

6. OCCUPANCY RIGHTS AND STANDARDS

Article 6: Occupancy Rights and Standards

6.1

Purpose of This Article

This Article deals with members already living in the co-op. It covers when they no longer have the right to occupy their present unit because of changes in household size. It does not cover when new members, or members who want to relocate to other units, will get a unit. The Member Selection and Unit Allocation By-law deals with those matters.

6.2

Change in Household Size

- (a) The number of persons in a member's household may change. The member must give prompt written notice of the change to the co-op office. If the household size has decreased, the notice must give the names of the persons who no longer live in the unit.

Members must agree to a credit check of any new person in their household. The new person must sign a consent if the co-op asks for it. Members must also give the co-op any other reasonable information, which the co-op asks for. Members must give the notice, consent and other information promptly.

- (b) The maximum number who can live in each unit type is:

- bachelor 1 person
- one-bedroom 2 persons
- two-bedroom 4 persons
- three-bedroom 6 persons
- four-bedroom 8 persons.

These are the "Maximum Occupancy Standards".

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(c) The minimum number of persons who can live in each of the co-op's unit types is:

- bachelor 1 person
- one-bedroom 1 person
- two-bedroom 2 persons
- three-bedroom 3 persons
- four-bedroom 4 persons.

These are the "Minimum Occupancy Standards".

(d) If a member's household does not meet these standards, the board will normally require the household to move to a unit of the proper size. If the co-op has an existing unit of the proper size, the board will put the member at the top of the internal waiting list for that type of unit. The member must accept the first unit offered.

However, the board can decide not to require the household to move if:

- the situation is temporary, or
- the board decides that there are special circumstances that justify letting the household stay in the unit.

(e) If the board is going to consider a resolution to require the member to move, it must give the member ten days or more written notice of the meeting.

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(f) The member can attend and speak at the board meeting, or have a representative speak. The representative can be a lawyer or another person. The board must deliver its decision in writing to the member. The member cannot appeal the board's decision.

(g) The board can evict the member if:

- the member does not accept the first unit offered, or
- the board decides not to put the member on the internal waiting list because there are no units of a suitable size.

The board must use the procedures stated in Article 9 of this By-law.

However, the board can decide not to evict the member if:

- the situation is temporary, or
- the board decides that there are special circumstances that justify letting the household remain in the unit.

(h) If the board decides to evict the member, the date must be at least sixty days after the board meeting that required the member to move. If the member was not put on the internal waiting list, the date must be at least sixty days after the board meeting that decided to evict the member. The board must use the procedures stated in Article 9 of this By-law.

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6.3

Able to Live Independently

- (a) Members must be able to live independently and take care of themselves, or arrange for their care without undue hardship on the co-op, its members or employees. This is an essential requirement of living in the co-op.

The board can evict a member if it decides that the member cannot meet these conditions. However, this will not happen if:

- the member makes arrangements that are acceptable to the board, and
- the member signs and obeys a written agreement if the board requires it.

- (b) The board does not have to get medical or other expert advice when it passes any resolution under 6.3 of this By-law. It has the right to rely on the opinion and experience of the employees and members of the co-op. However, the board will consider any medical or other expert advice, which the member offers.

- (c) The board must use the procedures stated in Article 9 of this By-law.

6.4

Sale of a Part of the Co-op

The board can decide to sell all or part of the co-op's housing units if the members pass a special resolution giving it the power to do so. The resolution should deal with the occupancy rights of the members living in these housing units. It can deal with the position of these members on the internal waiting list.

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6.5

Government Takeover of Co-op Ownership

- (a) When a government body takes over ownership of the co-op by expropriation, members' occupancy rights against the co-op end on the date the takeover is final.
- (b) Members cannot profit from the takeover. This does not include any compensation from a government body for disturbance or moving expenses. Members must pay any other compensation to the co-op. The co-op has the right to take any necessary action to obtain that compensation. This includes the right to sue or make any other claim in the name of the member.

6.6

Damage by Fire, etc.

- (a) If there is major damage affecting a large number of units, the board will examine the situation and propose a solution. The membership will make the final decision in a members' meeting.
- (b) If only one or a small number of units are damaged, the board will consult with the members living in the units to deal with the situation. If the members do not agree with the proposed solution, the membership will make the final decisions in a members' meeting. These decisions will have priority over the Unit Allocation By-law (for example, in questions about priority on a waiting list).

The board and members will consider questions such as the following:

- Should the unit be repaired?
- How quickly?
- When will the member be required to move out?

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- When will the member be entitled to move back?
 - Will there be any charges to the member during the period?
 - Are there any available units that the member can occupy until their unit is repaired? Should there be any priority on the co-op's internal or external waiting list?
- (c) The co-op does not have to provide a housing unit, or pay for increased housing charges, or rent to an outside landlord, or any other costs, because of damage.