

# Having a problem with your housing co-operative?

Information for co-op members in  
Eastern Ontario



Co-operative  
Housing Association  
of Eastern Ontario Inc.

Association de  
l'habitation cooperative  
de l'est ontarien inc.



Co-operative Housing Federation of Canada  
Fédération de l'habitation coopérative du Canada

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# Having a problem with your housing co-operative?

Co-op federations often get questions from co-op members having problems with their housing co-ops. However, we are not advocacy organizations for co-op members. But we can offer co-op members some advice on how to settle disputes with their co-ops.

Here is some information for co-op members about how to deal with a problem with their co-op.

## What to expect from your co-op

When you moved into your co-op unit you signed an occupancy agreement or lease. That's a contract that says:

- what you agree to in exchange for the right to live in your unit
- what the co-op agrees to do for you as a resident.

For example, your occupancy agreement will say that you have to pay your housing charges on time and follow the rules of the co-op. In return you can expect that the co-op will look after the property and supply basic services. Your occupancy agreement may say which services you will pay for but always check your occupancy agreement.

If you think you are not getting the services you have been promised, you need to take the matter up with your co-op's staff or with the board.

## The law and your co-op

There are laws and agreements that affect your housing co-op. Co-ops are incorporated under Ontario's *Co-operative Corporations Act*, usually known as the Co-op Act. Your co-op must follow this law. It must follow other laws too, like the *Ontario Human Rights Code*, and municipal by-laws and regulations.

There are also contracts that affect your co-op. Co-ops have contracts with the government called operating agreements (for Ontario program co-ops the operating agreement has been replaced by a law called the *Social Housing Reform Act*). These agreements say how your co-op gets assistance from the government and what the rules of the program are. Your co-op must follow its operating agreement. Some co-ops have other agreements with the government that provide rent supplements or extra help for co-ops in financial trouble. Co-ops must follow these agreements too.

If you think your co-op is not following the law or its operating agreement, then ask about it. If necessary you can use the process described in this booklet for handling a dispute with your co-op. If you can't get results, then you can contact the proper government branch for help. But

only do this if your concern is about the law or a government agreement. *Don't contact the government for help with a difference of opinion or an internal dispute with your co-op.*

## Disagreeing with what your co-op decides

Co-ops decide things democratically - by the majority vote of the board or the members, depending on the issue. Some members may not agree with what has been decided. Part of living in a co-op is accepting the decision of the majority even if you don't agree with it. That's how a democracy works.

Maybe you have your own opinions about the way your co-op should do things. In a co-op you have the chance to influence your fellow members. Perhaps you have an idea for change at your co-op. To make sure your ideas are heard you need to work within the democratic structure of your co-op. Find out how to get something on the agenda for a meeting of the board or of the members. You will want to present your ideas positively so the members will understand them and react favourably. And as we said: accept the decision of the members, even if it's not the one you hoped for.

## Having a dispute with your co-op

Sometimes members have disputes with their co-ops because they think the co-op is doing something it doesn't have the right to do. There are two ways to solve these problems:

- democratically, using the co-op's rules and procedures, or
- legally, using laws that govern co-ops.

If you have a complaint about your co-op or the board, tell the board. Here is the process to follow:

- First, **write to the board**. Ask someone to help you if necessary. Describe your problem and ask to attend a board meeting. Tell the board how you think your issue can be resolved. For example, a conflict can be resolved through mediation. Keep a copy of what you send to the board and don't forget to put a date on your correspondence.

If you meet with the board and you are still not satisfied, write to the board again and ask to have the issue put on the agenda of the next **members' meeting**. Ask the members to decide if the co-op has followed its by-laws or rules and policies. You can suggest that a skilled chairperson, who is not a co-op member, run that part of the meeting. Outside chairpersons are available through CHASEO.

- If the board will not meet with you or won't put your issue on the agenda of a members' meeting you can call a members' meeting yourself. You must use a special process to call a members' meeting. This is called **requisitioning a members' meeting**. You can find information on this in your co-op's by-laws and the Co-op Act. You may need to

look at both the organizational by-law and the Act. Again, try to find someone to give you some help if you need it.

You will have to get the support of other members at your co-op to call a members meeting this way. A certain number (5%) of them must agree that the meeting should be held. Your by-laws and the Co-op Act will tell you how that works. If you are successful, the result will be a members' meeting at which you can raise your concerns.

- At the members' meeting you will want to make a very clear and simple presentation of your problem. Members will understand your message if it is well organized and calmly presented.
- If you want the members to decide something at the meeting you may need to propose a resolution to the members. Otherwise you may find that nothing is decided, even though you have presented your opinion on the issues.
- You should accept the decision of the members even if you don't agree with it, because co-ops are democracies. But sometimes co-ops might not know the law. If you think your co-op is not following the law you need to get legal advice.

## Evictions

If your co-op is trying to evict you, the co-op must:

1. follow proper legal procedures
2. have grounds for eviction

In Ontario, landlord and tenant legislation **does not apply** to housing co-ops. There are different rules for co-op evictions.

Check your co-op's by-laws and the Co-op Act to see if your co-op has followed the correct procedure for evictions. These documents also say how you can appeal the board's decision to the members.

You can get legal advice if you don't understand these rules or you think you were not treated fairly.

## Where to get information

You will need to check your own co-op's by-laws or rules, policies and, possibly, minutes of previous members' meetings before you do anything about your problem. Get copies from the co-op if you don't have them. Members have a right to these documents.

You may need to check the Co-op Act to see what it says about your problem. You can find a copy of the Co-op Act at your co-op office, through the CHF Canada Web site ([www.chfc.coop](http://www.chfc.coop)), or by calling the CHASEO office. The *Ontario Human Rights Code* may say something about your problem, if it has to do with human rights. If you need legal advice, you can get this from:

- community legal services
- a lawyer.

A lawyer or legal advisor will need to see a copy of your co-op's by-laws or rules and policies as well as any written correspondence between you and the co-op.

## **The co-op housing sector's role**

The sector organizations, CHF Canada and CHASEO, provide advice and support to their members. **Our members are housing co-ops**, not the residents of housing co-ops. CHF Canada and CHASEO can help co-ops with problems but only if the co-op's board asks us.

CHF Canada and CHASEO help their member co-ops through:

- advice and information
- training for boards and committees
- chairing meetings
- publications for co-ops.

You might want to suggest that your board get help from the co-op housing sector for a difficult problem. And your co-op might have publications put out by the co-op sector that could help resolve problems.

**However, CHF Canada and CHASEO cannot take the side of any individual member. And they have no legal or administrative control over any housing co-op.**

## **If you need to speak to someone...**

If you live in a housing co-op in Eastern Ontario, call CHASEO. Federation staff can advise you on your rights as a co-op member. Staff can also refer you to other available resources. If CHASEO is not available to provide you with the assistance you need, then call CHF Canada. CHASEO and CHF Canada cannot provide you with legal advice; however, they can tell you what the Co-op Act says.

**Confidentiality:** Calls to CHF Canada and CHASEO are kept strictly confidential when the caller so requests. However, CHASEO and CHF Canada will insist that their response not be quoted in public or included in any written or printed documents without their prior permission.

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