

Island Education Day – Sublets, Roommates, Visitors, Over-Housing & More!

Questions

Membership Rights and Obligations

1. I'm curious if there is a standard policy surrounding a new member moving in with an existing member, in a relationship situation.
2. The co-op is for families and residents that are related. A neighbor has had non family members move in. The amount of cannabis and cigarette smoking has increased significantly. The smoke is affecting the next door neighbor by exposing them to second hand smoke. What can be done here?
3. What rights does a co-op have when a long-term visitor/roommate acts inappropriately when the member is away on vacation?
4. Are members allowed to ask "partners" to move in with them?
5. Can members take the position "my neighbor already did this in the past so I'm doing it as well"?

Over-housing

1. If a member's household decreases and they are now over-housed, under what circumstances would the member be encouraged to downsize or leave?
2. Our co-op does not have an over-housing policy. There are 9 units with a single person or couple living in 3 bedroom units. The viewpoint for many in the coop is that they pay market h/c and they should not be required to downsize. Given the lack of affordable housing, how could we bring in an over-housing policy without appearing to be targeting these folks?
3. Many co-ops are facing the issue of over-housing. Often it takes an emergency to get people to move due to physical impairment because most units have many stairs. There has been talk of sharing members and utilizing accessible units in other co-ops, but what is the legal challenge to doing this?

Absentee Members

1. Please describe what a full time permanent resident is?
2. If we discover that a member is residing full time somewhere else and their visitor has been living full-time in the co-op, what are the legal options available to the Board?
3. My co-op has just put in a 30-day maximum leave time from the co-op. Is there any way to get a legal extension on this (without losing my home) if the co-op doesn't change this

policy? My idea was to go away for a summer education learning program or six-week vacation.

4. If a member goes on an extended holiday without their visitor, does the member legally have to inform the Board?
5. Our biggest headache by far is determining what constitutes "living" in the co-op. We have several situations where adult children do not actually "live" here, but they provide DL's and bank statements saying they do. We need this for over- and under-housing purposes. What is a fool proof system for determining who really lives in the co-op?

Visitors

1. Since there is no longer a section in occupancy agreement 2.0 on visitors, is it possible to put some sort of policy in place regarding roommates, sublets, residents, etc.? Are there any sample policies available that we might use to draft our own version?
2. Model Occupancy Agreement 2.0 is silent on visitors. Can members be required to report visitors? What should those reports require?
3. What is a co-op's legal obligation when visitors are staying in a member's unit for the long term?
4. Our membership committee prides itself on a thorough and well thought out interview and screening process when it comes to new member selection. We currently have members who have roommates, long-term visitors and people who just move in. These residents have keys and access to all common areas including our underground parking, locker storage area and laundry room, and we have no idea who they are. We have members who have concerns about safety, security and 'knowing your neighbours.' Is there any way for co-ops to address this?

Sublets

1. Does membership have an obligation to vet sublets/roommates? Does membership have a right to vet sublets/roommates?
2. If a sublet violates a co-op policy (eg: long-term parking of an unlicensed vehicle), how/where does the co-op seek recourse?
3. If a sublet violates a material condition to membership (eg: does not make housing charge payments on behalf of the member), how/where does the co-op seek recourse?
4. With the removal of the section on visitors in Model Occupancy Agreement 2.0, how can a co-op determine if a member in a market unit has someone staying in their unit and is subletting empty rooms?
5. How is a short-term rental different from a sublet? Our co-op allows sublets of 2 to 12 months with proper approvals.
6. If a member in a market unit has a roommate or a long-term visitor and they are collecting money from them, are they not technically subletting? What exactly is the difference between a sublet and a long-term visitor who is paying rent to the member?

Human Rights/ Privacy

1. Is there a non-discriminatory method to capping the number of occupants in a unit? (ie: an applicant comes from a background that encourages multiple generations of a family to cohabit in close proximity, is it discriminatory to say kids & parents, but not grandparents as well?)
2. What can you do or what should you do about a neighbor who is an obvious hoarder?
3. With the duty to accommodate what is considered detrimental to the co-op? I heard that one co-op put in a chair lift while others absolutely refuse saying they are not a care facility.

Adult Children

1. One outcome of the current housing crisis appears to be a trend of adult children moving in with their parents. Consider the co-op's options in these situations:
 - a. A longtime co-op member lives in a 2-bedroom unit. The member's adult child moves in with two young grandchildren. The co-op is told that this is a temporary arrangement. The adult child applies for membership, does not qualify, and the co-op is told that the adult child will move out. The adult child still resides in the unit and the adult child's partner has now moved in too.
 - b. A longtime co-op member lives in a 2-bedroom unit with an adult child. The adult child's partner moves in and a baby is on the way. The member asks for an internal move to a 3-bedroom unit.
 - c. Two joint members live in 3-bedroom unit. An adult child moves in with partner and the joint members appear to have moved out.

Other

1. A co-op has a no dog policy. A member qualifies to have a service dog for medical reasons. The board is refusing the request and will not allow her to have a dog. What can be done?
2. If a member increases the number of people living in their unit beyond what has been deemed to be capacity, does the co-op have any recourse?