

Mimico Co-operative Homes Inc.

Board Policy No. 16

Occupancy Agreement Policy

Approved by the Board
of Director on March
23, 2016

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Occupancy Agreement Policy

1. Purpose

The purpose of this policy is to establish an occupancy agreement that meets the requirement of the Housing Services Act (HSA) and the City of Toronto Local Standards.

2. Process

1. Every new household moving into the co-op must sign an occupancy agreement.
2. Each household must have a completed and signed occupancy agreement in their file
3. Each household occupancy agreement must be reviewed annually and updated as necessary in order to meet the necessary compliance with the legislation.
4. A new occupancy agreement will be completed and signed whenever there is a change in occupancy.

3 Requirement

1. The household occupancy agreement must include the following:
 - the amount of housing charge that is payable on a market rent unit
 - the amount of geared-to-income rent payable for one month by the household
 - all other charges that the co-op may charge to the household
2. Only the members of the household who sign the agreement and those listed on the agreement should occupy the unit.
3. The members of the household must advise the manager of anyone who no longer occupy the unit or begins to occupy the unit after the agreement was executed
4. It is against the co-op by-law for a member to sublet their unit.
5. The occupancy agreement must state that the amount of geared-to-income housing charge payable by the household may change.
6. The occupancy agreement must be signed by every individual:
 - Whose income is taken into consideration in determining the amount of housing charge payable by the household
 - Who is a member of the household and at least 16 years of age

7. The Agreement Includes:

- a. Schedule A – occupancy agreement including appendix A & B and must be signed by all member 16 years of age and older, including market & RGI units.
- b. Appendix C – housing charge subsidy terms and is signed only by those units receiving rent-geared-to-income assistance.
- c. Appendix D – special needs unit terms

***Passed by the Board of Directors of Mimico Co-operative Home Inc. at a meeting duly held
March 23, 2016***

President 

c/s

Schedule A
Occupancy Agreement
MIMICO CO-OPERATIVE HOMES INC

Names of members: _____

Unit address: _____

Date of occupancy: _____

Membership terms:

1. The co-op gives you the right to occupy a unit.
2. The main terms of your occupancy rights and obligations are contained in the Occupancy By-law. The remaining co-op by-laws also contain rights and obligations of members. You agree to obey all co-op by-laws and decisions made by the board and co-op members.
3. Under the *Co-operative Corporations Act* and the co-op's by-laws, the co-op can change the terms of membership and occupancy. You are entitled to a notice of all general meetings where members will decide on these changes. You are also entitled to attend and vote at these meetings. You will be bound by these changes even if you do not agree with them.

Occupancy Agreement – Appendix A

MEMBER CHARGES

Unit address: _____

Date of the charges in this form: _____

Full monthly housing charges \$ _____

LESS housing charge subsidy (if any) \$ _____

Monthly housing charges \$ _____

Sector support charges \$ _____

Monthly parking charges \$ _____

Monthly parking charges \$ _____

Your total monthly housing charges are: \$ _____

Membership Fees: \$ _____ Your member deposit is: \$ _____

Note: The figures stated in this Appendix may change as stated in the co-op by-laws and/or the rules about housing charge subsidy, if applicable. There may be other charges as permitted under the co-op by-laws and government requirements.

Signatures:

Date: _____
Name of member: _____

Date: _____
Name of member: _____

Date: _____
Name of member: _____

Date: _____
Name of member: _____

APPENDIX B: HOUSEHOLD MEMBERS

Unit address:

Date of this form:

List the names of each member in the unit.

List the names of each non-member 16 years old or older in the unit.

List the names of each non-member less than 16 years old in the unit.

I agree to give prompt written notice of any change in the size of my household or the persons who make up the household. This includes any long-term guests.

I understand that no one may occupy the unit except the people listed on this form. To have additional occupants I must comply with Article 8 (Members' Household and Guests) of the Occupancy By-law and any other applicable rules.

If I receive housing charge subsidy, this includes anyone whose income has to be considered in setting the amount of housing charge subsidy.

APPENDIX C: HOUSING CHARGE SUBSIDY TERMS

Names of members: _____

Unit address: _____

Names of any non-member occupants 16 years old or older:

Basic rules:

1. This document states rules for households paying a geared-to-income housing charge.
2. These rules are required by the *Housing Services Act* and Regulations passed by the Ontario Government, and Local Rules set by the municipal Service Manager. These are called Government Requirements.
3. This document does not state all the rules that apply. Government Requirements and the Co-op by-laws have many other rules for households who receive geared-to-income assistance.
4. Households receiving geared-to-income assistance are responsible for finding out about all the rules that apply to them. This includes any changes in the rules.
5. The Co-op or the Service Manager can give people an information package that may answer any questions about the rules. Members should ask the Co-op or Service Manager if they have any other questions.
6. The rules in this document could be changed if Government Requirements or the Co-op's by-laws are changed. The new rules will govern even if there is no change in this document.
7. In case of conflict, Government Requirements will take priority over this document.

16. Under Government Requirements households may get a notice telling them to obtain certain types of income. The household has to apply for and use reasonable efforts to get the income. If the household does not comply with the notice, it is no longer eligible for assistance.

The types of income include:

- Ontario Works assistance
- child or spousal support under applicable laws
- employment insurance
- government pension benefits for persons 65 or older
- support or maintenance under an immigration undertaking.

The exact types of income are stated in the Regulations.

Occupancy of unit:

17. No one may occupy the unit except people who were members of the household at the time the Occupancy Agreement was signed and any additional people authorized by the Co-op, as stated in Article 8 (Members' Households and Guests) of the Co-op's Occupancy Bylaw.

The member is prohibited from renting or subletting the unit to any other person.

18. The household must report to the Co-op in writing of any persons who cease to occupy the unit or start to occupy the unit after the Occupancy Agreement was signed. These reports must be made within the time set by Government Requirements. This does not include casual guests, if the guest's income does not have to be included in calculating geared-to-income assistance.

19. The household may no longer be eligible for assistance if the household has not occupied a unit in the Co-op for longer than the time set by the Service Manager, if any. This will not be less than 60 consecutive days or 90 days in a 12 month period. This applies whether or not the absence is permitted under the Co-op's by-laws.

- The City of Toronto directive 2002-03, Local Eligibility Rules – Absence from unit says that a household will lose its subsidy if the household is absent from the unit for more than 120 consecutive days.

20. Households that are overhoused must follow the applicable rules. Rules relating to overhoused households are in Government Requirements and the Co-op's by-laws. Overhousing will be determined according to occupancy standards under Government Requirements. Occupancy standards do not apply to special needs households.

- They will have to pay any arrears, sign a repayment agreement or make reasonable attempts to sign a repayment agreement. The Service Manager or housing provider has to be satisfied that they will repay the arrears.
- They may have to wait up to two years after any crime, offence or misrepresentation relating to geared-to-income assistance.

28. Households can also lose their geared-to-income assistance without breaking any rules.

This can happen for the following reasons:

- (a) The household's income increases so that no assistance is payable under the geared-to-income formula. The household will remain eligible for 12 months in case their circumstances change.
- (b) The household's income or assets increase above a limit set by the Service Manager. The household will no longer be eligible.

Review:

29. If any member of a household disagrees with certain decisions, they are entitled to a review of the decision. See section 30 for the types of decisions. The household is entitled to receive notice of the decision.

Members' rights on decisions:

30. The household can request a review of:

- a decision that the household is not eligible for geared-to-income assistance
- a decision about the amount of a geared-to-income housing charge
- a decision about the type and size of unit for which the household is eligible.

31. These decisions are made by the Service Manager, or by the Co-op if responsibility has been delegated to it. Even if responsibility for the decision has been delegated to the Co-op, the Service Manager may be responsible for the review.

32. Procedures, requirements and other rules about reviews are stated in Government Requirements and the Co-op by-laws. See Article 5 of the *Housing Services Act* By-law.

33. Members need to act within the required time limits or they lose the right to a review. Members should ask the Co-op or Service Manager if they do not know who performs the review or if they have any other questions.

Each of the undersigned agrees that the Co-op can receive, through its employees or agents, credit information from any credit agency or other source. All persons in the member's household must sign a separate authorization for a credit check, if requested by the Co-op.

APPENDIX D: SPECIAL NEEDS UNIT TERMS

Names of members: _____

Unit address: _____

Names of any non-member occupants 16 years old or older:

Basic rules:

1. This document states some of the rules for special needs households.
2. These rules are required by the *Housing Services Act* and Regulations passed by the Ontario Government, and Local Rules set by the municipal Service Manager. These are called Government Requirements.
3. This document does not state all the rules that apply. Government Requirements and the Co-op by-laws have many other rules for special needs housing. Other rules can also be found in Article 4 of the Co-op's *Housing Services Act By-law*.
4. Households living in a special needs unit are responsible for finding out about all the rules that apply to them. This includes any changes in the rules.
5. The Co-op or the Service Manager can give people an information package that may answer any questions about the rules. Members should ask the Co-op or Service Manager if they have any other questions.
6. The rules in this document could be changed if Government Requirements or the Co-op's by-laws are changed. The new rules will govern even if there is no change in this document.
7. In case of conflict, Government Requirements will take priority over this document.

17. Government Requirements require prompt updating of information. Between reviews, it is the household's responsibility to promptly report in writing to the Service Manager, or to the Co-op if responsibility has been delegated to it:
 - a change in any document provided to the Service Manager or Co-op
 - a change in any information provided to the Service Manager or Co-op
 - any change in household composition.

18. These reports must be made within the time set by Government Requirements. The household must make these reports even if the paperwork relating to the change has not been received. The household must use any forms that are set by the Service Manager or Co-op.
 - The City of Toronto requires households to report changes in information or documents within 30 days of any change.

Losing eligibility:

19. Households can lose their eligibility for special needs housing if they break any of the rules that apply – whether or not the rules are stated in this document.

20. Households can also lose their eligibility for special needs housing without breaking any rules. This can happen for the following reasons:
 - (a) The household lives in a special needs – modified unit and no longer has any members that require accessibility modifications.

 - (b) The household lives in a special needs – support services unit and no longer has any members who require provincially funded support services.

Review:

21. If any member of a household disagrees with certain decisions, they are entitled to a review of the decision. See section 22 for the types of decision. The household is entitled to receive notice of the decision.

Members' rights on decisions:

22. The household can request a review of:
 - a decision that the household is not eligible for special needs housing
 - a decision about the type and size of unit for which the household is eligible.

23. These decisions are made by the Service Manager, or by the Co-op. Even if the Co-op is responsible for the decision, the Service Manager may be responsible for the review.

24. Procedures, requirements and other rules about reviews are stated in Government Requirements and the Co-op by-laws. See Article 5 of the *Housing Services Act* By-law.