

DALHOUSIE NON-PROFIT HOUSING CO-OPERATIVE

By-Law No. 5

Arrears By-Law

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BY-LAW NO. 5

ARREARS BY-LAW

The Co-operative provides housing for its members at cost. It is the responsibility of members to pay their fair share of the costs promptly, as they become due.

The Finance Committee (and, if one exists, an Arrears Sub-Committee of the Finance Committee) and the Co-op staff shall deal with arrears cases by administering this Arrears By-law and, where necessary, by referring arrears cases to the Board.

ARTICLE 1

1.01 DEFINITION

Any amounts of money owed to the Co-op that have not been received when due shall be considered arrears. Amounts of money owed to the Co-op shall include but not be limited to all fees, charges, levies, and deposits specified in "Appendix A" of By-law No. 3 (Occupancy By-law) and any charges or fines assessed by the Co-op against the member, particularly but not limited to those charges or fines set out in this by-law. Any other money which is owed by a member to the Co-op by virtue of any duly passed By-law or Policy or Occupancy Agreement, which has not been received when due, shall be considered arrears.

ARTICLE 2

PAYMENT AND CHARGES

- 2.01 Cheques for payment of housing charges and any other monthly fee or charge owing to the Co-op must be delivered to the Co-op office by the last day of the month preceding the month to which the charges apply, after which time payment shall be considered late. Cheques must be dated no later than the first day of the month to which the charges apply. The Board will encourage members to leave up to twelve post-dated cheques at a time with the office.
- 2.02 Payments must be made by cheque or money order. The Co-op will not be obliged to accept cash.
- 2.03 Payments not received on time by the Co-operative are subject to a late payment charge of \$10.00 (or such other amount as the Board may from time to time set for late

ARREARS BY-LAW  
ARTICLE 2 (cont'd)

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2.03 payments) for each week or part thereof that the member is in arrears and has not signed a repayment agreement with the Co-op. This charge will be levied at the time that an Arrears Notice is sent to the member. A member may request that the Board or its designate waive the charge by submitting a letter to the Co-op outlining the reason for late payment. Such a request will only be considered if the member has notified the office that the payment will be late in advance of the date it was due.

2.04 If a member's cheque to the Co-op is returned by the bank or credit union, the member shall be required to pay a service charge equal to the amount charged to the Co-op. In addition, the member shall be considered in arrears and shall be liable for late payment charges until such time as full payment has been made. (If a member's cheque is returned for reason for insufficient funds more than once in a year, the Board or its designate may require that member to make all subsequent payments to the Co-op by certified cheque or money order.)

ARTICLE 3

ADMINISTRATIVE PROCEDURES

3.01 The Board of Directors shall adopt procedures for implementing this By-law as it sees fit. Such procedures, to be known as Arrears Procedures, shall include but not be limited to the sending of Arrears Notices to members in arrears, and shall provide for the Finance Committee of the Co-op, or a sub-committee thereof, to meet with members in arrears in order to arrive at an agreement for repayment of the arrears. The Arrears Procedures so adopted shall provide for all unresolved arrears cases to be referred to the Board for final disposition.

3.02 In the event that a member is in arrears and that member has also given or received notice of termination of occupancy under the terms and conditions of By-law No. 3 (Occupancy By-law), the Board may waive any and all provisions of the Arrears Procedures in order to proceed in such a manner as to protect the financial interests of the Co-op, provided that any actions so undertaken are not inconsistent with the provisions of By-law No. 3 or any other By-laws of the Co-op, or the Co-operative Corporations of Ontario.

ARTICLE 4

TERMINATION OF OCCUPANCY

4.01 In accordance with the provisions of By-law No. 3 (Occupancy By-law), the Board may terminate the occupancy rights of a member who has, during any twelve month period, issued to the Co-op three N.S.F. cheques; is in default of or who has been repeatedly late in payment of monthly charges or other charges payable under the By-Laws or Policies of the Co-op.

ARREARS BY-LAW

PASSED by the Board and sealed with the corporate seal of the Co-operative this 26 day of SEPTEMBER 1991.

President Josephine Legari

Secretary Brian Cook

CONFIRMED by two-thirds of the votes cast at a general meeting of members, this 6 day of OCTOBER 1991.

President Josephine Legari

Secretary Brian Cook