

TORONTO ISLANDS RESIDENTIAL COMMUNITY TRUST CORPORATION

Waiting List By-law *

* The Waiting List By-law has not yet been formally instituted. However, on July 29, 1996, the Trust Board of Directors approved the following as the *Interim Waiting List Operating Policy* until the By-law is passed. These were amended by the Board January 18, 2006 to include Sections 5 and 12(a) and to amend the annual renewal fee to \$35.00.

A By-law which contains rules for the waiting list for the purchase of houses and land leases or vacant land leases.

GENERAL

1. This By-law is passed to implement Section 25 of the *Toronto Islands Residential Community Stewardship Act*, as amended.
2. By-laws Number 2 and 3 of the Trust are repealed. These were preliminary by-laws dealing with list matters. All resolutions inconsistent with this By-law are repealed.
3. This By-law will take effect from the date of proclamation into force of Section 18 and Section 22 (4) of the *Toronto Islands Amendment Act, 1996* (the "Effective Date"). Offerings of houses and land leases prior to the proclamation will take place under the by-laws and board resolutions existing prior to this By-law. Offerings made after the proclamation will take place in accordance with this By-law.
4. In this By-law the waiting list is referred to as the "list" and an "entry" on the list consists of one or more persons who made a single application.
5. The Trust will only accept one (1) application per person per lottery. A person's name may only appear once in the application process for each lottery. Should a name appear more than once, the Trust office will only accept instructions in writing as to which application is to be put forward in the draw. If no direction is received in writing, then the first application received by the Trust office will stand.

FEES AND RENEWALS

6. The fee for an application will be \$100. This will apply for a single application, whether there is one or more than one person on the application. If an application is not successful under any draw to determine the order of names on the list because the resulting entry exceeds the maximum number of names on the list, then the \$100 fee will be returned. There will be no other refunds. There will be an Administration Fee of \$10 to process an application. This fee is non-refundable and should be paid by separate cheque.
7. The application and administration fees will normally be payable by cheque only. If a cheque does not clear, the application will be considered invalid.
8. There will be an annual Renewal Fee of \$35, payable on or before March 31 of each year. People who don't pay by March 31 will be removed from the list. About March 1 of each year the administrator will send a written reminder notice to everyone on the list. No-one will be removed from the list until at least three weeks after the deadline to renew is passed. Even if there was an accidental omission to send the notice to a particular person, they could still be removed at that time.
- 8A. The Board may adjust the fees referred to in (5) and (7) .

COMPILING LIST

9. The list will contain up to 500 names.

10. The list will initially be constituted as follows:

- a) applications received on or before February 14, 1994 in the order they were drawn in the random draw on February 25, 1995.
- b) Applications received subsequent to February 14, 1994 in the order that they were received until the list was closed on or about April 18, 1996; and next
- c) Applications received from March 25 to April 1, 1996 in the order they were drawn in a random draw on August 27, 1996

11. The list will remain open until it is full. If there are fewer applications than spaces available, applications will be added to the list in the order that they are received. All applications must be made in writing as required by the *Act*, section 25.

12. If there are more applications than spaces available, applications will be drawn by the Trust's auditors in random order on a date to be determined by the Board, and added in that order to the existing list.

13. When the list reaches 500 entries the list will be closed until the Board decides to re-open it. Until the list is re-opened applications will not be accepted. Any application forms, letters or other communications will not be considered "received". The Trust will not maintain copies or a list of these communications and will have no obligation to notify the senders when the list is reopened.

- a) The Purchasers' List will be reopened once the vacancies on the list reach 25 spaces.

14. When the Board decides to reopen the list it will advertise in at least one major Toronto newspaper in at least one week-end edition of that newspaper. The advertisement will give at least 2 weeks notice of a deadline for applications to be received.

15. Anyone may examine the list at reasonable times and on reasonable notice to the administrator. The Board may prescribe a fee for examining the list. The list may not be copied.

RULES FOR APPLICATIONS

16. All applicants, whether alone or with others, must be at least 16 years of age or turn 16 in the calendar year of their application.

17. Any individual's name may appear only once on the list.

ADJUSTMENTS TO LIST.

18. When completing an offer to purchase, title must be taken in the way the entry appears on the list (subject to correction of names or initials involving the same people). The only exceptions are:

- a) an additional person may take title if the additional person is the "spouse" (as defined by the land lease) or a child of the applicant.
- b) a person who is part of any entry may be excluded from taking title, with their written consent.
- c) anyone wishing to make a request as a joint tenant must do so in their application. A request received later will not be valid.

19. The following governs removing entries from the list.

a) Anyone who purchases a house and land lease or vacant land lease will be removed from the list.

b) When someone dies, their name will be removed from the list. Other persons forming part of the same entry will stay on the list unless they request in writing to be removed.

20. The Board may give priority on the Purchaser List where warranted by exceptional circumstances involving great hardship or personal emergency.

OTHER PROVISIONS

21. The Trust will rely on the address appearing on an application form or other written communication. Any notice to that address will be considered adequate. The address can be changed only by written notice to the Trust and the Trust will rely on the address shown in any written notice of change.

22. Any notice or other document will be sent by registered or ordinary mail. Notices sent by mail will be considered delivered on the third day following the day of mailing. Only one notice has to be given to all persons appearing on an application form or as an entry on this list. Notice to any one of them will be considered notice to all.

23. The Trust does not undertake any liability to any applicant or person on the waiting list by virtue of this By-law. The Trust's duties are outlined in *the Act*, and no claim may be made against the Trust on the basis that any additional rights are conferred on anyone under this By-law. Submitting an application form or being on the waiting list does not create any contractual or other obligation between the Trust and anyone. That obligation only arises when an agreement or purchase and sale is entered into as contemplated by *the Act*

24. Despite anything contained in *the Act* or the by-laws, or any commitment made by anyone purporting to be authorized by the Trust or to commit the Trust, the Trust will not be liable to anyone for any error, omission or mistake in connection with the administration or functioning of the list or the timing or order of making offers to purchase houses and land leases or vacant land leases.

25. The administrator may investigate all factual matters necessary for the administration of the list. The administrator may ask applicants or persons on the list for any necessary information about themselves. The administrator will not attempt to obtain information relevant to applications or the list unless authorized in writing by the person about whom the inquiry is being made. However, failure to verify information may result in refusal of an application or removal from the list.

26. Where the Trust receives information to indicate that anyone's application was erroneous or fraudulent, it may remove the relevant party from the list. Before doing so the party involved will have an opportunity to appear before the Board. If they request in writing an opportunity to appear, they must be given at least ten (10) days notice of the Board meeting, where they will be able to address the Board. They will also have the right to be represented or accompanied by an agent or legal counsel. The Board will notify the person involved of its decision in writing within seven days of its meeting. It is not obliged to give reasons. There is no appeal from the Board's decision.

27. Whenever the administrator considers it necessary, the administrator may refer the decision on any matter dealt with in this By-law to the Board. Although the administrator is given discretion in various matters, the Board can at any time overrule the administrator.

28. Anything not dealt with in *the Act* or this By-law, and not referred to the administrator by this By-law, will be decided by the Board. The Board will have the right to waive minor errors and decide things on their substance.

29. The confidentiality provisions of the Organizational By-law will apply to all information obtained under this By-law, other than the names of the applicants as they appear on the list itself. As prescribed in (14) the list will be available for public examination.

30. If anyone is dissatisfied with any decision of the administrator, they may write to the Board. The Board will consider their letter and take any action it feels is necessary. However, this will not constitute a formal appeal and the person will not have the opportunity to appear before the Board except as noted in 26.