

## Labourview Housing Co-operative Inc.

Policy Name:	Internal Transfer
Contact:	Sherry Houle, 519-351-8832
Approved by Board:	April 26 <sup>th</sup> , 2005
Approved by General Membership:	May 10 <sup>th</sup> , 2005
Certified:	N/A

### **Reference:**

*Social Housing Reform Act 2000, 339/01 Sect 11 & 14*  
*Social Housing Reform Act 2000, 298/01, Sect 32-34 & 35.1*

### **1. Purpose of Article:**

The Regulations require the Co-op to set policies and procedures for internal transfers of geared-to-income households. These policies and procedures must comply with Government Requirements. They are different from the Co-op's earlier policies as stated in its by-laws.

### **2. Relation to Other By-laws:**

The policies and procedures set out in this Article are intended to work with the Co-op's existing by-laws. If there is a conflict, this By-law governs. This By-law covers only required moves for:

- households paying a geared-to-income housing charge who have requested an internal move and been given special priority status by the co-op and
- special needs households who have requested an internal move and been given special priority status by the Co-op and
- households who pay a geared-to-income housing charge and are overhoused under applicable occupancy standards (see section 6) and

Households who live in a special needs unit and are no longer eligible for special needs housing.

### **3. Internal Waiting List:**

The Co-op will have a waiting list for internal transfers. The Internal Waiting List will include transfers required under this By-law and all other transfers.

### **4. Existing Waiting List:**

The Co-op's internal waiting list at the time this By-law is confirmed will be continued as the Internal Waiting list referred to in this By-law. It will be adjusted as necessary to fit the categories and rules stated in this By-law.

### **5. Priority:**

- a. This section states the order of priority for allocating a unit when it becomes vacant. It is subject to all Government Requirements and the specific provisions set out in this By-law.
- b. The board of directors will offer the unit in the following order:
  - **first, to geared-to-income or special needs members who have requested an internal transfer and been given special priority status by the Co-op**

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- **second**, to members who have to make a required transfer under this By-law. They will be ranked in the following order:
  - section 8 (Overhoused Geared-to-Income)
  - section 9 (Special Needs – Modified Units)
  - section 10 (Special Needs – Support Services)
- **third**, to members on the Internal Waiting List who are required to transfer under the Co-op's by-laws
- **fourth**, to members who have requested an internal transfer
- **fifth**, to external applicants.

### **6. Applicable Occupancy Standards:**

In this By-law "applicable occupancy standards" means the occupancy standards in Government Requirements that are used to determine the size of unit that a geared-to-income household can occupy.

### **7. Special Priority Status for Members Requesting and Internal Transfer:**

- a. This category is made up of geared-to-income or special needs households who have been given special priority status on the internal waiting list due to abuse by another member of the household or immigration sponsor. Geared-to-income households are included if the co-op has at least one unit where the household would not be overhoused.
- b. Households paying a geared-to-income housing charge who have been given special priority status by the co-op and have requested an internal transfer will be offered units of a size and type for which they are eligible under applicable occupancy standards regardless of preference.
- c. Applicable occupancy standards do not apply to special needs households.
- d. Within this category, priority will be as stated in Government Requirements.

### **8. Required Transfers:**

Sections **8 to 14** state rules for priority in offering units to households that must move to another unit according to Government Requirements. In this By-law these moves are called required transfers.

### **9. Overhoused – Geared to Income Households:**

- a. This category is made up of households paying a geared-to-income housing charge who have received a notice that they are overhoused from the Service Manager (or the Co-op on behalf of the Service Manager) if the Co-op has at least one unit where the household would not be overhoused. If the Co-op is giving the notice that a household is overhoused, the Co-op can use Form D, Notice of Geared-to-Income or Special Needs Decision with the Right to Internal Review.
- b. Within this category, priority will be based on the date of application for geared-to-income assistance. If a household has applied more than once for geared-to-income assistance, the Co-op will use the last date they applied to set priority.

### **10. Special Needs – Modified Units:**

- a. This category is made up of households who occupy modified units and who are no longer eligible for this type of special needs housing. The board can give them a Notice to Transfer.

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These households are no longer considered special needs households so applicable occupancy standards apply to them.

- b. Within this category, priority will be based on the date of delivery of the Notice to Transfer.
- c. A household will not lose eligibility for special needs housing only because its relationship with a support services agency has ended.

### **11. Special Needs – Support Services:**

- a. This category is made up of households who occupy special needs units that are not modified and who are no longer eligible for special needs housing. If households are no longer eligible, the board can give them a Notice to Transfer under clause (b) or clause (c), if applicable.
- b. These households are no longer considered special needs households, so applicable occupancy standards apply to them. The board can give them a Notice to Transfer if they do not meet applicable occupancy standards.
- c. Even if a household that is no longer a special needs household meets applicable occupancy standards in the special needs unit, the board can give them a Notice to Transfer if:
  - i. the specific unit that they occupy is part of an arrangement with a support services agency, and
  - ii. another unit cannot be substituted in the arrangement with the support services agency without breaking the Co-op's agreement with it or causing significant trouble for it.
- d. A household will not be given a Notice to Transfer only because its relationship with a support services agency has ended.
- e. Within this category priority will be based on the date of delivery of the Notice to Transfer.

### **12. Procedure for Required Transfer:**

This section applies to Notices to Transfer under sections 9 to 11. It replaces any notice requirements or other procedures relating to these notices in the Co-op's other by-laws.

### **13. Effect of Refusal – Overhoused Geared to Income Households:**

Households within section 8 (Overhoused Geared-to-Income Households) may refuse appropriate units as allowed under the Government Requirements.

If a household has not moved and is still overhoused, they will be removed from the Internal Waiting List when required under Government Requirements. This could result in the household being put on the Service Manager's centralized waiting list or the household losing geared-to-income assistance.

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

### **14. Effect of Refusal – Special Priority Households:**

**Households within section 7 may refuse the first two appropriate units that are offered to them. If they refuse to transfer to the third appropriate unit that is offered to them, they will be removed from the internal transfer list.**

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### **15. Effect of Refusal – Overhoused Geared to Income Households:**

Households within section 8 (Overhoused Geared-to-Income Households) may refuse appropriate units as allowed under the Government Requirements.

### **16. Effect of Refusal – Special Needs Households:**

Households within sections 9 and 10 may refuse the first two appropriate units that are offered to them. If they refuse to transfer to the third appropriate unit that is offered to them, they may be evicted. Procedures for eviction are stated in the Occupancy By-law.

### **17. Role of Staff in Making Offers:**

- a. Co-op staff are authorized to make offers to households that are required to transfer under this By-law without referring them to the board.
- b. Co-op staff and directors will keep the board up to date on information they may have regarding potential move-outs and internal transfers. This is to permit offers to be made quickly.

### **18. 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 reason that requires the unit to be vacant, the board can offer any vacant unit to that household. When the household's original unit is repaired, they will move back. The board can decide to give them the option of staying in the new unit. If they agree to stay in the new unit, the original unit will be available for an internal transfer.

### **19. Priority if Member Unavailable:**

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

### **20. Notification of Acceptance:**

- a. Members must notify the Co-op office within 48 hours of being offered a unit whether they wish to accept the unit. If they fail to do so, they will be considered to have refused the unit.
- b. Once a member on the Internal Waiting List has accepted a unit, the member must vacate his or her existing unit and move into the new unit on the date specified when the unit was offered. Acceptance of the unit may not be withdrawn without the consent of the board. Members of the household cannot appeal the board's decision.
- c. When a member accepts a unit, they must come into the office and sign a form provided by the Co-op accepting the unit and agreeing to move and/or a new Occupancy Agreement. This should be done within the 48 hours, but can be postponed by Co-op staff if it is a weekend or is inconvenient for other legitimate reasons.

### **21. No Liability:**

Anything in the Co-op's by-laws, or any commitment made by anyone that is not authorized by the board, will not create liability for the Co-op. The Co-op will not be liable to anyone for:

- any error, omission, or mistake concerning the Internal Waiting List

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- the allocation of units or geared-to-income assistance

The failure to allocate units or geared-to-income assistance to persons on the Internal Waiting List.

### **22. Things Not Stated in By-Laws:**

The board will decide anything relating to the Internal Waiting List not stated in this By-law or in the Co-op's other by-laws or in Government Requirements.

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**Form A**  
**Notice to Transfer**

**To:** \_\_\_\_\_

**Address:** \_\_\_\_\_

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

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

Internal review

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

This request must be received by the Co-op on or before \_\_\_\_\_.

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

Reason

The following is the reason why this Notice has been given to you (check one or more and fill in details below):

- Your household occupies a modified unit for which you are not eligible. See section 3.9 of the *SHRA* By-law.
  
- Your household occupies a special needs unit which is not a modified unit and you are not eligible for a special needs unit. See section 3.10 of the *SHRA* By-law.

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### Details:

The facts on which the Co-op relied in making its decision to issue this Notice are  
(fill in details):

## Labourview Housing Co-operative Inc.

### Signature for the Co-op:

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Date

Labourview Co-operative Homes Inc.

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.