

ARBOUR VILLAGE CO-OP

Death of a Member Policy and Procedure

PURPOSE

To provide guidance to staff in the event that a member is deceased.

POLICY

After the death of a member, the Co-op will make every effort to protect the deceased member's belongings, enable the legally identified person to make arrangements for the member's funeral and/or dispose of the member's belongings in preparation for re-rental.

DEFINITIONS

"Next of Kin" is (a) the executor as per the member's will or (b) the person(s) identified by the member as the "emergency contact" on the Income Verification form that is completed at move-in and annually after move-in or (c) the person(s) identified by the Ministry of the Attorney General's Office of the Public Guardian and Trustee as the representative of the estate of the deceased member.

"24 Hour Notice of Entry" allows the Housing Provider to enter a unit with written notice 24 hours in advance to carry out repairs, allow potential members to view the unit or to allow for unit inspection, as per the Social Housing Reform Act.

PROCEDURE

SCENARIO A: Emergency conditions

Discovery of Deceased Member/Identification of Next of Kin

In the event that the member has been discovered deceased in the unit, the police should be notified immediately. The police will contact the coroner, who will determine the cause of death and notify the Next of Kin. Staff should ensure that the items in the unit remain untouched, except by emergency personnel and/or the coroner. Staff should remain available to take direction from and answer questions of emergency responders.

When emergency personnel and/or the coroner have left and the body has been removed, staff must make sure that the unit is locked and issue a work order to have the unit re-keyed as soon as possible.

SITUATION B: Non-emergency conditions

Notification of Death/Identification of Next of Kin

If staff has been advised that a member has passed away outside of their unit, the Property Manager will contact the Next of Kin as indicated on the Income Verification form. Keys to the unit may be given to the Next of Kin after Appendix A (Declaration of Executor/Administrator/Next of Kin) has been signed. Photo identification and/or legal documentation in the form of an affidavit must be provided to the Property Manager if the

Property Manager is unfamiliar with the individual(s). The Property Manager will phone to express condolences and advise that a letter will be sent outlining Next of Kin responsibilities (Appendix B – Instructions for Executor/Next of Kin).

In the event that there is no Next of Kin identified, staff must immediately change the locks and place a note on the front door of the unit (Appendix C - Notice for Door) with instructions as to who to contact at the Co-op to gain access to the unit. Staff should also contact the Ministry of the Attorney General, Office of the Public Guardian and Trustee (1-800-366-0335), who will search for Next of Kin and coordinate the member's estate. This may include using the assets from the estate to pay any debt that is owed to the Co-op.

Access to Unit If No Next of Kin

If there is no Next of Kin and an individual requests access to retrieve clothing for burial, the person will complete a release (Appendix D - Request for Short Term Access to Unit) in order to have reasonable access to the unit. A Co-op staff member will accompany the person and document for the file the items that have been removed.

Termination of Occupancy

When a member dies and there are no other members residing in the unit, the occupancy is legally terminated 30 calendar days after the death of the member in accordance with the SHRA. If the exact date of death is unclear, the Occupancy is terminated 30 days from the day the Co-op was informed or became aware of the death.

Immediate Cleaning of the Unit If Unsafe or Unhygienic

The Co-op must immediately clean or dispose of any contents that are considered to be unsafe or unhygienic in the unit, in accordance with SHRA, Co-op By-laws, and co-op corporation act.

Staff may enter the unit for an inspection to ensure that there is nothing unsafe or unhygienic in the unit, but must provide a 24 Hour Notice of Entry if there is an identified Next of Kin. Body fluids may contain biohazards, so staff will employ qualified cleaning contractors if necessary. In such cases, the cost will be charged back to the member's estate.

Disposal of Member's Property

When Next of Kin Have Been Identified

If Next of Kin has been identified, they are responsible for the removal of the member's belongings within 30 days of the member's death. An extension of an additional 30 days can be had if Next of Kin is prepared to pay the housing charges for the extra month.

If property is left in the unit after the termination date, staff will send a registered letter to the Next of Kin that includes the inventory of items left in the unit. Pictures should be taken of the items. The letter and pictures will be copied to the member's file in the event that there is future discrepancy over the contents of the unit.

When Next of Kin Have Not Been Identified

If there is no Next of Kin and the responsibility for disposal of the former member's property falls to the PA, the Manager of Housing Operations must be notified before anything is removed. Staff will take inventory and pictures of all items, which will be copied to the member's file.

After Termination Date

After the 30 day termination date, the Co-op may sell, keep or dispose of any property that has not been removed from the unit. Staff must keep receipts and/or proof of the method of disposal (ex. invoices from contractors, dump and donation receipts) and retain in the member file.

Within six months of the termination date, the Co-op may be required to pay the estate the amount received for the contents, but may deduct expenses for moving, storing, securing or selling the property, as well as any arrears owing. Similarly, any items that were retained may be required to be returned to the Next of Kin/Estate within the six month timeframe.

Impact on Other Members

The Co-op recognizes that the death of a member may have significant emotional impact on other members, who may be neighbours and friends. Nevertheless, staff is not permitted to disclose information about cause of death in order to protect the member's privacy. Rather, staff should direct questions to the Next of Kin. If appropriate, staff can direct questions to the police or coroner's office, who are authorized to determine who is permitted access to the information.

In the event that members are in need of support, the Community Programs Coordinator will refer them to their doctor or appropriate agency.

SUPPORTING FORMS

- Appendix A - Letter to Next of Kin
- Appendix B – Instructions for Next of Kin
- Appendix C – Notice for Door
- Appendix D – Request for Short Term Access to Unit
- Appendix E – Letter from Building Attendant

PASSED by the Board of Directors on the 3 day of March, 2011.

CONFIRMED at a general meeting of the Members on the 16 day of June, 2011.

Mary Brokato
President c/s

W. Holden
Secretary



Mailing Address:
P.O. Box 344
Thorold ON L2V 3Z3

Phone: 905-682-9201
Toll Free: 1-800-232-3292
(from Grimsby and beyond Niagara region only)

Street Address:
Campbell East
2201 St. David's Road
Thorold ON

Main Fax: 905-687-4844
Fax - Applications: 905-935-0476
Fax - Contractors: 905-682-8301
Web site: www.nrh.ca

APPENDIX A

DECLARATION OF EXECUTOR/ADMINISTRATOR/NEXT OF KIN

DATE: _____

EXECUTOR/ADMINISTRATOR/NEXT OF KIN OF (NAME OF TENANT)
ADDRESS
CITY AND POSTAL CODE
PHONE NUMBER

I confirm that I am the (EXECUTOR/ADMINISTRATOR/FAMILY MEMBER NAME) of (DECEASED NAME AND ADDRESS).

I am acting on behalf of the estate and accept all responsibility to remove the tenant's property and restore the unit to its original condition no later than (SPECIFY DATE 30 DAYS FROM DATE OF DEATH).

On behalf of the estate and for myself personally, I release and hold (CO-OP NAME) ~~Niagara Regional Housing~~ harmless from any and all claims that may occur as a result of being provided access to the unit and removing its contents.

Attached to this declaration are a copy of documents showing my authority to act as executor/administrator or proving that I am a family member of the deceased and a copy of my identification/affidavit indicating my identity.

Signed _____

Witnessed by _____

Date _____

APPENDIX B

Instructions for Executor/Next of Kin

DATE

TENANT'S NEXT OF KIN NAME

ADDRESS

CITY AND POSTAL CODE

Dear **(NEXT OF KIN NAME)**:

Thank you for calling to advise that **(NAME OF TENANT)** has passed away. On behalf of (CO-OP NAME), I extend sincere condolences on your loss. I understand that this is a difficult time and hope to make it easier by providing information on **(NAME OF TENANT)**'s unit.

(CO-OP NAME) is required by legislation to ensure that proper procedures are followed in the event of the death of one of our tenants. The *Residential Tenancies Act, Part V Section 91 (1)* states that:

"If a tenant of a rental unit dies and there are no other tenants of the rental unit, the tenancy shall be deemed to be terminated 30 days after the death of the tenant."

The *Co-operative Corporations Act, Section 64 (2)* states that:

"A deceased member shall be deemed to have given notice to the co-operative on the day of his death of his intention to withdraw."

It is due to this legislation that we request that you follow the instructions below. We hope that this helps you to make the proper arrangements. Please:

1. Be prepared to allow (CO-OP NAME) into the unit so that we may show the unit to potential tenants. We will make every effort to give you notice and Staff will be present for all showings of the unit.
2. Contact **(NAME OF BA)** to arrange a day and time to move property out of the unit.
3. Ensure that keys are returned on or before **(DATE ie. last day to vacate unit)**. Estate will be responsible for the rent up to and including **(SAME DATE)**.
4. Make sure that the unit is in good condition or maintenance charges may apply.

I am sorry that we must make these arrangements during this time. If you have any questions, please contact me at 905-788-0166 **(EXT.)**. Thank you for your cooperation in this matter.

Sincerely,

(NAME OF P.M.)
Property Manager

Cc: tenant/member file



Niagara Regional Housing
APPENDIX C

—NOTICE ON DOOR

TO WHOM IT MAY CONCERN:

~~Niagara Regional Housing~~(Co-op Name) has changed the locks to this apartment.

If you need to get in, please contact ~~me~~ NRH at 905-788-0166 ext:~~682-9201~~. If you are calling after regular business hours, the answering service will notify the Property Manager ~~Administrator (PA)~~ of your call.

Thank you for your cooperation.

PLEASE NOTE: According to the *Residential Tenancies Act, /Co-operative Corporations Act* the Co-op ~~NRH~~ has a duty to protect the contents of the unit while providing fair access, as required.

Mailing Address:
P.O. Box 344
Thorold ON L2V 3Z3

Phone: 905-682-9201
Toll Free: 1-800-232-3292
(from Grimsby and beyond Niagara region only)

Street Address:
Campbell East
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Fax - Contractors: 905-682-8301
Web site: www.nrh.ca



Niagara Regional Housing APPENDIX D

Request for Short Term Access to Deceased's Unit

DATE _____

NAME OF REQUESTOR _____
ADDRESS _____
CITY AND POSTAL CODE _____
PHONE NUMBER _____

I confirm that I (NAME OF REQUESTOR) am the (RELATIONSHIP TO DECEASED) of (DECEASED NAME AND ADDRESS). I have shown proof of my identity and relationship to (CO-OP NAME) Niagara Regional Housing in the form of _____.

I would like to enter the deceased's unit (UNIT #) in order to retrieve items for (NAME OF DECEASED)'s burial. I understand that (CO-OP NAME) Niagara Regional Housing staff will be present and will record all items that I wish to remove.

Signed _____

Witnessed by _____

Date _____

APPENDIX E

LETTER FROM BUILDING ATTENDANT

On behalf of the staff at Arbour Village Co-op I am very sorry for your loss.

Please contact the Property Manager as soon as possible. Your Property Manager :

Romani Makuloluwa
905-682-9201 ext. 256

Certain laws are in place to protect the deceased member and their possessions in the unit and because of those laws Ike (Building Attendant) has no authority to give anyone access to the unit.

Arbour Village may change the lock on the unit immediately, in order to protect the contents of the unit. Access to the unit will be given according to Arbour Village policy.

In order to gain access to the unit, the Co-op Policy requires that certain documentation be provided, proving that you have the authority to enter the unit. Please call your Property Manager to make arrangements to enter the unit.

I am sorry that we must make these arrangements during this time but this policy is meant to protect the deceased. Thank you for your cooperation in this matter.

Sincerely,

Romani Makuloluwa
Property Manager