member wishes to be absent from the Co-op for a longer period and wishes to remain on the Internal Waiting List, the member must obtain permission from the Board before ceasing to personally occupy the unit. This permission is necessary in order to remain on the waiting list, even though the absence would be one that is permitted under the relevant provision of the *Occupancy By-law*.

1.7 Priority

- a) Vacant units will be offered to qualified members on the Internal Waiting List and the External Waiting list on an alternating basis, to members who have indicated an interest in that size and type of unit. For internal applicants, the units will be offered in accordance with the members' record dates unless the Co-op determines to alter the priorities for reasons permitted under 1.8, *Exceptions to Normal Priority*.

1.8 Exceptions to normal priority

- a) Members' normal priority on the Internal Waiting List may be altered and households with a later record date may be given priority for a unit that becomes available in the circumstances set out in this section.

b) First priority will be given to any household which is entitled to be offered a unit under the provisions of the *Occupancy By-law* which deal with expropriation, fire or other damage or sale of a portion of the Co-op. Priority among such households will be in the order in which they first became entitled to be offered a unit.

c) Second priority will be given to households required to move according to Section 1.2 of this by-law.

d) Third priority will be given to any household which is eligible for housing charge assistance and wishes to move to a less expensive unit because housing charge assistance is not available. If there is more than one such household, the Board will determine the priority based on the degree of financial need.

e) Fourth priority will be given to households needing to relocate under the maximum occupancy standards of the *Occupancy By-law*. If there is more than one such household, the Board will determine their priority based on the severity of the situation.

f) Fifth priority will be given to households with special needs as described in Article 5 of the Housing Charge Assistance By-law.

1.9 No trading of units

Trading of units directly between members is not permitted.

1.10 Priority if member unavailable

When a unit designated for an internal applicant becomes available, the Co-op will contact the next eligible member on the Internal Waiting List. If the member cannot be contacted, the Co-op will deliver a notice to the member's unit. If the Co-op is unable to contact the member within 48 hours, the Co-op will offer the unit to the next eligible member on the waiting list. The original member will retain his or her priority on the waiting list.

1.11 Priority if unit refused

Members who are requesting to relocate may refuse one unit that has been offered and retain their priority on the Internal Waiting List. If they refuse two units that meet the conditions specified by them in their application, they will lose their priority on the waiting list with the record date being changed to the day that they refused the second unit.

1.12 Notification of acceptance by applicant

- a) Members must notify the Co-op office within 24 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, and the provisions of section 1.11, *Priority if unit refused*, apply. In the case of members required to relocate, the provisions set up in section 1.2 apply.

- b) Once a member has accepted the unit under this Article, the member is required to vacate his or her existing unit (on the date specified when the unit was offered) and move into the new unit. The member may not change their decision to accept the unit without the consent of the Board.

- c) The Board is not obliged to allow members to withdraw acceptance and the decision of the Board will not be subject to appeal to a general meeting of members.

Article 2 External Waiting List

2.1 External Waiting List to be maintained

- a) There are two types of external waiting lists in the co-op:
 - i) Market Charge Waiting List;
 - ii) Housing Charge Assistance Waiting List.

The External Market Charge Waiting List is maintained by the Co-op. The External Housing Charge Assistance Waiting List for the Co-op is maintained by Toronto Social Housing Connections. The membership approval process will be the same for applicants on both lists.

- b) Both External Waiting Lists will 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.

2.2 Record Date for External Waiting List

The record date for determining an applicant's place on the Co-op's External Waiting Lists will be the date when a completed application form is received from the applicant.

2.3 Priority

Except as otherwise provided in this By-law and the Housing Charge Assistance By-law, priority among applicants on both External Waiting List will be according to the applicant's record date as defined in section 2.2, *Record date for External Waiting List(s)*.

2.4 Updating waiting lists

- a) Approximately every six months, a designated staff person will attempt to contact all applicants on the External Market Waiting List to determine 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

- b) If, at the time the Co-op is updating its External Market Charge 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 no response is received 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.

- c) Toronto Social Housing Connections will be responsible for updating information about Applicants on the External Housing Charge Assistance Waiting List.

2.5 Withdrawal of acceptance

When an applicant is accepted, there will 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 to permit the applicant to take occupancy and become a member in accordance with the *Organizational By-law*. However, where new information about an accepted applicant 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 its waiting list or may withdraw its acceptance of the application for membership without liability. If acceptance of the application is withdrawn, the application will be treated as if originally refused and the applicant will be entitled to appeal under the *Membership Process By-law*. Any monies paid by the applicant will be returned without interest.

2.6 Offer of units to applicants on External Waiting List

- a) When a unit becomes available to an applicant from either of the External Waiting Lists, it will be offered to the first household on the list that has indicated it wants, and is eligible for, that size and type of unit.
- 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 commence payment of housing charges for at least one full calendar month from the date they were first offered the unit. If the unit is vacant earlier, the household must make all reasonable efforts to move in and commence paying housing charges earlier, if it can be done without financial loss to them.

2.7 Priority if applicant unavailable

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

2.8 Priority if unit refused

- a) A household on the External Waiting List(s) may refuse an unit because the date of occupancy is less than 60 days from the date the unit is offered without losing its priority on the list for future units.
- b) A household may refuse two units that have been offered and retain its place on the External Waiting List(s). A unit refused under (a) of this section will not be considered a refusal for these purposes. If the household refuses a third unit, it will lose its priority on the waiting list and the record date for its application will be

changed to the day it turned down the third unit.

2.9 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 and pay the first month's housing charge.
- b) If the household does not, within 24 hours of being offered a unit, inform the Co-op office, in writing, that it accepts the unit and pays the first month's housing charge, it will be considered to have refused the unit. The requirement of payment within 48 hours, may be waived if a third party (i.e. social assistance provider) is guaranteeing payment.
- c) Once an applicant has accepted a unit under this Article, the applicant will be bound to move into the unit on the date specified when the unit was offered. Such acceptance may not be withdrawn without the consent of the Board. The Board will not be obliged to permit the withdrawal of an acceptance or the return of the first month's housing charge and the decision of the Board in this regard will not be subject to appeal.

Article 3 General

3.1 No Liability

Anything in the Co-op's by-laws, or any commitment made by anyone who claims to be authorized by the Co-op 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 waiting list
- the allocation of units or assistance
- the failure to allocate units or assistance to persons on a waiting list

3.2 Matters not addressed in the by_laws

The Board will decide anything relating to the subject matter of this By-law not set out in the By-law or in the Co-op's other by-laws.

3.3 Conflict between by-laws

In case of any conflict between this By-law and the Co-op's *Occupancy By-law* or *Organizational By-law*, the latter by-laws will prevail.

Date approved by the Board of Directors:September 5, 2002

Date confirmed by the Members: September 19, 2002