
UNDER/OVER HOUSING

Determining actual residence is one of the most difficult issues for any Co-op. This is because it is ever so difficult to obtain the requisite proof required to establish whether or not a person actually resides, or does not reside, in the unit as claimed. This is because members and non-members alike seem to have no problem whatsoever in lying to the Co-op and advancing falsified or misleading documents in order to preserve their current status. We have come across various situations where children who plainly do not reside in a unit are willing to provide evidence or even swear Affidavits stating that they do in order to preserve over housed situations. Further, members are not above devising schemes to produce documentation that appears to suggest that someone does or does not reside in a unit. For instance, children often leave their parents' address on their driver's licence even though they are living somewhere else. It is easy enough to have a cell phone bill delivered to a parent's address and have mail forwarded to that same address and then claim that this evidence supports the contention that the child lives full time in the unit.

This can be an exasperating exercise. Nevertheless, there have been some success stories. In *Alberni Family Housing Co-op v. Klein*, the member's son claimed to have moved back into the unit just a few days after the member received notification from the Co-op of the requirement to move as she was over housed. The judge saw through the ruse and ordered costs against the son but relieved the mother member from forfeiture of her Occupancy Agreement on the proviso that she moves to the next available appropriately sized unit.

The Board of Directors has an obligation to manage the Co-op. The Board of Directors should undertake investigations to make sure that everyone who is receiving subsidy deserves it. In discharging this obligation, the Board of Directors may request certain documents and information from members to help determine the permanent household composition.

The Co-op may request any type of documentation that is reasonable. Notices of Assessments from the CRA are often the most telling as it is not so easy to change records with the Government. Documentation that is provided by the members and their family may be contrived.

There are two ways of dealing with suspicions that the documentation is contrived. Some Co-ops will generally take the position that they have done all that is necessary to enquire and satisfy themselves that persons in question do, or do not, live in the unit on a full-time basis. That is a reasonable position to take because the Board of Directors are not police detectives and are not required to undertake an expensive investigative procedure.

Other co-ops are unsatisfied with the information supplied and are willing to spend the money and resources to do their own independent investigation. Some simply say that they do not believe the information and withdraw subsidy, sending the member into arrears. This latter action has proven effective on various occasions because it turns the heat up on those who might wish to deceive the Co-op. It puts the family members in a position where they might have to lie under oath about their housing and that it is where you might find a family rift developing.

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