



BROOKS CO-OPERATIVE HOMES INC.

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By-law No. 4

Housing Charge Subsidy By-law for Co-ops receiving CMHC
Rent Supplement

Passed by the Board of Directors on

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1. About This By-law

i. Introduction

This By-law sets out the process and procedures that relate to subsidized monthly housing charges from CMHC for eligible co-op households. There may also be a separate bylaw for internal subsidy, funded by Brooks Co-operative Homes Inc.

ii. Priority of the By-law

- a) In case of any conflict between this by-law and the Co-op's Occupancy By-law or Organizational By-law, the latter by-laws will prevail. If there are any conflicts between this by-law and the rent supplement agreement with Canada Housing and Mortgage Corporation (CMHC), the latter will prevail.
- b) This By-law repeals, takes the place of or amends all other by-laws, policies or resolutions that deal with subsidized monthly housing charges.

iii. Government and Other Requirements

The Appendices of this bylaw are in the agreement between CMHC and the co-operative. To meet government or other funder requirements, the Appendices of this bylaw can be changed by the Board of Directors without amending this by-law.

iv. Definition of Terms

- a) "Household" shall mean a person or a group of persons who occupy the same private dwelling and do not have a usual place of residence elsewhere in Canada.
- b) Dependent: Someone is considered a child of a member if they would be considered the member's child under the Ontario Family Law Act.
- c) RGI Subsidy: For the purposes of this By-law, all mentions of the following terms mean the total subsidy granted to any household of the co-op, pursuant to this By-law.
 - RGI subsidy
 - RGI housing charge subsidy
 - Rent-g geared-to-income subsidy
 - Housing charge subsidy
 - Housing charge assistance
 - Subsidy
 - Rent supplement

2. Eligibility Requirements to Receive Subsidy from CMHC

- i.** Members have to meet the eligibility requirements as attached to this by-law as set out in Attachment 2.
- ii.** This program is for households who pay thirty per cent (30%) or more of their Gross Household Income for housing accommodation.
- iii.** To be eligible to receive or to continue to receive housing charge subsidy, a household must meet the following eligibility requirements:
 - a) meet the eligibility requirements as set out in Attachment 2.
 - b) provide accurate information about who lives in the unit and proof of their income;
 - c) update their information with the co-op within ten (10) days whenever there is a change in household composition and/or household income.

iv. Burden of Proof

The burden of proof of initial or continued eligibility for RGI subsidy and/or the amount of subsidy shall, in all cases, be the responsibility of the applicant. The applicant must provide any information requested by the co-op. If the Management has doubts regarding the factual nature of the applicant's information, then the co-op may:

- refuse to grant RGI subsidy to the household;
- terminate RGI subsidy previously granted to the household;
- recalculate the household's RGI subsidy on the basis of an income that the Management considers reasonable.

v. Overhoused Households

- a) Overhousing is the term used for an assisted household living in a unit with more bedrooms than allowed by the CMHC rent supplement agreement (Attachment 2). This section does not apply to households receiving Emergency Internal Subsidy.
- b) After move-in, members may remain in the housing unit chosen, even though there is a change in family composition, as long as the one person per bedroom minimum requirement is met.
- c) Overhoused households will be offered a unit of a more appropriate size to the household composition.
- d) If someone dies who is living in the household at the time of their death, the remaining member(s) will be granted one year before having to move to meet minimum requirements.

vi. Procedures for Overhousing

- a) An overhoused household must place their name on the internal waiting list and relocate to a more appropriately sized unit.
- b) If the appropriately sized unit is not available at Brooks Cooperative Homes then a member must have their name on an external Cooperative waitlist or a waitlist for other subsidized living i.e. P.A.T.H.; (*Peel Access To Housing*).
- c) An overhoused household receiving rent supplement can opt to pay the difference between the full housing charge for their current unit and the full housing charge for the most expensive unit they are eligible for under the occupancy standards set by the housing charge subsidy service provider (CMHC). This is called an Overhousing Surcharge.
- d) Members must tell the co-operative in writing that they are choosing to pay the overhousing surcharge rather than relocate. This option can be changed by the subsidized household with written notice to the Co-operative.
- e) There is no relocation fee for overhoused households receiving subsidy.
- f) The household may refuse the first two units offered to it, but must move to the third unit. If a smaller unit is offered and the household refuses to move, they are no longer eligible for assistance.
- g) The overhoused household will not be charged an overhousing surcharge while waiting to relocate to the more appropriately sized unit. However, the overhousing surcharge will apply after the refusal of one (1) unit offer of the appropriate size.
- h) If an overhoused household refuses to be added to the Internal Waiting List, to pay the Overhousing Surcharge or to have their name on an external waitlist, they will no longer be eligible for housing charge subsidy,
- i) An overhoused household that is receiving RGI subsidy and that has been added to the Internal Waiting List will continue to be eligible for housing charge subsidy in their current unit until an appropriate unit becomes available unless they:
 - no longer meet all of the other eligibility requirements set out in Article 3 of this Bylaw, or
 - refuse three (3) units of the appropriate size offered to them while they are overhoused and on the Internal Waiting List
 - In the event, of any of the above, the household's housing charge subsidy will be terminated:
 - with sixty (60) days' notice after they have refused three (3) units, or
 - when the household no longer meets the co-op's eligibility requirements.

3. Definition of Household Income

- i. See Attachment 3 for definition of household income.
- ii. The income of people living in a member's unit as casual guests who are allowed as guests under the Co-op's Occupancy By-law will not be included.

4. Application and Verification Process

i. Application Process

- a) Co-op households may apply for housing charge subsidy at any time during the co-op's fiscal year.
- b) Co-op households will use the Housing Charge Subsidy Application attached to this Bylaw to apply for housing charge subsidy (See Appendix A).
- c) Applications for housing charge subsidy will not be processed until they are complete, signed and all information and supporting documentation have been received by the cooperative.
- d) All residents in the household, including long-term guests, must report and provide proof of income and sign the application.
- e) Applications for housing charge subsidy will be processed and approved by co-op staff. Co-op staff will calculate the subsidized monthly housing charge.
- f) Co-op staff will review the income and assets of all households who apply for housing charge subsidy. Reviews will be done:
 - before a household begins to pay a subsidized monthly housing charge;
 - annually;
 - when there is a change in family composition of a household paying a subsidized monthly housing charge;
 - when there is a change in income of a household paying a subsidized monthly housing charge.
- g) A completed application will include:
 - a list of all persons living in the unit including any long-term guests, providing:
 - name of each person;
 - relationship to each other;
 - birth dates;
 - information about types of income and documented proof of income;
 - a signed declaration and verification of all income for all people in the household. A parent or guardian signs for a child.
- h) The co-op will use the completed application and the information to determine
 - whether the household is eligible for housing charge subsidy;
 - the unit size the household is entitled to occupy under the minimum household size (as set out in the applicable provisions of CMHC Rent

Supplement agreement (Attachment 2 and the overhousing procedure set out in this by-law);

- the subsidized monthly housing charge for the unit.
- i) Households that are eligible for RGI subsidy will be required to sign the Housing Charge Subsidy Terms and Agreement form (as set out in Appendix C of the Co-op's Occupancy By-law) before beginning to pay the subsidized monthly housing charge.

ii. Annual Verification Process

- a) The annual verification process is used to update the co-op's records on all households receiving assistance and make any necessary changes.
- b) The annual verification process will normally start three (3) months before the end of the co-op's fiscal year.
- c) The annual verification package to be provided by the co-op will include the housing charge subsidy application form (See Appendix A), instructions for completing the form, a list of incomes and supporting documentation required, and the deadline to submit the information.
- d) Verification for housing charge subsidy will be sent to all households currently receiving housing charge subsidy.
- e) Verifications for housing charge subsidy will be processed as set out in Section 4 of this By-law.
- f) Notice of the subsidized housing charges granted to co-op households will normally be sent to the household in question no later than sixty (60) days before the end of the co-op's fiscal year end.

iii. If the household received more subsidy in the prior year

If a household received excess subsidy in the prior year than they were entitled to receive, they will be required to re-pay any overpayment.

iv. Reporting Changes Throughout the Year

Within ten (10) calendar days of the occurrence of any change households paying a subsidized monthly housing charge must report changes in:

- a) household composition (i.e. who lives in the unit);
- b) household income (i.e. how much money each occupant earns)
- c) Adjusting housing charge subsidy
- d) If the change results in a lower assisted housing charge, the decrease will be effective the first day of the first month after the change.
- e) If the change results in a higher assisted housing charge, the increase will be effective if it is at least \$25.00 higher. It will be effective the first day of the second month after the change.

v. Waiting List for Housing Charge Subsidy

- a) The co-op will establish a waiting list for housing charge subsidy if there is no housing charge subsidy available. Priority on the waiting list will be determined on a “first come, first serve basis” based on the date (and time, if necessary), a complete application was received by the co-op.
- b) There are separate waitlists for government (CMHC) subsidies and internal subsidy, if there is an internal co-op subsidy.
- c) A member may be placed on the waiting list for government subsidy if they qualify while on any internal subsidy if they believe they will need ongoing subsidy. If a government subsidy should come available and they are next for the government subsidy, the member is moved to the government subsidy after paperwork review.

5. Sub-Occupancy

Households in receipt of housing charge assistance cannot sublet their units.

6. Appeals

Members who are refused housing charge subsidy, lose their subsidy, or dispute the amount of subsidy may appeal to the Board of Directors. Appeals must be made within 14 days after the member receives notice of the disputed decision. Members will be given at least 10 days’ notice of when the Board will consider the appeal. Members can appear and make representations to the Board before it decides. Members can have a representative. The decision of the Board is final.

7. Breach of Obligations by Members

- i.** The Co-op can end housing charge assistance if a household or a member of the household has broken the terms of this By-law.
- ii.** A household must pay back the Co-op for housing charge assistance to which it was not entitled if it:
 - a) declared its income falsely, or
 - b) did not report an increase in income when required by this By-law, or
 - c) ceases to meet the eligibility or occupancy standards as described in this By-law.

8. Privacy and Confidentiality

The co-operative will comply with the *Personal Information Protection and Electronic Documents Act (PIPEDA)* when collecting personal information from applicants and assisted households.

The co-operative must use the information only for the purpose for which it was collected and protect the information collected from unauthorized sharing, use and disposal.

The co-op will develop a process that ensures privacy for members and maintains confidentiality.

9. Conflict of Interest

- i.** In any situation where a staff person or board member may have an actual or perceived conflict of interest in regards to housing charge assistance decision, the co-op's conflict of interest rules must be followed. Normally, the person with the actual or perceived conflict of interest:
 - a) must report the conflict to the board
 - b) may not take part or be present in the discussion or decision about the matter
- ii.** The co-operative should make sure there is a written record of the conflict of interest and the action taken.

***CERTIFIED** to be a true copy of Bylaw No.4 of Brooks Co-operative Homes Inc. passed by the Board of Directors at a meeting held on November 20th 2019 and confirmed by a two / thirds vote at a meeting of members held on December 4th 2019.*

_____ c/s
Secretary

Appendix 1: Application for Housing Charge Subsidy

Unit #		Phone & email	
Please provide information about who the co-op can contact for emergencies			
Name of Person to contact	Relationship to you (e.g. mother, cousin, friend)		Phone # and email

1. List all the people living in your unit.

- List everyone living in your unit, including long-term guests, whether they have an income or not. List children who are temporarily away attending school. **Do not forget to list yourself.**

Last Name	First Name	Relationship to each other (mother, father, son, daughter, grandson)	Birth Date (M/D/Y)			
Has anyone moved <u>into</u> your unit during the last 12 months?			Yes		No	
If yes, who moved <u>in</u>		Date moved <u>in</u>				
Has anyone moved <u>out</u> of your unit during the last 12 months?			Yes		No	
If yes, who moved <u>out</u>		Date moved <u>out</u>				

2. List the income for each household member and attach proof-of-income.

- See the attached “What Counts as Income?” for some examples of income
- See the attached “Proof-of-income Checklist” for how to prove your income
- Some household members may have more than one type of income
- All types of income must be listed and proved
- Children (over 16) in your household who provide proof they are **full-time** students do not need to provide other income verification

Name of Person with Income	Source of Income (name of employers, pension or type of benefit)	Date employment or benefit started	Amount & Frequency

3. List the assets for each household member and attach proof.

- Include bank accounts, term deposits, GICs, RRIFs and annuities, mutual funds, stocks or shares, bonds and real estate such as house, land or cottage
- List all assets even if they do not produce income
- See the attached “What Counts as Income?” for some examples of assets to include

Name of Person with Assets	Name of Financial Institution / Description of Asset	Account Numbers / Type of Account	Value of Asset

4. List all students in your household and attach proof that they are attending school.

- Proof includes a copy of the **OSAP Assessment Summary** if you receive OSAP, **or** a letter from the educational institution identifying the name of the program, the program start date, year in program, current course load, and anticipated graduation date

Name of student	School	Program Information	Full-time or Part-time	Proof Attached

5. Please read the following information and sign the form.

Declaration, Release and Consent

- I understand that I must renew my subsidy annually and provide all information requested about my household
- I understand that applications for subsidy will be processed only when completed and only on a first come first served basis, subject to availability of subsidy funds
- I understand that my application for subsidy will not be considered complete until I have provided all information requested
- I understand that the Co-op has the right to verify all information I give them. I authorize the Co-op to take whatever steps considered necessary to confirm the information.
- I understand the Co-op will use the information I give them in order to see
 - if my household qualifies for the size and type of unit we live in,
 - if my household is eligible for rent-gearred-to-income subsidy, and
 - how much rent-gearred-to-income (RGI) subsidy my household qualifies for
- I understand that any information on this form or attachments will only be given in accordance with the *Protection of Privacy Act*.
- I agree to co-operate fully and give complete information in the form required by the co-op for the purpose of any investigation it may carry out concerning my income, household size or other qualifications for housing charge subsidy

I declare that

- everything I have written in this document is true and that no information that is required to be given has been withheld or omitted
- all persons in my household are in Canada legally

I acknowledge that

- only the people I have listed on this document may live with me.
- all information I give to the Co-op will belong to the Co-op.
- I must report changes in who lives in my unit and household income within ten (10) days of any change.
- subsidy will be terminated if
 - I do not provide information requested about my household
 - I no longer meet the eligibility requirements, as described in the Co-op's by-laws
- I must pay back all or part of the subsidy received if I have
 - given false or incomplete household information

- failed to report an increase in household income
- received more subsidy than I was entitled to receive for any reason

The form must be signed by all adults, even if they are not members.

	Print Name	Signature	Date
1.			
2.			
3.			
4.			

You must attach proof of income and assets to the form and return it to the co-op office
BEFORE THE DEADLINE OF _____.

The Application is not complete until all information required is received.

Do not forget to include the following for all persons over 16:

- **proof of Income Statement (Option C Form)**
- **statements for all bank accounts for last 2 months**
- **statements for all investments**
- **verification of current income**
- **sworn declaration for any adult not in school with no income**

Appendix 2: What Counts as Income?

There are three types of income:

- income related to employment

- income related to investments
- income for support

What is included in each type of income?

Income related to employment	Income related to investments	Income for support
<ul style="list-style-type: none"> • salary or wages • bonuses or incentive pay • tips or gratuities • overtime pay • vacation pay • commissions • Employment Insurance Benefits (EI) • work incentive programs • training allowances • net income of a business or other self-employment activity • WSIB benefits (short-term and long-term) • regular payments from accident disability, or illness insurance 	<ul style="list-style-type: none"> • interest income from assets and investments (bank, credit union, and trust company accounts; capital gains; term deposits; bonds or debentures; GICs) • dividend income from stocks or shares • interest portion from any mortgage or loan • value of non-income producing assets such as cottage, trailer, precious metals, gems, and art • real estate income (such as rental income) 	<ul style="list-style-type: none"> • Ontario Works (OW) • Ontario Disability Support Program (ODSP) • student grants including OSAP • CPP (or QPP) survivor, disability or retirement benefit • Old Age Security (OAS) • Guaranteed Income Support (OAS, GAINS) • company pensions • foreign pensions • Retirement Income Fund payments (RIF) • RRSP withdrawals • annuities (life, fixed term) • child support payments • spousal support payments • sponsorship

You must report all income from all sources for all persons in your unit. Please note the list above may not be a complete list of income.

If you are eligible for any of the following, then the eligible amounts will be included in your income. It is up to you to take all necessary steps to receive them.

1. Basic financial assistance under the *Ontario Works Act, 1997*.
2. Support under the *Divorce Act (Canada)*, the *Family Law Act* or the *Interjurisdictional Support Orders Act, 2002*.
3. Unemployment benefits under the *Employment Insurance Act (Canada)*.
4. A benefit under section 2 of the *Ontario Guaranteed Annual Income Act*.
5. A pension or supplement under Part I or II of the *Old Age Security Act (Canada)*.
6. Support or maintenance resulting from an undertaking given with respect to the member under the *Immigration and Refugee Protection Act (Canada)*. O. Reg. 367/11, s. 31 (2).

If you have assets from which investment income would normally be received and you do not show a reasonable income from the investments, then a reasonable amount will be included in your income.

The following income is **excluded** from the calculation of the subsidized monthly housing charge:

- (a) Earnings of children or dependents under the age of 26 in regular full-time attendance at recognized institutions of learning; funds provided for the payment of tuition, such as scholarships, bursaries and contributions for non-resident family members;
- (b) 'Living out' or 'travelling' allowances of any assisted household member
- (c) Households that receive income from an earned source such as employment, self-employment, employment insurance or short-term Workplace Safety & Insurance Board benefits are entitled to an earned income exemption.
 - \$75 for each person who does not have dependants
 - \$75 for each member of a couple who both have earning and one or more dependents
 - \$150 for the sole income earner of a couple with one or more dependents
 - \$150 for a single person with one or more dependents
- (d) Income that is not taxable under the Income Tax Act (but income from investing the following will be included). For example:
 - (i) insurance settlements
 - (ii) inheritances
 - (iii) disability awards
 - (iv) proceeds from the sale of personal effects
- (e) Payments, refunds, or credits from the provincial or federal government, such as, by way of example only:
 - Income tax refunds
 - Canada Child Tax Benefits
 - Universal Child Care Benefits

- Working Income Tax Benefits
- Ontario Child Benefits and Ontario Child Care Supplements for Working Families
- Disabled children's allowance
- Attendant Care allowance
- The Community Homelessness Prevention Initiative from the Ministry of Municipal Affairs and Housing
- Property or sales tax credits
- Allowable Business expense deductions from gross self-employment income (not the same as Canada Revenue Agency)
- Tax grants for people 65 years of age or older
- A child benefit received from the Canada Pension Plan
- A death benefit received from the Canada Pension Plan (one-time payment only)
- A special allowance for resettlement assistance

Appendix 3: Proof-of-income Checklist

<p>If you are employed</p>	<p>Consecutive pay stubs covering <i>most recent</i> eight-week period (must include employer's name and address and pay periods covered) including the last pay stub for the prior year and the first pay stub for the current year</p> <p>OR a letter from your employer (on company letterhead, recently dated) stating how long you have been employed, position, gross annual income including any overtime, commissions or bonuses.</p>
<p>If you are self-employed</p>	<p>Income tax return including the “Statement of Business or Professional Activities”</p> <p>AND Notice of Assessment</p>
<p>If you have been self-employed for less than one year</p>	<p>An estimate of income and expense details for the year.</p>
<p>If you are receiving social assistance (Ontario Works, ODSP)</p>	<p>Copy of most recent benefit statement</p> <p>AND drug card OR a letter from your worker listing the names of all persons covered under the benefits</p>
<p>If you are collecting employment insurance or retraining allowance</p>	<p>A copy of ‘My Current Claim’ and “My Payment Details” from Service Canada website</p> <p>OR a letter from Service Canada (1-800-206-7218) clearly showing the start date of claim, waiting period, date claim reinstated, type of benefit, gross weekly benefit rate, total weeks of entitlement during the claim period, number of weeks paid, and end date of claim.</p> <p>A copy of the agreement showing the training period, the begin date and end date of the benefits, weekly benefit amount, total number of weeks for benefits</p>

<p>If you are a student</p>	<p>OSAP Assessment Summary, if you receive OSAP</p> <p>If you do not receive OSAP, a letter from educational institution clearly identifying the name of the program, start date of program, year in program, current course load, and anticipated graduation date</p>
<p>If you are receiving child or spousal support payments</p>	<p>Copy of legal documents such as court order, legal domestic contract,</p> <p>AND statement from the Family Responsibility Office (FRO) showing the accruals and payments for the last 12 months</p> <p>OR letter from your lawyer stating the current amount you receive and how often you receive it</p>
<p>If you are paying child or spousal support</p>	<p>Copy of legal documents such as court order, legal domestic contract</p> <p>AND copies of cancelled cheques (showing support paid) or paystubs showing garnishment</p> <p>OR letter from your lawyer stating the current amount you pay and the frequency</p>
<p>If you are receiving pension, disability or annuity income</p>	<p>Bank statements showing monthly federal pensions, provincial income supplements, foreign pensions, private pensions. If income tax is deducted from payments, you must also provide a statement from the provider showing the gross amount</p> <p>Statements for all Retirement Income Fund (RIF) payments received clearly showing the annual amount and frequency of payments</p> <p>Letter from Service Canada (1-800-277-9914) showing details of Old Age Security (OAS and GIS) and Canada Pension Plan (CPP) benefits and any tax deductions for income received from the federal government</p>
<p>If you have assets</p>	<p>Copy of all bank statements or passbooks for all bank accounts</p> <p>AND copy of all RRSP, RESP, and/or RDSP statements, GIC or other investment certificates, copy of all insurance policies showing cash surrender value</p>

<p>If you have non-income producing assets</p>	<p>Copy of appraisal showing value of asset (cottage, house, trailer etc.)</p>
<p>If you are not attending school and have no income</p>	<p>Sworn declaration stating you have no income duly sworn before a notary public or commissioner of oaths. This can be obtained without charge from a Community Legal Service located at _____.</p> <p>Please note that all eligible persons must pursue all possible means of income before submitting the above declaration. E.g. Application to Ontario Works</p>

The co-op may require additional supporting documentation in order to properly assess your eligibility for the unit size you occupy and to determine the amount of your housing charge subsidy. If the co-op requires additional information, the co-op will send you a letter requesting the information. You must provide information if the co-op requests the information. If you do not provide the information request you will not be eligible for subsidy and/or may lose your subsidy.