

7. OCCUPANCY BY MEMBERS.....

Article 7: Occupancy by Members

7.1
Policy

- (a) In the co-op's by-laws, household means:
- a member
 - any other members living in the unit
 - persons under eighteen living in the unit
 - persons who have turned eighteen and continue to live in the unit, and
 - any long-term guests approved by the board under 7.5 of this By-law.

The co-op does not consider anyone else as part of a member's household. Other persons can live in a member's unit only as casual guests if permitted by this By-law. Members must not allow anyone other than the persons referred to above to use their unit.

- (b) This By-law applies to a member unit. The co-op does not have to follow the procedures in this By-law when dealing with non-member units or non-residential spaces, if any. Any leases, agreements or applicable laws govern the co-op's relations with them. Parts of this By-law apply to non-members living in a member unit.
- (c) Occupants of a member unit who are not members have:
- no greater right to occupy the unit than the members who occupy it, or any right to occupy it independent of the members

7. OCCUPANCY BY MEMBERS.....

- no right to occupy any other unit in the co-op, and
- no right to a place on the co-op's internal waiting list.

7.2

Additions to Household

Members may wish to add to their household someone over eighteen years of age who is not a member. That person must apply for membership in the co-op or for board approval as a long-term guest. That person can occupy the unit as a casual guest while waiting for the board to decide. If the board refuses to approve the application for membership, that person can occupy the unit only as a casual or long-term guest if permitted under 7.4 or 7.5 of this By-law.

7.3

Persons Eighteen Years of Age

If a person who is part of a member's household turns eighteen, that person must apply for membership in the co-op. If they fail to apply for membership, then they will be considered long-term guests and the board may cancel or change their long-term guest status at any time, as stated in 7.5.

7.4

Casual Guests

- (a) Members can have only a reasonable number of guests at any one time.
- (b) Members must have the board's permission to permit a guest to stay for more than two consecutive months for a single visit. Normally this would only be for up to one additional month. Members must have the board's permission to allow a guest to spend a total of more than three months in a unit for any number of visits during any twelve-month period. The board can choose the twelve-month period.

7.

OCCUPANCY BY MEMBERS.....

- (c) The board normally allows a single visit to last for three months. When the board gives permission for any visit it:
- sets the time limit for the visit, and
 - can decide to include the income of the casual guest when calculating household income for a housing charge subsidy.

7.5

Long-Term Guests

- (a) The board can allow members to have a guest for an indefinite period. These guests are long-term guests in this By-law. Examples include:
- family members who are part of a member's household
 - live-in employees
 - others whom the member invites with Board approval.
- (b) Members and their guests must sign a long-term guest agreement, such as Schedule B of this By-law.
- (c) The board can cancel long-term guest status or change the terms of the long-term guest status at any time. The board must give written notice to the member and the guest of any meeting where it will be discussed. The board must give written notice to the member and the guest that it has ended long-term guest status after it has decided to do so. The board decides when the long-term guest status ends. There is no right of appeal.
- (d) The income of long-term guests is to be included in the household income when housing charge subsidy is calculated.

7. OCCUPANCY BY MEMBERS.....

7.6
Principal Residence

All members must use their co-op units as their principal residence and personally occupy them. Members may not be absent from their unit for a total of more than six months in any five-year period without the permission of the board. The unit must remain their principal residence while they are absent. The board can choose the five-year period. Members will be considered absent from their units even if they visit them for short periods.

7.7
No Transfer of
Occupancy Rights

Members cannot transfer their occupancy rights to anyone else.

7.8
Co-op Employees

- (a) A permanent employee of the co-op cannot be a member of the co-op. If the board decides that the employee's duties make it necessary to live in the co-op, the employee will be a tenant of the co-op. Part IV of the Landlord and Tenant Act applies to this tenancy.
- (b) The board must make sure that there is a written agreement with the employee stating that the employee's tenancy ends at the same time that the employment ends.

7.9
Persons in Units that
Become Part of the Co-op

- (a) Persons who occupy units which become part of the co-op can apply for membership if they have not already done so. If they do not apply, or are not accepted, they will be tenants of the co-op.
- (b) The *Act* designates units, which become part of the co-op as non-member units. If all of the occupants that are eighteen or older give written consent, the board, or a

Dalhousie N\P Housing Co-operative Inc.

committee of at least two directors selected by the board, can end the designation as a non-member unit. Even if the occupants become members, they will still have to give written consent.

- (c) If a co-op housing unit was occupied on August 24, 1992, (the day that the *Co-operative Corporations Statute Law Amendment Act* became law), but none of the occupants was a member, the *Act* designates this unit as a non-member unit. If all of the occupants that are eighteen or older give written consent, the board, or a committee of at least two directors selected by the board, can end the designation as a non-member unit. Even if the occupants become members, they will still have to give written consent.

7.10

Death of a Member

- (a) If a member dies and no other members occupy the unit, the member's estate will be responsible for housing charges until the end of the second month after the death. The estate must remove all of the member's possessions by the end of the second month after the death.
- (b) Non-members living in the unit after a member's death can apply for membership. If they are accepted, the board can allocate the unit to them without following the Member Selection and Unit Allocation By-law. If they do not apply for membership or their application is rejected, the board can evict them without using the procedures in Article 9.

Article 8: Members Who End Their Occupancy

8.1

Procedures

- (a) If members want to end their occupancy in the co-op, they must give at least seventy days' written notice. The notice period must end on the last day of the month. The members' right to occupy their unit ends at the end of the notice period. Members cannot withdraw a notice without the board's consent. The board can refuse to allow members to withdraw the notice. Members cannot appeal the board's decision.
- (b) Members have full rights and obligations during the notice period. If members move out of their unit, they are still responsible for any outstanding obligations until the end of the notice period.
- (c) If the co-op needs to get possession of a unit of a member who has given notice, the board can follow the procedures stated in 171.14 of the *Act* or take any other action. It can do this before or after the day on which the member should leave. In this case, the board does not have to follow the procedures in Article 9 of this By-law.

8.2

Withdrawal from Membership

A notice to end occupancy will also be considered a notice of withdrawal from membership. Any withdrawal from membership without ending occupancy will not be valid.

8.3

Vacant Unit

If a unit is vacant, the co-op can take possession. The member's occupancy rights end on the day that the co-op takes possession. It will be considered that the member has withdrawn from membership at the same time.