

Labourview Housing Cooperative Inc.

Policy Name:	Internal Reviews and Notices Policy
Contact Officer:	Sherry Houle, 519-351-8832
Date Approved by Board of Directors:	April 26 th , 2005
Date Approved by General Membership	May 10 th , 2005
Date Certified:	N/A

Reference:

Social Housing Reform Act 2000, Part VIII, 55-59

Social Housing Reform Act 2000, Part IV, 9, 17-20

1. Purpose for Article:

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.

The procedures 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:

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 4 (Kinds of Decisions under Government Requirements).

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.

Labourview Housing Cooperative Inc.

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:**

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 or special needs waiting list the household will be included in**

- a decision that a household is not eligible for special needs housing

- 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 or is a special needs household

- 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.

5. **Making Decision:**

- a. Under Government Requirements no one who took part in making a decision 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 mentioned 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 services 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.

Labourview Housing Cooperative Inc.

- 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. 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 or a special needs 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 Long Term Guest Policy Section 4 (Income of Guests).

7. Opportunity to Comment:

- a. Before the Co-op makes one of the decisions mentioned 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 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.

Labourview Housing Cooperative Inc.

8. Notice of Decisions:

- a. Government Requirements have special rules for notices of decisions relating to geared-to-income households and special needs households. 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 the use of these notices.
- c. When giving notice of decisions about eligibility for geared-to-income assistance or special needs housing, the Co-op can use:
 - i. Form D, Notice of Geared-to-Income or Special Needs Decision with Right to Internal Review if the decision is that the household is not eligible
 - ii. Form E, Notice of Final Geared-to-Income or Special Needs Decision 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. When giving notice of decisions about whether or not a household has been included on a special needs 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:

- i. a decision has been made that the household is eligible for special needs housing.
- ii. a decision has been made that the household has or has not been included on a special needs waiting list 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. If applicable, it will also state that a decision has been made that the household is not eligible for special needs housing.

- 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.

Labourview Housing Cooperative Inc.

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.

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.
- 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 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 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.

Labourview Housing Cooperative Inc.

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

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.

12. No Appeal to Members:

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

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.

14. Giving Notices:

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

Labourview Housing Cooperative Inc.

- 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:
 - 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 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.
 - iii. 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 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:

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

16. Things Not States 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.

Labourview Housing Cooperative Inc.

Form B

Notice of Opportunity to Comment

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 (the date 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.

Labourview Housing Cooperative Inc.

- 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 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):

Information

A summary of any information that the Co-op believes could be important in making the decision is (fill in details):

Signature for the Co-op:

Write and sign name of signing authority for co-op
Labourview Co-operative Homes Inc.

Date

Labourview Housing Cooperative Inc.

Form C

Waiver of Opportunity to Comment

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

Labourview Housing Cooperative Inc.

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

If convenient, separate waiver documents can be signed by members of the household.

Labourview Housing Cooperative Inc.

Form D

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

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 (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 _____.

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

List who provided comments or state "None."

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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 (fill in specific decision):
- 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 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):

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

Labourview Housing Cooperative Inc.

Reasons

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

Signature for the Co-op:

Write and sign name of signing authority for co-op
Labourview Co-operative Homes Inc.

Date

Note: The date to be filled in is ten business days after this Notice is received by the household. "Received" is defined in section 6.14 of the SHRA By-law. It is:

- the date the notice was actually handed to a member of the household
- the next business day after it was left at the household's last known address
- the fifth business day after mailing.

See section 6.14 for details on how to give the notice.

The Co-op may not know how 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 person 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 given 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 mail all notices. That adds a week to the time, but it may be worth it.

Labourview Housing Cooperative Inc.

Form E

**Notice of Final Geared-to-Income
or Special Needs Decision**

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

- that your household is eligible for geared-to-income assistance.
- that your household is eligible for special needs housing.
- that your household **[has or has not]*** been included on a special needs waiting list and what category the household is listed in. The specific decision:

Labourview Housing Cooperative Inc.

Inclusions

If the decision was a decision that your household is eligible for geared-to-income assistance, the following Notices accompany this Notice, if applicable (check one if applicable)

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

- a Notice about a decision that your household is not eligible for special needs housing, if you applied for special needs housing at the same time as you applied for geared-to-income assistance (Form D).

Signature for the Co-op:

Write and sign name of signing authority for co-op
Labourview Co-operative Homes Inc.

Date

Labourview Housing Cooperative Inc.

Form F

**Notice of Board Meeting to Conduct
Internal Review**

To: Include names of all persons who are part of the household. _____

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 [location]* at the Co-op, [street address]*, [municipality]*, 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.

Fill in the date of the meeting, the room or location, the street address and the municipality, the start time and the time that the member must arrive.

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.

Labourview Housing Cooperative Inc.

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

Signature for the Co-op:

Write and sign name of signing authority for co-op
Labourview Co-operative Homes Inc.

Date

Labourview Housing Cooperative Inc.

Form G

Notice of Decision after Internal Review

To: Include names of all persons who are part of the household.

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 (fill in specific decision):

The decision stated above is final.

Signature for the Co-op:

Write and sign name of signing authority for co-op
Labourview Co-operative Homes Inc.

Date

Labourview Housing Cooperative Inc.

Form H
Confidentiality Agreement

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.

Write and sign name.

Date

Labourview Housing Cooperative Inc.

Form I

Notice of Refusal of Membership Application for Geared-to-Income or Special Needs Household

To: Include names of all persons who are part of the household.

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

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:
Check one or more and fill in details below.

- 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

Labourview Housing Cooperative Inc.

- 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

- the unit is special needs housing and the level of service required by your household is significantly greater or significantly less than the level of service provided by the Co-op in the unit.

- the unit is special needs housing and your household is not eligible for special needs housing

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:

Write and sign name of signing authority for co-op
Labourview Co-operative Homes Inc.

Date

Note: Attach Articles 6 and 7 of the Social Housing Reform Act By-law.

Labourview Housing Cooperative Inc.

The date to be filled in is ten business days after this Notice is received by the household. "Received" is defined in section 6.14 of the SHRA By-law. It is:

- the date the notice was actually handed to a member of the household
- the next business day after it was left at the household's last known address
- the fifth business day after mailing.

See section 6.14 for details on how to give the notice.

The Co-op may not know how 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 person 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 given 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 mail all notices. That adds a week to the time, but it may be worth it.

Labourview Housing Cooperative Inc.

Form J

Notice of Board Meeting to Conduct Internal Review of Membership Decision

To: Include names of all persons who are part of the household. _____

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 [location]* at the Co-op, [street address]*, [municipality]*, 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 alter this time.

Fill in the date of the meeting, the room or location, the street address and the municipality, the start time and the time that the member must arrive.

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:

Write and sign name of signing authority for co-op
Labourview Co-operative Homes Inc.

Date

Labourview Housing Cooperative Inc.

Form K

Notice of Result of Review of Membership Decision

To: Include names of all persons who are part of the household. _____

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.

Check one or more

- 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.

Insert any conditions such as having a specific person sign a guarantee document satisfactory to the Co-op. Conditions should state when they must be fulfilled. You should be careful about timing. For instance, if a guarantor is suggested you would ordinarily not be able to complete a credit check on them within 48 hours of when a unit is available.

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The decision stated above is final.

Signature for the Co-op:

Write and sign name of signing authority for co-op
Labourview Co-operative Homes Inc.

Date