

Clairvue Housing Co-operative Inc.

Policy Name:	Internal Review and Notices Policy
Contact Officer:	Renee White, 519-351-6307
Date Approved by Board of Directors:	N/A
Date Approved by General Membership	N/A
Date Certified:	N/A

Reference:

Social Housing Reform Act 2000, 298/01, Part VIII, Sect 55-59
Social Housing Reform Act 2000, 339/01, Part IV, Sect 9, 17-20

1. Purpose:

- a. Under Government Requirements the Co-op must use specific procedures when making certain kinds of decisions about special needs housing, geared-to-income assistance and refusing applicants. These procedures are different from the Co-op's earlier procedures as stated in its By-laws.
- b. The procedure for refusing geared-to-income and special needs applicants are set out in Article 7 (selection of Geared-to-Income and Special Needs Members).

2. Relation to Other By-laws:

- a. The policies and procedures stated in this Article are intended to work with the Co-op's existing By-laws. If there is a conflict, this By-law governs. The procedures stated in this Article replaced the procedures in the Co-op's other By-laws that deal with the decisions listed in section 4 (Kinds of Decisions under Government Requirements).

3. Decisions by Co-op:

- a. 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 of the Service Manager.
- b. 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.
- c. 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

4. Kinds of Decisions Under Government Requirements:

- a. The kinds of decisions that are referred to in Section 7 (opportunity to comment) and Section 9 (request for internal review) and Section 10 (procedure for internal review) are:
 - I. A decision that a household is not eligible for geared-to-income assistance.
 - II. A decision about which category within in the internal waiting list or special needs waiting list the household will be included in.
 - III. A decision that a household is not eligible for special needs housing. The Municipality of Chatham-Kent is responsible for determining eligibility for special needs.
 - IV. A decision about the type and seize of unit for which a household is eligible, if the household pay or will pay a geared-to-income housing charge or is a special needs household.

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

5. **Making Decision:**

- a. Under Government Requirements no one who took part in making decisions mentioned in Section 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 mentions in Section 4, the original decisions will be made, in whole or in part by:
 - I. A staff person.
 - II. A committee (not including directors)
 - III. A support service agency (if applicable) or
 - IV. 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 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. **Meaning of "Household":**

- a. "Household" has a special meaning in this Article and other parts of this By-law when referring to geared-to-income household or a special needs household. "Household" means all members and all non-member occupants of the unit, including:
 - I. Anyone who is a member of the household 16 years of age or older, and
 - II. 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 of the Long Term Guest By-law (income of guests0

7. **Opportunity to Comment:**

- a. Before the Co-op makes one of the decisions mentions in Section 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 or 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 the 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.

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- e. Members can sign a waiver of their opportunity to comment. If all personal 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.

8. Notice of Decision:

- a. Government Requirements have special rules for notices of decisions relation to geared-to-income household and special needs household. These are different depending on:
 - I. The kind of decisions.
 - II. Whether the household has a right to an internal review or does not have a right to an internal review.
 - III. Whether the decision is that the household is eligible or not eligible.
- b. Clauses (C) to (F) describe to use of these notice.
- c. When giving notice of decision about eligibility for geared-to-income assistance to Co-op can use:
 - I. Form D, Notice of Geared-to-Income with Right to Internal Review if the decision is that the household is not eligible.
 - II. Form E, Notice of Final Geared-to-Income if the decision is that the household is eligible.
- d. When giving notice of other decisions, mentioned in Section 4 (Kinds of Decisions under Government Requirements), the co-op can use Form D.
- e. 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 states that the household is eligible.

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

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

9. Request for Internal Review:

- a. If any member of a household disagrees with a decision mentioned in Section 4 (Kinds of Decisions under Government Requirements), they have the right to an internal review of 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 made 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.

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 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 meetings, or have a representative speak. The representative can be a lawyer or another person.
- e. Directors, staff member and others who took part in the making of the decision cannot take part in the internal review of a decision mentioned in Section 4 (Kinds of Decisions under Government Requirements). See clause (a) of Section 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 consider the decision on the internal review and cannot be appealed to the board.

11. Role of Board Members:

- a. In making decisions under this By-Law individual directors must be careful to avoid a bias or conflict of interest. Directors must observe all rules relating to this in the Co-op by-laws and the *Cooperative Corporations Act* and Government Requirements.

12. No Appeal to Members:

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

13. Confidentiality Agreement:

- a. 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.

14. Giving Notice:

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

- a. A notice will be given to all member of the household who are 16 years 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

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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 to each known address.

- c. A notice may be given to a person in any of the following ways:
 - I. By giving the notice directly to the person. It is considered to be given and received on that day.
 - II. By leaving the notice at the last know address of the person, either in a place that appears to be for incoming or with an individual who appears to be 16 years or older. It is considered to be given on that day and received on the next business day.
 - III. By mailing the notice to the person to the last know address of the person. It is considered to be given on the day and received on the fifth business day after it is mailed.
- d. The notice provisions stated above are based on Government Requirements. If 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.

15. Business Days:

- a. When this By-law refers to "business days", it mean days from Monday to Friday other than public holidays.

16. Things Not Stated in By-Laws:

- a. 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.

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Signature for the Co-op:

Date

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Note: The date to be filled in is ten business days after this Notice is received by the household. "Received" is defined in By-law Procedures for decisions, internal reviews and notices, section 14. It is:

1. The date that notice was actually handed to a member of the household.
2. The next business day after it was left at the household's last know address.
3. The fifth business day after mailing.

See By-law Procedures for decisions, internal reviews and notices, section 14 for details on how to give the notice.

The Co-op may not know the notice will be given until it is actually given. For instance if someone is at the address, it would be handed to them, but if not, it could be left there. The date it was "given" will be different. Therefore, it may be convenient for the persona signing the notice to also deliver it and fill in the date at the last minute. It may be better to allow extra days.

You should not count the day the notice is given, but you can count the last day. For example, for a notice on a Monday, the last day is a week from Thursday (assuming there are no public holiday in this period.)

It is a good idea to give a couple of extra days to avoid problems.

Because of all the uncertainties in this system, it may be better to wail all notice. That adds a week to the time, but it may be worth it.

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**Form B
Notice of Opportunity to Comment**

To: _____

Address: Unit # _____ 534 St. Clair Street, Chatham, Ontario, N7L 5C1

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 (the dates to be filled in must be at least 30 days after the notice is given.)

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:
(check one or more and fill in information below)

- That your household is not eligible for geared-to-income assistance.
- That your household is not eligible for special needs housing.
- About the type and size of unit for which your household is eligible, if your household pays or will pay for geared-to-income housing charge or is a special needs household. The specific decision being considered is (fill in specific decision):

- About the category into which your household will be placed on the internal waiting list or special needs waiting list (fill in specific decision):

- About the amount of a geared-to-income housing charge payable by your household. The specific decision being considered is (fill in specific decision):

- About a request for deferral of a geared-to-income housing charge payable by your household. The specific decision being considered is (fill in specific decision):

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**Form C
Waiver of Opportunity to Comment**

I received a Notice of Opportunity to Comment dated _____, 20____.

To: _____

Address: Unit # _____ 534 St. Clair Street, Chatham, Ontario, N7L 5C1

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 Occupant 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

If convenient, separate waived document can be signed by members of the household.

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Form D

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

To: _____

Address: Unit # _____ 534 St. Clair Street, Chatham, Ontario, N7L 5C1

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 (see note at end about what date to insert).

Opportunity to Comment
(Delete if not applicable)

Your household was given an opportunity to comment before the decision was made. Notice of the opportunity to comment was given on _____.

Comment has to be received by _____ (fill in date from Form B). Comment were provided by the following members of your household:

List who provided comment or state "None"

Decision

The decision was:
(Check one or more and fill in information below)

- That your household is not eligible for geared-to-income assistance.
- That your household is not eligible for special needs housing.
- 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 or is a special needs household. The specific decision was in (fill in specific decision):

- This is the notice referred to in section 32(2) of Ontario Regulation 298/01 and section 8 of this By-law.
- About the category into which your household has been placed on the internal waiting list or special needs waiting list (fill in specific decision):

- About the amount of a geared-to-income housing charge payable by your household. The specific decision was (fill in specific decision):

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- About a request for deferral of a geared-to-income housing charge payable by your household. The specific decision was (fill in specific decision):

Reasons

The reasons for the Co-op's decision are (fill in decision):

Signature for the Co-op: _____ **Date:** _____

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4. The date that notice was actually handed to a member of the household.
5. The next business day after it was left at the household's last know address.
6. The fifth business day after mailing.

See By-law Procedures for decisions, internal reviews and notices, section 14 for details on how to give the notice.

The Co-op may not know the notice will be given until it is actually given. For instance if someone is at the address, it would be handed to them, but if not, it could be left there. The date it was "given" will be different. Therefore, it may be convenient for the persona signing the notice to also deliver it and fill in the date at the last minute. It may be better to allow extra days.

You should not count the day the notice is given, but you can count the last day. For example, for a notice on a Monday, the last day is a week from Thursday (assuming there are no public holidays in this period.)

It is a good idea to give a couple of extra days to avoid problems.

Because of all the uncertainties in this system, it may be better to wail all notice. That adds a week to the time, but it may be worth it.

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**Form H
Confidentiality Agreement**

I have agreed to assist the Co-op in performing an internal review of one or more decision 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 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 committee in relation to the review process.

Signature for the Co-op: _____ **Date:** _____

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Signature for the Co-op: _____ **Date:** _____

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**Form J
Notice of Board Meeting Conduct Internal Review of Membership Decision**

To: _____

Address: Unit # _____ 534 St. Clair Street, Chatham, Ontario, N7L 5C1

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 Common Room at the Co-op, 534 St. Clair Street, Chatham, Ontario. The board meeting will start at _____, but you do not have to arrive before _____. Because of the time frame 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: _____ **Date:** _____

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