

Hugh Garner Housing Co-operative

A by-law about the Internal Waiting List for Relocation to a new unit and the External Waiting List for Co-op Membership

By-law No. 44

WAITING LIST BY-LAW

This document is available in larger print through the office

Passed by the Board of Directors on October 23rd 2017

Confirmed by the Members on November 28th 2017

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Article 1: Introduction

1.1 Introduction

There are two waiting lists relating to occupancy that we manage as a co-op:

- a) The Internal Waiting List
- b) The External Waiting List.

This By-law explains how each waiting list is set up and administered by the co-op.

The Internal Waiting List is for Members who already live in the co-op, and who want to move to a different unit. It is discussed in Article 2. The External Waiting List is for people who do not live in the co-op, but who have applied for Membership. It is discussed in Article 3.

1.2 Priority of the By-law

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

This By-law repeals, takes the place of, or amends all other by-laws, policies or resolutions that deal with the co-op's waiting lists, including:

- a) By-law No. 34, Waiting List By-law;
- b) Re-Entry Policy

1.3 Normal Function of the By-Law

Units will be offered to qualified Members on the Internal Waiting List and the External Waiting list on an alternating basis, to Members who have indicated an interest in that size and type of unit.

1.4 Definition of Terms

Member in Good Standing: For the definition of Member in Good Standing, please refer to the Occupancy By-Law, Article 3, Section 3.2.

Business Day: For the definition of Business day, please refer to the Occupancy By-Law, Article 1, Section 1.6.

1.5 No Liability

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

- a) any error, omission, or mistake concerning either of the waiting lists;
- b) the allocation of units or subsidy;
- c) the failure to allocate units or subsidy to persons on a waiting list.

1.6 Matters not addressed in the By-law

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

1.7 History of this By-law

Name of Document	Date Approved	Date Repealed or Amended
Waiting List Policies and Procedures	1988	September 19, 2002
Internal Waiting List Policy	1990	September 19, 2002
Waiting List By-law, By-Law No. 34	September 19, 2002	November 28 th 2017
Re-Entry Policy	November 3, 2014	November 28 th 2017
Waiting List By-law, By-Law No. 44	November 28 th 2017	

Article 2: Internal Waiting List

2.1 Right to apply

The Internal Waiting List is for Members who already live in the co-op, and who want to move to a different unit. Members in Good Standing may apply to relocate to any unit they are qualified to live in (or will be qualified at the time of relocation) according to the occupancy standards set out in Article 9, Section 9.3 of the Occupancy By-law. In their application to relocate, Members may choose to specify that they wish to relocate to a particular:

- a) area or floor of the co-op,
- b) size or type of unit, or
- c) unit or units.

If Members choose to wait for a particular area or unit, they must understand that the waiting time may be much longer and that staff are in no way responsible to adjust the assignment of units in any way other than that described in this By-law.

All requests to relocate to another unit in the Co-op must be submitted to the Co-op office using the application form provided by the Co-op. The application form is attached to this By-law as Appendix 1, Application for Relocation

2.2 Ineligibility to Apply

Members who are ***not in Good Standing*** are not eligible to relocate within the Co-op. Grounds for refusing a request to relocate include, but are not limited to:

- a) failure to fulfill participation requirements;
- b) being in housing charge arrears;
- c) failure by the Member to maintain their Unit in accordance with the rules found in both Article 5 of the Occupancy By-law and the Consolidated Maintenance and Improvements By-law, By-law No 26.

2.3 Record date for Internal Waiting List

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

- a) the date that a completed application for relocation is received by the Co-op;
- b) the earliest date on which the Member is first permitted to make an application for the relocation under 2.4, *Minimum period of residence*;

- c) the date the household is no longer eligible for their current unit as determined by the Occupancy By-law and section 2.8 of this by-law.

2.4 Minimum period of residence

Members must live in the co-op for two years before they can apply to relocate for the first time. Members must live in the co-op for two additional years before they can apply to relocate again. In rare cases, the minimum period of residence may be reduced and will be dealt with on a case by case basis:

The Board may waive the requirements set out in 2.4 if:

- i. there are more people in the Member's household than allowed by the Occupancy By-law, as determined by Toronto Municipal Code for Property Standards;
- ii. the household needs to move to a less expensive unit for financial reasons;
- iii. the household needs a unit modified for a person with a disability;
- iv. the household has any other special need recognized by the Board.

2.5 Relocation of part of household

- a) If one or more, but not all, residents who live together in a unit wish to apply to relocate to a separate unit, they may do so if:
 - i. 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 and is a Member in Good Standing;
 - ii. at least one Member remaining in the old unit and one Member moving to the new unit have resided in the old unit for the minimum period set out in Section 2.4;
 - iii. the original household is not in arrears;
 - iv. the size of the household remaining in the old unit and the size of the household moving to the new unit will, at the time of relocation, meet the occupancy standards set out in Occupancy By-law, Article 9, Section 9.3;
 - v. any residents over 18 years of age in a household are interviewed and accepted for Membership in the Co-op.

- b) A Member who has moved into the Co-op to share a unit with a Member already in residence may not apply to relocate independently of that Member for a period of two years.
- c) The grand-parenting clause in the Occupancy By-law, Article 9, Section 9.4 (f) does not apply to new households being created by relocation. Effectively, Members do not retain the privileges laid out in the grand-parenting clause if they relocate.

2.6 Continuous residence

- a) In order to remain on the Internal Waiting List, a Member must continuously reside in the Co-op. The Member's name will be removed from the Internal Waiting List if it is determined that the Member has not been continuously resident in the Co-op during the period that he or she has been on the waiting list.
- b) For the purposes of this By-law only, a Member will be considered to be continuously resident if the Member has a unit in the Co-op as their exclusive principal residence and personally occupies the unit for at least ten and a half months of each consecutive twelve month period.
- c) If a Member wishes to be absent from the Co-op for a longer period and wishes to remain on the Internal Waiting List, the Member must obtain permission from the Board before ceasing to personally occupy the unit. This permission is necessary in order to remain on the waiting list, even though the absence would be one that is permitted under the relevant provision of the Occupancy By-law.

2.7 Normal Priority of the of the Internal Wait List

When it is time to offer a unit to an internal applicant, the unit will be offered in accordance with the Members' record dates unless the Co-op determines to alter the priorities for reasons permitted under Section 2.8, Exceptions to Normal Priority.

2.8 Exceptions to Normal Priority

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

- a. Fire, Damage and Extreme Situations: First priority will be given to any household which requires a new unit under the provisions of the Occupancy By-law, Section 5.3, Damage by Fire, etc. which deals with expropriation, fire or other damage. Priority among such households will depend on the seriousness of the situation.

- b. Household Size: Second priority will be given to households required to move according to Section 9.3 of the Occupancy By-law.
- c. Housing Charge Subsidy: Third priority will be given to any household that is eligible for housing charge subsidy and wishes to move to a less expensive unit because housing charge subsidy is not available. If there is more than one such household, the Board will determine the priority based on the degree of financial need.

2.9 Requirement to Relocate

Members may be required to relocate when found to be in violation of, or not to be in compliance with the rules covered in detail by the Occupancy By-Law, including, among others, Sections 6 through 9.

2.10 No trading of units

Trading of units directly between Members is not permitted.

2.11 Priority if Member unavailable

When a unit designated for an internal applicant becomes available, the Co-op will contact the next eligible Member on the Internal Waiting List. If the Member cannot be contacted, the Co-op will deliver a notice to the Member's unit. If the Co-op is unable to contact the Member within 2 Business Days, the Co-op will offer the unit to the next eligible Member on the waiting list. The original Member will retain his or her priority on the waiting list.

2.12 Priority if unit refused

Members who are requesting to relocate 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 application, they will lose their priority on the waiting list with the record date being changed to the day that they refused the third unit.

2.13 Notification of acceptance by applicant

- a. Members must notify the Co-op office within 2 business day of being offered a unit whether they wish to accept the unit. If they fail to do so, they will be considered to have refused the unit, and the provisions of Section 2.12, *Priority if unit refused*, apply. In the case of Members required to relocate, the provisions set up in the Occupancy By-law apply.
- b. Once a Member has accepted the unit under this Article, the Member is required to vacate his or her existing unit (on the date specified when the unit was offered) and move into the

new unit. The Member may not change their decision to accept the unit without the consent of the Board.

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

Article 3: External Waiting List

3.1 About the External Waiting List

The External Waiting List is a list of people who have applied to live in the co-op and who have successfully progressed through the steps outlined in the Membership Process By-Law and who have been assessed to be suitable for membership by the Membership Committee.

Additionally, they have signed all the forms listed in Appendix 2, Membership Application, Section 7, Agreement, including the Market Housing Charge Performance Agreement, accepting their ineligibility to apply for housing charge subsidy for the first four years of their residence in the co-op.

The External Waiting List will identify, among other things:

- a) the applicants' record date;
- b) the size and type of unit they are eligible to occupy;
- c) any restrictions applicants have identified concerning units they wish to be offered.

All applications for Membership in the Co-op must be submitted to the Co-op office using the application form provided by the Co-op. It is attached to this by-law as Appendix 2, Membership Application.

3.2 Toronto Social Housing Connections

Toronto Social Housing Connections (TSHC) administers a third party waiting list for individuals wishing to live in the co-op while receiving subsidy from the government. TSHS is responsible for maintaining this list and for updating information about applicants internally.

Although a person referred to the Co-op in this way will go through the same membership process as all other applicants, the administration of this waiting list is external and therefore falls outside the scope of this by-law.

3.3 Record Date for External Waiting List

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

3.4 Normal Priority of the External Waiting List

Except as otherwise provided for in this by-law, priority among applicants on the External Waiting List will be according to the applicant's record date as defined in section 3.3, *Record date for External Waiting List*.

3.5 Exceptions to Normal Priority

In some cases, the normal priority of the External Waiting List may be altered:

a) Re-Entry: Ex-members of the co-op may apply for re-admission to the Co-op and placement on top of the External Waiting List, subject to the following conditions:

- i. Applicants must have been a Member in Good Standing while resident in the Co-op, according to the Occupancy By-law, Article 3, Section 3.2;
- ii. Applicants must submit a written request for re-admission within seven years of his or her departure from the Co-op;
- iii. Applicants must have been a member of the co-op for at least one year;

Ex-members who do not meet the above conditions may pursue membership through the normal process. The Membership Committee retains the right to re-interview ex-members, and the Board will have the final decision regarding acceptance.

3.6 Updating the Waiting Lists

Annually, a designated staff person will attempt to contact all applicants on the External Waiting List to determine if:

- a) they are still interested in moving into the Co-op;
- b) there have been any changes in the size or type of unit which they require; or
- c) there have been any changes in their financial circumstances.

If, at the time the Co-op is updating its External Waiting List, it is unable to contact an applicant on the list, a letter will be sent to that applicant informing them that they must contact the Co-op within one month indicating that they wish their application to remain active or their name will be removed from the list. If no response is received from the applicant within five weeks, the applicant's name will be removed from the list and the application for Membership will be considered withdrawn.

3.7 Withdrawal of acceptance

When an applicant has successfully fulfilled the requirements described in the Membership Process By-law and is added to the External Waiting List, the Co-op will attempt to allocate a

unit to the applicant in accordance with this By-law and to permit the applicant to take occupancy and become a Member in accordance with the Organizational By-law.

However, where new information about an applicant comes to the attention of the Co-op prior to the offer to the applicant taking possession of a unit, and this information is subsequently investigated and verified by the Co-op, in some cases in consultation with the applicant, the Co-op may make any appropriate change to its waiting list or may withdraw its acceptance of the application for Membership without liability. Any monies paid by the applicant will be returned without interest.

If acceptance of the application is withdrawn, the application will be treated as if originally refused and the application will be entitled to appeal under the Membership Process By-law.

3.8 Offer of units to applicants on External Waiting List

When a unit becomes available to an applicant on the External Waiting List, it will be offered to the first household on the list that has indicated that it wants, and is eligible for, that size and type of unit. If an applicant on the External Waiting List accepts a unit that has been offered to them, they will not be required to take occupancy and commence payment of housing charges for at least one full calendar month from the date they were first offered the unit. If the unit is vacant earlier, the household must make all reasonable efforts to move in and commence paying housing charges earlier, if it can be done without financial loss to them.

3.9 Priority if applicant unavailable

If the Co-op is unable to contact the applicant with priority on the External Waiting List within 2 Business Days, the unit will be offered to the next eligible applicant. The original applicant will retain their priority on the list.

3.10 Priority if unit refused

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

3.11 Notification of Acceptance by Applicant

Upon being offered a unit, an applicant must meet the following deadlines:

- a) Confirmation of Acceptance: an applicant must communicate their acceptance of the unit within 2 Business Days from the time the unit was offered. If an applicant does not inform the Co-op office that they accept the unit within 2 Business Days, they will be considered to have refused the unit;
- b) Unit Deposit Payment: the Unit Deposit, as specified in the Occupancy By-law, Article 3, Section 3.5, must be paid by the applicant within 15 Business Days of being offered a unit unless a deposit payment agreement is negotiated and approved. The unit deposit is non-refundable.
- c) First Month's Housing Charge: the applicant must pay the first month's housing charge on or before the date of taking possession of the unit.

Once an applicant has accepted a unit under this Article, the applicant will be bound to move into the unit on the date specified when the unit was offered. Such acceptance may not be withdrawn without the consent of the Board. The Board will not be obliged to permit the withdrawal of an acceptance or the return of the first month's housing charge to the applicant. The decision of the Board in this regard will not be subject to appeal.

Appendix 1: Application for Relocation

Please fill out completely:

Date of request: _____

Name of applicant: _____

Home Phone: _____

Work Phone: _____

Email: _____

Preferred method of contact: _____

Present Unit Number: _____

Length of residence in Hugh Garner: _____ Length of residence in present unit: _____

Have you relocated within Hugh Garner before? Yes ____ No ____

If yes, give details _____

FOR OFFICE USE ONLY:

Application Reviewed by: _____

Good Standing? Yes ____ No ____

Free from Arrears? Yes ____ No ____

Current Unit acceptable? Yes ____ No ____

Eligible to Relocate? Yes ____ No ____

If not, date applicant advised: _____

Names of members and guests residing in present unit:

Name	Relation to Applicant	Date of Birth	Will person move to new unit?	Status (Member, Guest, Child)

Names of all Members participation:

MEMBER NAME	ARE YOU A MEMBER IN GOOD STANDING?	HOW DO YOU CURRENTLY PARTICIPATE IN THE CO-OP?

Reason for relocation (e.g. overcrowding, health problems): _____

Detail of unit(s) requested (e.g. size, location): _____

I have received, read and understand the Waiting List By-Law, By-Law # 34.

SIGNATURE: _____ **DATE:** _____

Appendix 2: Membership Application

This is the application form for Membership at Hugh Garner Housing Co-operative. Please read the entire document thoroughly and understand the responsibilities that come with Membership.

We realize that this application form asks you for a great deal of information. There is a reason for asking each question. If you need clarification about any of the questions, why it is being asked or its meaning, please do not hesitate to contact the Co-op office. Also, please note that all personal information is strictly for the use of the Co-op in evaluating your request for membership and will be kept confidential.

FOR OFFICE USE ONLY:	
Application Reviewed by:	_____
Date of Application:	_____
Application Fee Rec'd:	_____
Proof of Income Rec'd:	_____
Commitment to Participation:	_____
Housing Charge Agreement:	_____
Eligible for Membership:	Yes ___ No ___
If not, date applicant advised:	_____

1. HOUSEHOLD INFORMATION

You must list everyone in your household. Provide a complete mailing address, including postal code. If additional space is required, please use the back of this page.

APPLICANT 1		APPLICANT 2	
Name:		Name:	
Address:		Address:	
Telephone:		Telephone:	
Email:		Email:	
Age		Age	
Are you: (Circle One)	Canadian Citizen Landed Immigrant Refugee	Are you: (Circle One)	Canadian Citizen Landed Immigrant Refugee

(please provide copies of proof of status)	Other Status	(Please provide copies of proof of status)	Other Status
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Other members of household:

Surname	Given Name	Relationship to Applicant	Birth date	Sex

2. HOUSING NEEDS

Size of unit you need or want – please specify 1st and 2nd choice:

1 Bedroom	3 Bedroom	1 Bedroom Accessible
2 Bedroom	4 Bedroom	2 Bedroom Accessible

Do you require a parking space?	How many?	Plate #
Do you own a pet?	How many?	What kind(s)?

Does any member of your household have any health issues that affect their housing needs? If yes, please specify:

3. PARTICIPATION

All Co-op members are expected to volunteer some time to help with the running of the Co-op. Please specify the area of interest for each applicant. Note your first and second preference. Initial your choice if there is more than one adult in your household.

Membership Committee (elected)
Member Relations Committee (elected)
Finance Committee (elected)
Diversity Committee
Welcome Team
Gardening Committee

Donations Committee
On-Call Committee
Green Committee
Social Committee
Board of Directors (elected)
Newsletter Committee

Please note any other interests or skills which you feel would add to your contributions to the Co-op: _____

4. GENERAL INFORMATION

How did you hear about Hugh Garner Housing Co-operative? _____

Why do you want to move into the Co-op? _____

Have you ever lived in a housing co-op before? Have you been involved in any other form of co-operative or credit union? If yes, please provide a reference name and phone number: _____

Are you now, or have you in the past, been involved with any other volunteer organizations such as a community group, service club or trade union? If yes, give details: _____

5. ACCOMMODATION HISTORY

If the information requested below is not the same for each applicant, please provide additional information concerning each adult on a separate sheet.

Present Address: _____

Length of stay at present address: _____

Number of bedrooms in present dwelling: _____

Do you rent your present dwelling? _____ If yes, what is your monthly rent? \$ _____

Are utilities included? Yes ___ No ___ If no, estimate monthly utility charge: \$ _____

Do you own your present dwelling? Yes ___ No ___

If yes, estimate your monthly housing costs (mortgage, taxes, utilities, condo fees etc.):

Present landlord or mortgage company:

Name: _____ Telephone: _____

Address: _____

If less than 3 years at present address please provide information on your previous dwelling:

Previous Address: _____

Previous landlord or Mortgage Company:

Name: _____ Telephone: _____

Address: _____

May we use your present and/or previous landlord as a reference? Yes ___ No ___ If Yes, your present and/or previous landlord will be contacted and asked to complete Appendix 3, Landlord Reference Check. If No, explain:

Did you previously live in social housing or in co-op housing and leave in payment arrears?

Yes _____ No _____

If yes, please provide details such as amount owing, name of agency, address and payment details:

6. INCOME AND REFERENCE INFORMATION

If there are more than two people receiving income, list additional information on a separate page. Please attach appropriate proof of income to this application. (If you are aware of any credit problems that may affect your reference please provide any information that may help the Co-op to get an accurate picture of your credit history)

APPLICANT 1		APPLICANT 2	
Occupation:		Occupation:	
Employer:		Employer:	
Address:		Address:	
Years with firm:		Years with firm:	
Gross monthly income:	\$	Gross monthly income	\$
Income from other sources:	\$	Income from other sources	\$
Total Gross Household Income per month:			
Social Insurance No.		Social Insurance No.	
Date of Birth:		Date of Birth:	
Credit Union / Bank:		Credit Union / Bank:	

**** Use of an applicant's Social Insurance Number helps ensure that accurate information is provided to the co-op in the credit check. Applicants, however, are not required to provide the number.**

7. AGREEMENT

I understand that only Members of Hugh Garner Housing Co-op may occupy a housing unit and I hereby apply for Membership in the Co-op.

I understand that this application will not be recorded as received unless accompanied by the following:

1. Application Form (Appendix 2) – completed and signed;
2. A twenty-five dollar (\$25.00) non-refundable application fee per household;
3. Proof of Income for each member of the household who receives an income as per the Proof of Income Form and in a form suitable to the Co-op;
4. Commitment to Active Participation Form signed;
5. Market Housing Charge Performance Agreement (Appendix 4) – signed;

I understand that Hugh Garner Housing Co-op exists to provide housing at cost to its Members and that Membership includes the responsibility to participate in the Co-op.

I have read and understood the Co-op's Occupancy and Waiting List By-laws.

I understand that I am not eligible for Housing Charge Subsidy for the first four years of Occupancy.

I understand that if accepted for membership and offered a unit, a non-refundable unit Deposit and a non-refundable membership fee of \$10.00 per adult will be required.

I declare that all the information in this application is correct and **hereby authorize the Co-operative to verify any or all of the information contained herein, to perform a landlord reference check and to perform a credit check with an appropriate agency.**

SIGNATURE:	_____	DATE:	_____
	_____		_____
	_____		_____
	_____		_____
	_____		_____

Please note: Your application will not be recorded as received until all information and the application fee has been received.

Appendix 3: Landlord Reference Check

Applicant's Name: _____

Current/Previous Address: _____

Dates of Applicant's Tenancy: FROM: _____ TO: _____

1. RENT PAYMENT:

- a. Is (was) applicant current on rent? _____
- b. Has he/she ever been late? _____
How late? _____ How Often? _____
- c. Have (had) you ever begun eviction proceedings for non payment? _____

2. CARING FOR THE UNIT:

- a. Does (did) the applicant keep the unit clean? _____
- b. Has (had) the applicant vandalized/damaged the unit? _____
- c. Has (had) the applicant paid for the damage? _____
- d. Will you (did you) keep any of the security deposit? _____

3. GENERAL:

- a. Does (did) the applicant permit persons other than those on the lease to live in the unit? _____
- b. Does the applicant interfere with the rights and quiet enjoyment of other tenants? _____
- c. Has the applicant given you any false information? _____
- d. Would you rent to this applicant again? _____

The applicant hereby gives Hugh Garner Co-op and its authorized agents permission to utilize all the above information to approve or disapprove this application for residency.

DATE: _____ SIGNATURE: _____

Appendix 4: Market Housing Charge Performance Agreement

Applicant(s): _____

Unit size requested: _____ Market Housing Charge \$: _____

Gross monthly household income \$: _____ % _____ of gross household income

I (we) have applied for membership and occupancy at Hugh Garner Housing Co-op. I (we) understand and agree as follows:

1. I (we) have been informed by the Co-op that all new applications for geared to income housing subsidy are assigned on a first-come, first-served basis.
2. At my (our) present income, I (we) would be eligible for housing subsidy.
3. I have been informed that the unsubsidized (market) housing charge has been established for the current fiscal year and that the amount may change in the future.
4. If (we) accept a unit at the market housing charge, I (we) am obligated to pay the market housing charge due for the unit. If (we) fail to pay, I (we) can be evicted in accordance with the terms of the Co-op's Occupancy By-law and the Co-operative Corporations Act.
5. If my (our) application is accepted and I (we) move into a market-rent unit, I (we) will not be eligible to apply for housing subsidy until at least four (4) years after moving into the Co-op. I (we) have also read and understand the Co-op's Waiting List and Housing Charge Subsidy By-laws.

Knowing this, I (we) ask to be considered for occupancy in a unit as described above, for which I (we) am prepared to pay the full monthly housing charge.

Applicant Signature: _____ Date: _____

Applicant Signature: _____ Date: _____