



Niagara Regional Housing

Notice

No: 14-12

APPLICABLE TO:

DATE: December 9, 2014

<input type="checkbox"/>	Municipal & Private Non Profit
<input checked="" type="checkbox"/>	Co-operative
<input type="checkbox"/>	Federal Non Profit
<input type="checkbox"/>	OCHAP/CSHP
<input type="checkbox"/>	Rent Supplement

<input checked="" type="checkbox"/>	Mandatory
<input type="checkbox"/>	For Information

SUBJECT: New Co-op Eviction System & New Occupancy Bylaw

BACKGROUND

The *Non-Profit Housing Co-operative Statute Law Amendment Act 2013* came into force on June 1, 2014, amending parts of the *Residential Tenancies Act 2006 (RTA)*. The new legislation allows co-operatives to take most evictions to the Landlord and Tenant Board (LTB).

Eviction Process

Most co-op evictions (if not settled through the co-op’s internal process) will now be decided by the LTB. There will still be situations where the co-op will have to take evictions through the court system – for example, not complying with “no pets” bylaw, failure to participate, and breach of confidentiality.

The co-op will continue to have an internal eviction process. The core process has not changed and will involve:

- Notice to Appear
- Board meeting that the member can attend
- Board decision.

Once the co-op’s internal eviction process is completed, the LTB process will start.

New Occupancy Bylaw – Co-operatives

The changes in eviction law affect the Co-operative Corporations Act and the Residential Tenancies Act.

The new occupancy bylaw (developed by CHF) incorporates the changes to the Co-operative Corporations Act and the Residential Tenancies Act that deal with how co-operatives handle evictions. It sets out the rights and responsibilities of a co-op and its members and includes a new occupancy agreement.

A Guide to the new Occupancy Bylaw is available on the CHF website at www.chfcanada.coop.

The following lists some of the differences in the new Occupancy Bylaw:

- Allows for modern ways to pay housing charges
- Insurance
- Reflects home businesses
- Rules on arrears and directors in arrears
- Eviction procedures
- Appeals to memberships
- Legal action

Appeals from Members

The co-op has to determine whether it will allow appeals from members. The co-op can decide that there are no appeals; appeals are allowed on some grounds; or appeals are allowed on all grounds.

The attached occupancy bylaw incorporates a “no appeals” for the following circumstances:

- Arrears
- Domestic violence
- Drugs or violence
- Illegal acts
- Impairing the safety of others

The board will have to determine, and obtain membership approval, which approach to adopt in their bylaw.

Housing Provider’s Role

Co-operative boards are required to review the new CHF occupancy bylaw, make changes that fit their business processes/requirements, and ensure that their bylaws do not contravene HSA legislation/NRH Local Rules which may include reviewing existing bylaws to determine if any need to be replaced.

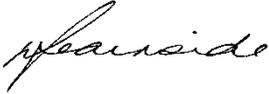
The new Occupancy bylaw is required to be approved by the membership by June 30, 2015.

Attached is an electronic copy of the new CHF Occupancy Bylaw Template. We have highlighted some of the sections that co-ops need to pay particular attention to, and make the appropriate changes that fit their business.

Service Manager's Role

The new Occupancy Bylaw will be reviewed to ensure compliance with the *HSA* and NRH Local Rules during the operational review process.

If you have any questions about the new occupancy bylaw or the new eviction process, please visit www.chfcanada.coop or contact GH-CHF or CHF Canada for assistance.



Mira Fearnside, General Manager (Acting)

Enclosure: Electronic copy of new Occupancy Bylaw