

# **Toronto Islands Residential Community Trust Corporation**

## **Purchasers' List By-law**

This revised by-law replaces the by-law approved by the Toronto Island community on May 25, 2009 and by the Toronto Islands Residential Community Trust (the Trust) on June 24, 2009.

Approved by the community on June 11, 2013.  
Approved by the Trust Board September 12, 2013.

This is a by-law that contains rules governing the Purchasers' List for the purchase of houses and land leases or vacant land leases on Ward's and Algonquin Islands, in order to establish and maintain the integrity of the List.

### **Introduction**

1. This by-law is passed to implement Section 25 of the *Toronto Islands Residential Community Stewardship Act*, (the *Act*) as amended which states: "The Trust shall keep a list of individuals who apply in writing to purchase a house and land lease or vacant land lease on the land described in the Schedule."
2. In this by-law the Purchasers' List is referred to as the "List" and an "entry" on the List consists of one or more persons who made a single application. The "Administrator" refers to the Trust Administrator.

### **The Process for Establishing and Maintaining the Purchasers' List**

#### **Fees**

3. All fees related to the List will be established by the Trust and subject to review and adjustment as part of the annual budget process.
  - a. The Trust will set application fees that will apply for a single application, whether it is a single or a joint application. Fees may be non-refundable regardless of the outcome of the application. The Trust will set a deadline for payment.
  - b. The Trust will set annual renewal fees and a deadline for payment.

#### **Compiling the List**

4. The List will contain up to five hundred (500) entries.
5. When the List reaches 500 entries, it will be closed. The List will be re-opened within a year of the vacancies reaching 25.
6. Any communications with respect to application to the List will not be accepted or considered to be received, until the List is re-opened. The Trust will not maintain copies or records of these communications and will have no obligation to notify the senders when the List is re-opened.
7. When the List is re-opened, a notice will be posted on the Trust website. In addition, the Trust will advertise in at least one major Toronto newspaper and in at least one weekend edition of that newspaper. The advertisement will give at least two weeks notice of the deadline for applications to be received and be consistent with the information on the website.

#### **Application Process**

8. The minimum age requirement to apply to be on the purchasers' list is eighteen (18) except sixteen (16) where required under Ontario law. The applicant must turn eighteen (18) or sixteen (16) as required by Ontario law in the calendar year that he or she applies.
9. All applicants must use their full legal names when making their application using the application template posted on the Trust website.
10. An individual's full legal name may appear only once on the application and/or on the List.
11. Any person wishing to make a joint application must do so on the same application form. A request received later will not be valid.
12. The Trust will only accept one application per person. A person's full legal name may appear on only one application. Should a name appear on more than one application, the Administrator will only accept written instructions as to which application is to be put forward. If no written instructions are received, the first application received by the Trust office will stand. Applications must be signed with the applicant's /applicants' full legal signature(s).
13. 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 Trust, and the names on the application will be added in that order to the existing List.
14. All applicants will be notified by the Trust Administrator of the outcome of their applications. Successful applicants will also be advised of their place order on the List.
15. Once a person's name is on the List, it is that person's responsibility to ensure that up-to-date contact information is provided in writing to the Administrator. The Trust will then rely on that contact information for communication purposes.

## **Renewals**

16. The Administrator will endeavor to send renewal packages to all persons on the List.

The renewal package will consist of:

- a notice of renewal,
- an invoice for the renewal fee
- a renewal confirmation form

It is the responsibility of people on the List to ensure that their renewal fees are paid in full each year and that the renewal confirmation form is returned and signed with the legal signature of each entrant. Ultimately it is the responsibility of people on the List to submit the renewal package whether or not they received a renewal package. Those who do not pay in full by the annual deadline will have their names removed from the List.

## **Administration of the List**

17. Changes to the List

- a. Anyone who purchases a house and land lease or a vacant land lease will be removed from the List.
- b. A person who is part of any entry may be deleted from the List only with his or her written consent, except as stated in item 16 (non-payment of annual renewal fee).
- c. When someone dies his or her name will be removed from the List, upon proof of death being provided to the Administrator. Other persons forming part of the same entry will stay on the List unless they request removal in writing.

18. The List entries will be reordered in sequence whenever an entry is removed from the List.

19. Communication with Applicants or people on the List

- a. Any notice or other document from the Trust will be sent by registered or ordinary mail or by electronic means. Notices sent by ordinary mail will be considered delivered on the third day following the day of mailing.
- b. If there is more than one name on the application or entered on the List as part of that application, such communication will be sent to all parties.

20. Personal Information about Applicants or people on the List

- a. The Administrator may investigate all factual matters necessary for the administration of the List and may request from applicants or persons on the List any necessary information about themselves.
- b. Any requests to applicants or people on the List asking for personal information for the purposes of maintaining the List shall:
  - i. State the purpose of the List
  - ii. State the reason for collecting personal information
  - iii. State the fact that the information may be shared for the purpose of making decisions or verifying eligibility
  - iv. State the name, title, business address and business phone number of the Trust employee or Trust member who can answer questions and respond to complaints about the collection, use or disclosure of the information
  - v. Include a consent form to be signed by the applicant authorizing the collection, use, verification and disclosure of the information being collected
- c. An individual who provides satisfactory identification will be informed of the existence, use and disclosure of his or her personal information and will be given access to that information.
- d. The privacy of other peoples' information will be protected when giving an individual access to his or her own personal information.
- e. The Administrator will respond to all requests for access to or correction of personal information.
- f. The confidentiality provisions of the Trust's Organizational By-law will apply to all information obtained under this by-law, other than the names of the applicants as they appear in the application and on the List itself. As prescribed below, the List showing List positions and names only will be available for public examination.

- g. Peoples' names and their position on the List only may be examined at reasonable times and on reasonable notice to the Trust Administrator. The List may not be copied using any mechanical or electronic means.
21. The Trust does not undertake any liability to any applicant or person on the List by virtue of this by-law. Trust 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 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*.
  22. Despite anything contained in the *Act* or the by-laws, or any commitment made by anyone purporting to be authorized by 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.
  23. In cases where the Trust determines that an application was erroneous or fraudulent, it may remove the relevant party from the application process or the List. Before doing so, the party involved may have an opportunity to attend a Trust board meeting. If the party submits a written request to appear, he/she will be given at least ten business days notice of the meeting where he/she will be able to address board members. The Trust board will notify the party involved of its decision in writing within 30 days of its meeting. The Trust is not obliged to give reasons. There is no appeal from the decision.
  24. Whenever the Administrator considers it necessary, he/she may refer the decision on any matter dealt with in this by-law to the Trust board. Although the Administrator is given discretion in various matters, the Trust board can, at any time, overrule the Administrator.
  25. 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 Trust board. The Trust board will have the right to waive minor errors and make decisions based on the substance of the issue at hand.

### **Appeals and Conflict of Interest**

26. If anyone is dissatisfied with any decision of the Administrator, he/she may write to the Trust board. The board will consider his /her letter and take any action it deems necessary. However, this will not constitute a formal appeal and the person will not have the opportunity to appear before the Trust board except as noted in 23.
27. The Administrator, his/her spouse or his/her children may not submit an application to the List during the Administrator's period of employment by the Trust board.
28. Individual Trust members, their spouses or their children may not submit an application to the List during their period of service on the Trust board.
29. Where Trust board members, their spouses or children may already be on the List, disclosure must be made to the Trust board when the member is sworn in and must refrain from participating in Trust board decisions that may bring them into a real or perceived conflict of interest with the administration of the Purchasers' List.