

By-law 2015.07

MEMBERSHIP APPROVAL AND UNIT ALLOCATION BY-LAW

Passed by the Board of Directors on 09 February 2015
Confirmed by the Members on 01 March 2015

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1. ABOUT THIS BY-LAW

This By-law takes the place of or amends all previous by-laws or decisions that deal with membership approvals, unit allocations and waiting lists. Some related provisions appear in the Co-op's Occupancy By-law, Organizational By-law, and the *Housing Services Act* By-law. If there is a conflict between documents, the following will govern in order of authority:

- first the *Co-operative Corporations Act* and the *Housing Services Act*
- second, the Local Rules set by the service manager
- third, the Co-op's *Housing Services Act* By-law (HSA By-law)
- fourth, this by-law
- fifth, the Co-op's Organizational or Occupancy By-law

1.1 Special meanings

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

- (a) "Government Requirements" is a term used in this By-law to refer to the rules that apply to co-ops as stated in the *Housing Services Act*, the Regulations, and Local Rules or any of them.
- (b) "Mandate" means the co-op's commitment, if any, to allocate units to a specific group, such as seniors, persons with disabilities, artists etc., as established under Section 99 of the *Social Housing Reform Act* and as continued under Section 76 of the *Housing Services Act*.
- (c) "Target Plan" means the required number of geared-to-income units and the number of modified/special needs units to be maintained in the Co-op as established under Section 98 of the *Social Housing Reform Act* and as continued under Section 77 of the *Housing Services Act*.
- (d) "Overhoused" is the term used to describe a household where there are fewer occupants than permitted under the minimum applicable occupancy standards.
- (e) "Underhoused" is the term used to describe a household where there are more occupants than permitted under the maximum applicable occupancy standards.
- (f) "Applicable Occupancy Standards" means the occupancy standards, if any, set out in the Co-op's Occupancy By-law and the occupancy standards set by the service manager for geared-to-income households.
- (g) "Centralized Waiting List" means the waiting list kept by the Service Manager of households approved for rent-geared-to-income subsidy and special needs units if the Co-op is not the special needs housing administrator.

1.2 Aims of the process

The aims of the application and membership approval process are to make sure that:

- applications are evaluated fairly against the Co-op's membership criteria
- applicants have enough information to decide whether they are interested in living in the Co-op
- the Co-op has enough information to evaluate the application
- the process minimizes loss of revenue caused by vacancies.

1.3 Non-discrimination

In assessing applications for membership the Co-op will comply with the *Ontario Human Rights Code* and will not discriminate against anyone in a way that is prohibited by the *Human Rights Code*. The Co-op will assess applications on the basis of the Co-op Principle of Open and Voluntary Membership.

1.4 Membership criteria

Applicants for membership in the Co-op must meet the following standards:

- at least one member of the household is aged 16 years or older
- the household's rental history does not give the Co-op reasonable grounds to believe the household may fail to pay the housing charge
- the household size meets the Applicable Occupancy Standards
- applicants have
 - a positive attitude towards living in a community with people from different social, economic, and cultural backgrounds, and a commitment to treating other members with respect
 - an interest in contributing to the operation and life of the Co-op
 - a willingness to maintain the unit in good repair.

The Co-op will apply these standards equally to all applicants.

1.5 Giving notices

Rules for giving notices under this By-law will be as in Attachment 1 Notices of the Co-op's HSA By-law.

2. APPLYING TO THE CO-OP

2.1 Application requirements

All applicants must apply to the Co-op on the application form that the Co-op provides. Schedule A of this By-law provides a sample form. In the case of geared-to-income or special needs households from the Centralized Waiting List, the board may decide not to require completion of the Co-op's application form. Application forms must be complete and signed by all adult household members.

All members of the applicant's household who are 16 years of age or older and intend to live in the Co-op must apply for membership or long-term guest status. If they do not, the Co-op will not consider the application.

All applicants must go through the Co-op's membership or long-term guest approval process.

All applicants must provide proof of income in a form determined by the Co-op.

2.2 Confidentiality

Each applicant must sign a form that gives permission for the Co-op to conduct a credit check and landlord check, for purposes of determining rental history only. The co-op will use the information obtained only in connection with the application.

2.3 Membership approval process

The Board may adopt procedures for dealing with member applications. Until the Board decides otherwise, the procedures will be as stated in Schedule B Membership Approval Process. The procedures shall conform to this By-law.

3. REFUSALS AND REVIEWS

3.1 Purpose of this article

The Co-op will consider all applications seriously and will not refuse applications without careful consideration. This article sets out the rules for the refusal of applicants.

3.2 Refusals

The reasons to refuse an applicant must conform to the criteria stated in section 1.4 of this By-law, the grounds set out in the Co-op's HSA By-law, and to Government Requirements. The process for refusing applicants including giving notice of the refusal is set out in Article 7 of the Co-op's HSA By-law. The process will apply to all applicants.

3.3 Reviews

If any member of a household disagrees with a refusal of their membership application, they have the right to a review of the decision. There is only a right to a review the first time an application from a household is refused. The procedures for reviews are set out

in Article 7, Attachment 4 and Attachment 5 of the the Co-op's HSA By-law.

A list of the Forms and Notices for Reviews of Decisions to Refuse a Membership Application is attached to this By-law as Schedule D.

3.4 Record of refusals

The Co-op will maintain a written record of refusals according to Government Requirements.

3.5 Re-applying after refusal

Applicants that have been refused membership can submit a new application in the future. For example, the applicants may feel that their circumstances have changed and they now meet the Co-op's membership criteria.

The Board may decide not to consider the application if they feel that the circumstances have not changed.

4. WAITING LISTS

4.1 Two waiting lists

There are two waiting lists in the Co-op:

- "The Internal Waiting List"
- "The External Waiting List"

The "Internal Waiting List" is made up of people who live in the Co-op who

- are part of a geared-to-income or special needs household who have been given special priority status and have requested a transfer
- are required to transfer under the HSA By-law
- are required to transfer under the Co-op's other by-laws
- want or need to move to a different unit.

The "External Waiting List" is made up of households who do not live in the Co-op but have applied for a unit.

4.2 Priority

The Internal Waiting List normally has priority over the External Waiting List.

Section 3.5 of the Co-op's HSA By-law describes the order of priority for allocating units.

The priority may not apply in the case of an application for relocation of part of a household described in section 5.7 where an additional geared-to-income subsidy is required. In that case, the timing of the relocation will be determined by the approval of

geared-to-income subsidy by the Service Manager and by the Target Plan requirements.

Articles 5 and 6 of this By-law describe how the Internal and External Waiting Lists are set up and used by the Co-op.

5. INTERNAL WAITING LIST

5.1 Member's right to apply

Subject to section 5.3, members may apply to transfer to any size or type of unit for which they qualify (or will qualify at the time of transfer). All households must meet any Applicable Occupancy Standards.

Members may specify that they only wish to transfer to a particular area of the Co-op, a particular type of unit or a particular unit or units.

All requests to transfer to another unit in the Co-op must be submitted to the Co-op office using a form provided by the Co-op. The Co-op may use Schedule E Internal Transfer Application.

5.2 Required transfers under the HSA By-law

For geared-to-income households and households occupying special needs units that must make a required transfer under the Co-op's HSA By-law, and households requesting transfers under the special priority provisions of the *Housing Services Act*, the rules are set out in Article 3 of the Co-op's HSA By-law and are subject to Government Requirements. These households have greater priority on the List than households described in sections 5.3 and 5.4 of this By-law.

5.3 Required transfers under the Co-op's Occupancy By-law

For households that have to make a required transfer under the Co-op's Occupancy By-law the rules are set out in Article 6 of the Occupancy By-law. These households have greater priority than households described in section 5.4 of this By-law.

5.4 Members requesting an internal transfer

For members that do not have special priority status and are requesting an internal transfer that is not required under the HSA By-law or the Occupancy By-law, priority will be lower than households described in sections 5.3 and 5.4 of this By-law. The record date for determining an applicant's ranking in this category on the Internal Waiting List will be the later of:

- the date that a completed application for transfer is received by the Co-op and
- the earliest date on which the member is first permitted to make an application for transfer under section 5.6 Minimum period of residence.

Ranking within this category on the Internal Waiting List will be based on the record date

unless an exception is made for such reasons as finances (a market-paying member wants to move to a less expensive unit), conflicts with neighbours or health reasons.

If a member requests an exception to their ranking on the Internal Waiting List, a notice will be given to applicants higher on the List in order that they might indicate any reason why they should have priority. Confidential information about the person requesting the exception will not be given. The board will determine the order of priority for such exceptions, based on the situation.

5.5 No trading of units

No trading of units directly between members will be permitted.

5.6 Minimum period of residence

- (a) Except where the internal transfer is required under the Co-op's HSA By-law or Occupancy By-law, or where the household has been given special priority status and has requested a transfer, applicants for internal transfer must have been resident as members in a unit in the Co-op for a minimum of one year immediately prior to submitting an application to transfer. Following an internal transfer, members must have been resident in that unit for a minimum of one year immediately prior to applying to transfer to another unit.
- (b) The Board may waive the one-year residency requirements set out in (a), for any of the following reasons:
- the number of persons in the member's household exceeds the maximum under Applicable Occupancy Standards; or
 - the member's household size has changed and, as a result of the change, the household qualifies for a size of unit for which it was not previously eligible; or
 - the household needs to move to a less expensive unit because of an unexpected change in financial circumstances; or
 - any other special need recognized by the Board.
- (c) A person who moved into the Co-op to join a member already resident may not apply to transfer independently of that member for a period of one year after becoming a member and will not be eligible to have the waiting period waived under (b).

5.7 Relocation of part of household

If one or more, but not all, residents who live together in a unit wish to transfer to a separate unit, they may do so provided that

- 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 at least one member moving to the new unit have resided in the old unit for the minimum period of residency set out in section 5.6 Minimum period of residence
- the household is not in arrears or if the household is in arrears, the household

- complies with section 5.10 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 the transfer, meet the Applicable Occupancy Standards
- any new residents in a household who are 16 years of age or older are accepted for membership or given long-term guest status in the Co-op
- the Board is satisfied that the household remaining in the old unit and the household moving to the new unit will meet the obligation to pay housing charges for the unit in the amount and at times they are due
- if the new household requires geared-to-income assistance, the household must have applied to the Centralized Waiting List and the Service Manager must agree to the allocation of assistance.

5.8 Priority

- (a) When a unit becomes vacant, or the Co-op determines that a unit is going to become vacant, the rules for the order of priority for allocating a unit are set out in section 3.5 of the Co-op's HSA By-law.

If the unit will be offered to members who have requested an internal transfer and are on the Internal Waiting List, it will only be offered to qualified members who have indicated an interest in that unit or that type of unit. The unit will be offered in accordance with the members' record dates or approved exceptions as set out in section 5.4.

- (b) The unit will not be offered to anyone on the External Waiting List until it has been refused by all qualified members on the Internal Waiting List.

5.9 Serious damage to 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 reasons that require 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.

5.10 Arrears

A household on the Internal Waiting List will not be eligible for a unit that becomes available if the household is in arrears, with the exception of:

- a household that has requested an internal transfer and has been given special priority status
- an overhoused geared-to-income household
- a special needs household that no longer requires a special needs unit
- a market-paying household that wishes to transfer to a less expensive unit and

has signed a payment agreement and is meeting the terms of the payment agreement.

5.11 Role of staff in making offers

- (a) Co-op staff are authorized to make offers to households that are on the Internal Waiting List.
- (b) Co-op staff 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.

5.12 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. The Co-op will maintain written records of the attempts to contact or the actual contacts made with each household including date and time of contact.

5.13 Effect of refusals

For geared-to-income households that are overhoused, rules about refusals are in section 3.13 of the Co-op's HSA By-law.

For households that have requested an internal transfer and been given special priority status, the rules about refusals are in section 3.14 of the Co-op's HSA By-law.

For special needs households that no longer require a special needs unit, rules about refusals are in section 3.15 of the Co-op's HSA By-law.

For households that are required to move under the Co-op's Occupancy By-law because they don't meet the Co-op's occupancy standards, rules about refusals are in section 6.2 of the Occupancy By-law.

Other households on the Internal Waiting List may refuse two units that have been offered and retain their priority on the Internal Waiting List. If they refuse three units that meet the conditions specified by them in their Internal Transfer Application, they will be removed from the Internal Waiting List.

5.14 Notification of acceptance by applicant

- (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.

6. EXTERNAL WAITING LIST

6.1 Maintaining the External Waiting List

- (a) The External Waiting List will include
- geared-to-income households and special needs households on the Service Manager's Centralized Waiting List
 - households applying directly to the Co-op for units without geared-to-income assistance, and
 - special needs households applying directly to the Co-op for special needs units where the co-op is the designated special needs housing administrator.
- (b) Priority on the Co-op's External Waiting List will be based on the date when a completed application form was received by the Co-op from the applicant or the ranking assigned to a geared-to-income or special needs household when it was placed on the Centralized Waiting List.

6.2 Unit allocation priority

As set out in Government Requirements, following the Target Plan will be the first priority when allocating units to households on the External Waiting List. Based on the Target Plan, units will be offered to households on the External Waiting List based on priority as set out in section 6.1.

6.3 Offering units

- (a) Co-op staff are authorized to make offers to households that are on the External Waiting List.
- (b) A unit will be considered available to an applicant on the External Waiting List if no member on the Internal Waiting List is eligible or has accepted the unit.
- (c) When a unit becomes available to a household on the External Waiting List, it will be offered to the household with priority on the External Waiting List that has completed the Co-op's membership approval process as set out in Schedule B Membership Approval Process, has been accepted for membership, is eligible for that size and type of unit, and indicates it wants the unit.

6.4 Withdrawal of membership approval

Where new information about an approved applicant comes to the attention of the Co-op prior to the offer of a unit, the Co-op may make any appropriate change to its External Waiting List or may withdraw its approval of the application for membership without liability. If approval of the application is withdrawn, the application will be treated as if originally refused and the applicant will be entitled to a review as described in section 3.3 of this By-law.

6.5 Priority if applicant is unavailable

If the Co-op is unable to contact the household with priority on the External Waiting List within 48 hours, the unit will be offered to the next eligible household. The original household will retain its priority on the waiting list. In order to avoid vacancy losses, the Co-op can contact several households in order of priority. The Co-op will maintain written records of the attempts to contact or the actual contacts made with each household including date and time of contact.

6.6 Refusals

- (a) A household on the External Waiting List may refuse a unit because the date of occupancy is less than the 60 days from the date the unit is offered without losing its priority on the waiting list.
- (b) A household on the Centralized Waiting List may refuse units as allowed under Government Requirements.
- (c) A household on the External Waiting List that has applied directly to the Co-op may refuse two units that have been offered and still retain their priority on the External Waiting List. Subject to (a), if the household refuses a third unit, it will lose its priority on the waiting list with the record date for its application being changed to the day the household turned down the third unit.

6.7 Notification of acceptance

- (a) Households 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) When a household accepts a unit, they must come into the office and sign an 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.
- (c) If the household does not, within 48 hours, inform the Co-op office, that it accepts the unit and signs the Occupancy Agreement, it will be considered to have refused the unit.
- (d) Acceptance of the unit may not be withdrawn without the consent of the board. Members of the household cannot appeal the board's decision.
- (e) 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 start paying the 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 start paying the housing charges earlier, if it can be done without financial hardship to them.

6.8 Deposits and charges

- (a) Article 3 of the Co-op's Occupancy By-law sets out the charges to members.
- (b) The applicant must pay the monthly housing charge beginning on the date specified in the Occupancy Agreement or on the date the member gets the keys to the unit, whichever is earlier.

- (c) A Member Deposit equal to the current subsidized housing charge for the unit is due prior to occupancy. The Co-op may allow the household to pay the Member Deposit at another time. The household must sign a Payment Agreement.

The Member Deposit may be returned after the household has vacated the unit and met all of the requirements regarding vacating a unit that are in the Co-op's Occupancy By-law. The Co-op will not pay interest on the Member Deposit.

7. SPECIAL NEEDS UNITS

7.1 Rules

Rules for managing the External Waiting List for special needs units and reviewing eligibility for those units are in Article 5 of the Co-op's HSA By-law.

7.2 Decisions and reviews

Rules for notices of decisions and requests for reviews of decisions about special needs units are in Articles 6 and 7 of the Co-op's HSA By-law and Article 8 of this By-law.

8. REVIEW OF WAITING LIST DECISIONS

8.1 Right to review

All members and applicants can request a review of decisions regarding their priority on the Waiting Lists, acceptance of a unit or any other decision regarding the Waiting Lists.

8.2 Process for review

The review process is as set out in Article 6 of the Co-op’s HSA By-law. The Co-op must follow those procedures when making a decision regarding an applicant’s place on the waiting list and when dealing with an applicant’s appeal of the decision.

A list of the Forms and Notices for Reviews of Waiting List Decisions is attached to this By-law as Schedule F.

9. NO LIABILITY

9.1 No liability

(a) Anything in the Co-op’s by-laws, or any commitment made by anyone that is not authorized by the board will not create any liability for the Co-op.

The Co-op will not be liable to anyone for:

- any error, omission, or mistake concerning the waiting lists
- the allocation of units
- the failure to allocate units

(b) The provisions of the Co-op by-laws are for the benefit of the Co-op and its members. They do not create any rights in favour of non-members. Anyone who is accepted for membership will have no right to make any claim respecting any breach of this by-law or any of the other Co-op by-laws.

(c) The Co-op will in no case have any liability if a unit is not available for occupancy on a date notified or agreed to with anyone because of failure of the prior occupant to vacate or need for repairs or maintenance work.

9.2 Matters not addressed in By-law

The board will decide anything relating to membership approval and waiting lists not set out in the By-law or the Co-op’s other By-laws.

Certified to be a true copy of By-law 2015.07 of Cole Road Co-operative Community, passed by the Board of Directors at a meeting held on _____ and confirmed by a two-thirds vote at a meeting of members held on _____.

Secretary c/s

SCHEDULE A

Membership Approval Process

1.

Roles and Responsibilities

The Board of Directors will delegate the responsibility for the membership process to a Membership Committee. Board members cannot be members of the Membership Committee.

The Board of Directors will appoint the members of the Membership Committee and approve the job description for the committee. The Membership Committee can be the Co-op staff, a committee of members or Co-op staff and members. All persons involved in the membership process must sign Confidentiality Agreements.

The Membership Committee shall conduct interviews and make decisions to recommend acceptance or refusal of applications. All recommendations are forwarded to the board of directors for approval.

When the board decides to refuse an application, the applicant is entitled to request a review of the decision. The rules about requesting a review are in Article 7 and Attachment 2 of the Co-op's HSA By-law. The board will conduct the review as described in Article 7 and Attachment 4 of the Co-op's HSA By-law.

2.

Interview process

The Co-op staff is responsible for conducting landlord and credit checks, completing an application summary sheet, and scheduling interviews.

The application summary sheet will include the following information:

- names, ages and relationships of the household
- rental history
- size of unit requested

The summary sheet will not include information on the market or geared-to-income status of the household.

A Membership Interview Form shall be completed after each interview. It shall be in a format approved by the board and must comply with the criteria described in sections 1.2, 1.3 and 1.4 of this By-law. The Co-op may use the Membership Interview Form attached to this By-law as Schedule C.

Every member of a household that is 16 years of age or older must attend the interview. The interviewer (s) will complete and sign the Interview Form including their recommendations. The form will be forwarded to the Board for

approval and to the Membership Committee for information only.

3.

Membership

Decisions

The board can make a decision to approve or refuse an application, or the board can make other decisions such as a second interview.

4.

Contract between

Co-op and approved

Applicants

When an applicant is approved for membership 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 the Membership Approval and Unit Allocation By-law and to permit the applicant to take occupancy and become a member in accordance with the Organizational By-law.

SCHEDULE B

Membership Interview Form (1)

To be completed by interviewers recommending acceptance

Date	Applicant(s):	Interviewer(s):
Applicant requested: modified unit <input type="checkbox"/> Yes <input type="checkbox"/> No special needs <input type="checkbox"/> Yes <input type="checkbox"/> No	Applicant requested: size of unit type of unit	Household Composition

Membership Criteria	Reasons why interviewers believe that Membership Criteria will be met
The household meets the Co-op's mandate (if any)	
The household's rental history gives the Co-op reasonable grounds to believe the household will pay the housing charge in full and on time	
The household meets the applicable occupancy standards	
Shows a positive attitude towards living in the co-op and is likely to treat other members with respect	
Interested in contributing to the operation and life of the co-op	
Willing to maintain the unit	

General observations and comments:

Schedule C Membership Interview Form (2)

To be completed by interviewers recommending refusal

Date of Interview	Applicant(s):	Interviewer (s):
Applicant requested: modified unit <input type="checkbox"/> Yes <input type="checkbox"/> No special needs <input type="checkbox"/> Yes <input type="checkbox"/> No	Applicant requested: size of unit type of unit	Household Composition:
<p>The Co-op can REJECT applicants for the following reasons only. The Co-op must advise the applicant(s) and provide details to support this decision.</p>		
Rejected Applicant(s) Because <i>(check appropriate box):</i>		Reasons for This Decision
<ul style="list-style-type: none"> Household does not meet the Co-op's mandate (if any) 		
<ul style="list-style-type: none"> There are reasonable grounds to believe that based on the applicant's rental history, the applicant(s) may fail to pay housing charges in the amount and at the time it is due. 		
<ul style="list-style-type: none"> The applicant(s) did not agree to accept the responsibilities of membership in the Co-op or There are reasonable grounds to believe that the applicant(s) will not accept or will be unable to accept the responsibilities of membership in the Co-op 		
<ul style="list-style-type: none"> In cases where the household is requesting special needs housing, the level of support service required by the applicant(s) is significantly greater than the level of service provided in the unit or The household is not eligible for special needs housing (Note: the service manager may have the responsibility for determining special needs eligibility) 		
General observations and comments:		

SCHEDULE D

List of Forms and Notices for Reviews of Decisions to Refuse a Membership Application

The following forms are schedules from the *Housing Services Act* By-law and are to be used in the process of notification of decisions and reviews of all refusals:

Form G Notice of Refusal of Membership Application

Form H Notice of Board Meeting to Conduct Review of Membership Application

Form I Notice of Result of Review of Membership Application

SCHEDULE F

List of Forms and Notices for Reviews of Waiting List Decisions

The following forms are from the *Housing Services Act* By-law and are to be used in the process for notification of waiting list decisions and reviews of decisions for all applicants:

Form B Notice of Geared-to-Income or Special Needs Decision with Right to Review

Form C Notice of Final Geared-to-Income or Special Needs Decision

Form D Notice of Board Meeting to Conduct Review of Geared-to-Income or Special Needs Decision

Form E Notice of Decision after Review of Geared-to-Income or Special Needs Decision