

## **SUNSET VILLA ASSOCIATION**

### **BY-LAW NUMBER 2: SUNSET VILLA APARTMENTS**

WHEREAS the Sunset Villa Association was incorporated by Letters Patent issued by the Lieutenant Governor of Ontario on the 23rd day of August, 1950; Supplementary Letters Patent issued May 2, 2006; Supplementary Letters Patent issued April 7<sup>th</sup>, 2013;

**AND WHEREAS** the Sunset Villa Association (hereinafter referred to as the "Corporation") by virtue of the Supplementary Letters Patents has the following objects:

1. The establishment and maintenance of non-profit residential accommodation primarily for people of Danish descent or inter-marriage for the purposes of establishing a retirement community for people retiring due to age and other reasons;
2. The establishment and maintenance of a community for cultural activities for people of Danish descent or inter-marriage;
2. 3. The establishment and maintenance of recreation facilities and activities for people of Danish descent or inter-marriage.

**AND WHEREAS** further to the above noted objects the Corporation has apartments available for rent to qualified tenants on the terms and conditions in this by law;

**BE IT RESOLVED** and enacted as by-law number 2 of the Sunset Villa Association as follows:

#### **1.00 QUALIFICATIONS**

1.01 (Original 1950) Applications for residency at the Sunset Villa Apartments must have been Voting Members (as defined in By Law 1) of the Corporation for a minimum of five years prior to the application being made.

#### **AMENDED in 2013 to replace 1.01 as follows -**

**1.01** Applicants for residency at the Sunset Villa Apartments must be a Member in good standing (as defined by By-Law Number 1) of the Corporation, and , in situations where the application is made by a couple, at least one of such applicants must be over the age of sixty (60) years prior to the time of the application being made.

**1.02** Applicants who are not actively employed are preferential as it is the intention of the Sunset Villa Apartments to be as residency for those who are in their retirement years.

**1.03** Applicants shall be capable of maintaining their own household as determined with reasonable discretion by the Directors of the Corporation.

**1.04** Applicants must be willing to sign, and must sign, a standard tenancy form of the Corporation prior to occupancy.

## **2.00 EXCEPTIONS TO QUALIFICATIONS:**

**2.01** If no applicants meet the requirements as noted above at the time of vacancy of an apartment, the Board of Directors of the Corporation may consider applications fulfilling the following requirements:

1. Applicants must be Members of the Corporation.
2. Applicants must be genuinely retired from active full time employment as it is the object that the Sunset Villa Apartments to be as residency for those who are in their retirement years
3. Applicants must be willing to pay rent at a special rate established by the Board of Directors, but in no case less than 150% of the current rate paid by tenants who qualified for residency under Section 1.00 above.

### **2.02**

If despite exceptions to the usual qualifications under section 2.02 there are expected to be periods of extended vacancy of an apartment in Sunset Villa Apartments, the Board of Directors may consider short term residency for Voting Members on a month to month basis at rates to be determined in each individual case. If so approved, each Member shall in such case sign a special tenancy form in addition to the tenancy agreement indicating his or her agreement that it is a special arrangement being made, and consenting to vacate such apartment upon the Board's directions (and with the Board's unfettered discretion to do so) upon sixty (60) days notice to such Voting Member by the Board of Directors.

**AMENDMENT in 2013 – Deleted 2.01 and 2.02, replaced as follows:**

### **2.01**

If no applicants meet the requirements as noted in Section 1.00 and there are expected to be periods of extended vacancy of an apartment(s) in the Sunset Villa Apartments, the Board may consider short term rental for Members on a month to month basis at rates determined in each individual case, but not less than the rent paid by permanent residents. If so approved by the Board each Member in such case must sign a special tenancy form in addition to the tenancy agreement indicating agreement that it is a special arrangement and consenting to vacating such apartment upon the Board's direction (and with the Board's unfettered discretion to do so) upon a minimum of 60 days notice to such member by the Board of Directors.

## **3.0 APPLICATION FOR TENANCY**

**3.01** The Application for Tenancy form must be completed by any applicant for tenancy in the Sunset Villa Apartments and shall be in the form prescribed or approved by resolution of the Board of Directors of the Corporation from time to time.

**3.02** Notwithstanding section 3.01, the waiting list procedure outlined in sections 4.01 and 4.02 shall always be included in the Application for Tenancy form.

## **4.00 WAITING LIST**

**4.01** If so required, the Tenant Liaison of the Corporation shall maintain a register of applications received and approved by the Board of Directors as having met the requirements for tenancy set out in Section 1.00.

**4.02** When an apartment becomes available, applicants will be notified in the order established on the register noted in section 4.01. Applicants will have 14 days to consider taking such apartment and if so must commence a tenancy within 30 days thereafter. Any applicant that does not accept residency within these time limits shall be moved to the bottom of the register.

**5.00 TENANCY AGREEMENT**

**5.01** The Tenancy Agreement must be executed by any approved applicant prior to occupancy. The Tenancy Agreement shall be in the form prescribed or approved by resolution of the Board of Directors of the Corporation from time to time.

**6.00 EFFECTIVE DATE**

**6.01** This by-law shall come into force without further formality upon its enactment.

Passed at a meeting of the Members of the Corporation by at least a 2/3 majority in attendance in person or by proxy, properly called and upon proper notice, such meeting held April 1<sup>st</sup>, 2007

Passed at a meeting of the Directors of the Corporation by at least a 2/3 majority in attendance in person, properly called and upon proper notice, such meeting held February 1, 2007

Amendment passed at a meeting of the Members of the Corporation by at least 2/3 majority in attendance in person or by proxy, properly called and upon proper notice, such meeting held April 7<sup>th</sup>, 2013.

Signed *Arlene Lange, Secretary*

Amendment passed at a meeting of the Directors of the Corporation by at least 2/3 majority in attendance in person, properly called and upon proper notice, such meeting held September 21<sup>st</sup>, 2012.

Signed *Arlene Lange, Secretary*