

Waterloo Co-operative Residence Incorporated

## **Eviction and Expulsion Policy**

As approved by the General Manager,  
and incorporating all changes through:

**11 May 2009**

(Note that, in this policy, the masculine shall include the  
feminine and the singular shall include the plural)



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## Revision History

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Date	Revisionist	Summary of Changes
24 June 2000	WCRI	Policy Change
16 December 2001	Russ Wong	Template Update
08 June 2002	Russ Wong	Policy Change
16 November 2002	Zhen Cai	Policy Change: Section 4
11 January 2003	James Reynolds	Policy Change
29 May 2004	Jason Gorrie	Removed references to sections of D&D and S&A, added grounds of failure to complete COW labour
10 April 2007	Laura Reidel	References to the Board of Directors modified to reflect General Manager's jurisdiction over this policy.
11 May 2009	Cary Hubbard	Remove references to COWs and co-operative work duties/credits

## External Cross-references

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Section(s)	Policy/Section Referenced	Referencing Policy	Section(s)
	Damage and Disturbance		
	Security and Access		
3.j	Admissions (3.7)		



## Part 1: Introduction

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Occasionally, WCRI management and/or members feel that a particular member is inhibiting the operation of WCRI or a division, or the freedom of the members of WCRI or a division.

This policy brings together the various references to infractions which could result in eviction and expulsion from WCRI which are made in other WCRI policies and other sources, and lists some which are independent of other policies. This policy also describes the procedure for proceeding with both eviction and expulsion.

This policy is superseded by all other WCRI policies, as may be amended from time-to-time by the General Manager.

## Part 2: Eviction

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Eviction is the termination of a person's current occupancy agreement.

In such cases where certain violations may be punished by eviction of a member, a recommendation to proceed with eviction may be made by a Judicial Committee to the General Manager. The Judicial Committee can only proceed with a recommendation for eviction if the resident has clearly violated WCRI policy.

## Part 3: Expulsion

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Expulsion is the revoking of an individual's membership in WCRI and is always preceded by the eviction of the individual.

An individual member may be summoned for a membership review hearing for a variety of reasons. The purpose of this policy is to outline what constitutes grounds for expulsion. This list is only a guideline and may not cover all areas or all situations. Every case requires a value judgement and must be considered in isolation. The items listed below are actions which may in themselves constitute reasons for expulsion, along with the source of the reference to the infraction (if applicable).

- a) Any violation specifying eviction and expulsion in the *Damage and Disturbance Policy*.
- b) Any violation specifying eviction and expulsion in the *Security and Access Policy*.
- c) Any violation as specified in the *Harassment Policy*.
- d) The use of an assumed name on an application.
- e) Unreasonable financial arrears to WCRI. This can include, but is not restricted to, non-payment of Fees longer than one (1) month, at the General Manager's discretion.
- f) Failure to maintain reasonable cleanliness in residence room or apartment (*Admissions Policy*).
- g) Having or harbouring person(s) under the age of sixteen (16) on WCRI premises without consent of their parent(s) or guardian(s).
- h) General unco-operative behaviour, including violations of the policies or by-laws of WCRI.

The Board of Directors is the only body in WCRI with the power to revoke membership. Once a recommendation for expulsion is made, the member is given sufficient notice of the Board of Directors meeting at which the recommendation for expulsion will be discussed, and is invited to attend this meeting in defence of his membership.

A recommendation for expulsion of a member is inherently a recommendation for eviction of a resident member. Eviction proceedings, however, must be undertaken before expulsion proceedings.

When the Board of Directors decides to terminate an individual's membership, the individual's occupancy rights are also terminated. If the person is currently residing in a room or apartment in WCRI then the person will be directed to vacate the room or apartment within a specified time limit. Failure to do so may result in legal action against the individual by WCRI. If the member is not currently residing in WCRI, any current application for accommodation will be cancelled and all future applications will be refused. If the member has money on deposit for future services (i.e. beyond the current occupancy agreement period), this will be refunded.

## **Part 4: Membership Review Hearing**

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### **4.1 Calling a Hearing**

- a) Membership Review hearings shall be attended by the Board of Directors acting as the judicial body, and three (3) members of the Judicial Pool selected by the JC acting an advisory role. In order to initiate a Membership Review Hearing a Judicial Committee (see §3.7), Division Manager, six (6) members, or the General Manager shall formally request the review and act as the plaintiff. If the party requesting the review is unavailable to the hearing, the General Manager shall act as the plaintiff.
- b) Membership Review hearings shall be chaired by the President of the Board of Directors or other member of the Board of Directors in accordance with the Co-op's bylaws. The meeting must be called no later than thirty days before the date set for the annual meeting of the co-operative. All efforts must be made to follow the Co-operative Corporations Act (CCA) section 171.8. The member must have ten days written notice before the meeting of the Board of Directors. The notification procedure is outlined in CCA §171.8(2)3 and 171.8(2)4.

### **4.2 Conduct of a Hearing**

- a) Both parties and all witnesses must answer all relevant questions. The relevance of the question being asked will be decided by the chairperson. If an objection is made about the chairperson's decision, the judicial body shall decide by majority vote. If the decision is still unsatisfactory, the objection shall be noted in the minutes of the hearing and maybe used as the grounds for an appeal of the decision.
- b) The hearing begins with the plaintiff's case being presented followed by the defendant's case being presented. The plaintiff's witnesses may be called for questioning. After the plaintiff finishes questioning each witness, the defendant may cross-examine the witnesses. After all the plaintiff's witnesses have been questioned, the defendant's witnesses may be called for questioning. After the defendant finishes questioning each witness, the plaintiff may cross-examine the witness. At any point, members of the judicial body may interrupt the questioning or cross-examination to have their question(s) answered. After all the witnesses have been questioned and cross-examined, the plaintiff's concluding remark and recommendations to the judicial body will be presented, followed by the defendant's concluding remarks and recommendations.
- c) The hearing shall be held as a closed session and the proceedings shall be confidential.
- d) The deliberations of the judicial body are to be conducted privately, immediately following the hearing. The deliberations are closed to the judicial body and the three members of the Judicial Pool, and no minutes are to be taken. During deliberations, the judicial body must decide if or when to evict and expel the defendant (in accordance of CCA §171.8(7)).
- e) In all cases, the judicial body must abide by the following authorities in descending order of precedence:
  - a) By-laws of WCRI;
  - b) Policies of the Board of Directors;
  - c) Policies of the General Manager;
  - d) Relevant division constitutions;
  - e) Relevant division policies;
- f) A tape recording of the hearing must be made. If the member is expelled from the Co-op, then the recording is kept by the Co-op for a period of not less than five (5) years. The member is to be notified in advance that the hearing is going to be taped.

- g) The Corporate Secretary, or other person authorized by the Co-op's bylaws will act as recording secretary for a Membership Review hearing. The Corporate Secretary shall, within five days of the date of the Membership Review hearing, notify the member of the decision of the board personally in writing by registered letter addressed to the member at the member's latest known address (CCA §172(1)). The Corporate Secretary shall inform the member of the process for appealing the Membership Review decision, including the requirement for approved minutes from the Membership Review to be presented at such an appeal.
- h) Unless noted otherwise in the Membership Review decision, a person whose membership and occupancy rights have been terminated shall have no access to Co-op buildings or property. Such person may arrange to retrieve stored possessions through the General Manager.

### **4.3 Appealing a Hearing**

- a) The member may appeal the decision of the Board of Directors at the next annual or General Meeting of members and the members by majority vote may confirm, vary, or set aside the decision (CCA 171.8(2)14). The decision will be suspended before the appeal is heard. If a resident member's membership is terminated, then the member must give written notice of the intention to appeal within seven days of notification of the decision to the General Manager (CCA §171.8(2)10). If the member is not a resident member, then the member must give written notice of the intention to appeal within twenty-one days of notification of the decision to the General Manager (CCA §66(5)). There must be a minimum fourteen day period between the notification of the appeal and the meeting of the membership (CCA §171.8(2)11). If no decision is made, the Board of Directors' decision shall be deemed to have been confirmed (CCA §171.8(2)14).
- b) In order for an appealed case to be reheard, the appellant must establish that one (or several) of the following criteria were met by the decision being appealed:
  - a) New evidence surfaced after the decision;
  - b) A member of the judicial body hearing the case was biased;
  - c) One party was not able to get copies of relevant documentation;
  - d) Inadequate summons were issued;
  - e) Part of a relevant by-law, Board policy, constitution or division policy was not presented;
  - f) Any member present objected to the process being followed (e.g. A decision regarding the relevance of a question, see §4.2a);
  - g) The reasoning reported for the decision fails to abide by an overriding authority as described in §4.2d;
- c) The appeal hearing should begin with the chair of the General Meeting introducing the case. The appellant may then argue that one of the above listed grounds for appeal is met. A copy of the approved minutes from the original hearing will be made available during the General Meeting. The General Membership will then deliberate and decide whether to accept the appeal in a closed session (excluding the appellant). If the appeal is accepted, the General Membership should immediately re-hear the case (opening remarks, calling and cross-examination of the witnesses and closing remarks). New arguments and evidence may be presented, and old arguments and evidence should be re-iterated. After further closed deliberations (excluding the appellant), the general membership shall vote to uphold the decision or to vary the decision. A tape recording of the appeal must be made.