

MEMORANDUM OF UNDERSTANDING

Jan. 21, 2007

Between

The Mature Action Committee [“MAC”]

And

W. V. Housing Corporation [“WHA”]

Re: **MAC – WHA Relationship for Seniors Housing**

This Memorandum of Understanding sets out the scope and guidelines for the relationship between *The Mature Action Committee* and *the Whistler Housing Authority* as the relationship pertains to the administration and provision of restricted seniors housing. **It also sets out the requirements for seniors housing qualifications, either as owner or tenant.**

Definitions

1. “**MAC**” refers to The Mature Action Committee;
2. “**WHA**” refers to the W. V. Housing Corporation, carrying on business as the Whistler Housing Authority.
3. “**RMOW**” refers to the Resort Municipality of Whistler
4. “**Applicant**” means an individual or a couple, where a couple means any two persons living together, either married or in what is referred to as a common-law relationship, regardless of gender or sexual orientation.
5. “**Whistler**” means all areas within the boundary of the Resort Municipality of Whistler.
6. “**Employment**” includes, in addition to being employed by a Whistler enterprise or government body or self-employment, the making of significant contributions to the Whistler community through public and / or volunteer services over a significant period of time, recognized and deemed acceptable to MAC and WHA [eg as a guideline, on average 300 hours annually for any 5-year period]
7. “**Owner**” means the Transferor described in the General Instrument and any subsequent owner of the ‘seniors restricted housing unit’.

8. **“Principal Residence”** means the residence [or home] in which the applicant resides, where:
 - if owned, it must be shown to qualify as such as defined under both {i} the Home Owner Grant Act, whether or not the grant is available by reason of assessed value, and {ii} the Income Tax Act of Canada, for exemption from tax consequences in the event of sale;
 - if rented, it must be shown as rented on a yearly basis as a primary residence for the period claimed, through documented Revenue Canada Tax returns, Drivers License, and/or other means;
 - the residence in question must qualify on all of these tests immediately prior to the commencement date of residency in the ‘seniors housing complex’.
9. **“Subscription Unit”** refers to those financial contributions made to the *Residential Development Fund* by willing members in the year 2001, following a request to the full membership, to help finance MAC initiatives towards development of affordable housing and amenities as set out in the Constitution and By-laws of MAC.
10. **“SRH”** refers to a ‘seniors restricted housing’ unit within a “seniors restricted housing community”.
11. **“Priority Points”** shall be granted as follows:
 - a. one for each year the oldest individual of an Applicant is above age 55;
 - b. one for each year an Applicant lives in Whistler as a Principal Residence (points only for one individual in a couple comprising an Applicant)
12. **“Membership in MAC”** requires a minimum age of 50 years, unless individually waived by MAC., and being either a current or former resident or property owner in the Resort Municipality of Whistler.
13. **“Seniors Housing Waitlist”** includes those members of MAC who are both eligible and ready to occupy seniors housing when units are available, either as owners or renters, and who specifically confirm their interest and intentions in writing [by mail or electronically] to MAC in the format prescribed by MAC.

1.0 Relationship between MAC and WHA for Seniors Housing

- 1.1 WHA will administer all housing agreement covenants, co-ordinate the waitlist process for both rental and ownership housing units, and facilitate the transfer of ownership seniors housing units.
- 1.2 Rental management of seniors housing will be the responsibility of the Owner. WHA shall only maintain the wait list for tenants. WHA

shall make no warranties as to the suitability of tenants or the tenants ability to pay rent.

- 1.3 MAC and WHA will continue to function as independent bodies.
- 1.4 MAC will be responsible for initiating and/or liaising with developers for seniors housing projects, and for providing primary input into location, amenities, unit type, tenure and price.
- 1.5 WHA will be responsible for integrating seniors housing projects into existing restricted inventory and for administering covenants, waitlists and transfers.
- 1.6 MAC Board will be responsible for creating and administering policy related to membership, qualification and waitlist process.
- 1.7 WHA will review, approve and support recommendations with respect to seniors housing coming forward from the MAC Board.
- 1.8 One MAC representative will sit on the WHA Board as a non-voting member.

2.0 Requirements for Applicants to Purchase or Rent

2.1 To qualify to purchase or rent a SRH unit, Applicants must:

- a. be *members* in good standing of MAC;
- b. have resided in Whistler, as a *Principal Residence*, for a minimum period of five consecutive years within the ten year period immediately prior to ownership or rental of an SRH; and
- c. have *Employment in Whistler* for five of the last six years of Employment.

3.0 Requirements for Occupancy (for Owners and Tenants)

3.1 To qualify to reside in a SRH unit, Applicants must;

- a. be *members* in good standing of MAC and at the date of occupancy, the Applicant (or one partner of a couple) must be a minimum 55 years of age;

- b. have *Employment in Whistler* for five of the last six years of Employment;
- c. have resided in Whistler, as a *Principal Residence*, for a minimum period of five consecutive years within the ten year period immediately preceding occupancy;
- d. *not own*, or receive the benefit of, other real property that qualifies as a *Principal Residence* in Whistler.

4.0 Priority Ranking for Applicants to Purchase

4.1 The order of opportunity to purchase a SRH unit shall be granted to members of MAC who qualify under 2.1 in accordance with the following criteria:

- a. MAC Members with intention, on proof satisfactory to WHA and MAC, to occupy the SRH unit upon purchase shall have priority over MAC Members without immediate intention or ability to occupy the SRH unit;
- b. MAC Members with more paid up Subscription Units have priority over those with fewer paid up Subscription Units;
- c. Where the amount of Subscription Units is equal, the Applicant with more Priority Points will have priority over those with fewer Priority Points;
- d. Where both the amount of Subscription Units and Priority Points are equal, the length of time the Applicant has been employed in Whistler shall determine priority;
- e. Where all factors under [d] are equal, then the length of time the Applicant has been a member of MAC in good standing shall determine priority;
- f. Where a, b, c, d and e cannot determine priority, then a draw shall determine priority.

4.2 Where there are more SRH units for sale than Applicants that qualify under 2.1, the order of opportunity to purchase a SRH unit shall be granted in accordance with 4.1 and:

- a. MAC Members with more years of residency in Whistler as their *Principal Residence* shall have priority over those with fewer;

- b. Where the years of residency as Principal Residence is equal, people with more years of Employment will have priority over those with fewer.
- 4.3 Where there are still more SRH units for sale than demand, then sales may be made to non - MAC Members under the age of 55, and in addition to 4.2 a and b, Applicants who are older shall have priority over those that are younger. [note: applicants agree that upon purchase they will become members of MAC on the understanding that the minimum age requirement will be waived individually]

5.0 Exemption Requirements for Occupancy by Owner

- 5.1 Owners of an SRH unit that do not qualify for occupancy under 3.1 or cannot reside in the SRH unit for reasons approved by the WHA, having regard to the bylaws of MAC, but nonetheless having complete discretion to approve or not, may rent the SRH unit as follows:
- a. for rents in line with current employee housing rents;
 - b. to a qualified tenant under 3.1;
 - c. if there are no available qualified tenants under 3.1, then to a MAC member in good standing that is under 55 years of age;
 - e. If there are no available MAC members to rent, then to a mature adult individual or couple [eg no children in permanent residence], giving priority to applicants that have more 2.1 qualifications and who have more Priority Points.

6.0 Priority Ranking for Applicants to Rent

- 6.1 The order of opportunity to rent a SRH unit shall be granted in accordance with the following criteria:
- a. MAC Members with more paid up Subscription Units have priority over those with fewer paid up Subscription Units;
 - b. Where the amount of Subscription Units is equal, the Applicant with more Priority Points will have priority over those with fewer Priority Points;

- c. Where both the amount of Subscription Units and Priority Points are equal, the length of time the Applicant has been employed in Whistler shall determine priority;
 - d. Where under c all factors are equal, then the length of time the Applicant has been a member of MAC in good standing shall determine priority;
 - e. where under d all factors are equal, then a draw shall determine priority
- 6.2 Where there are more SRH units for rent than Applicants that qualify under 3.1, the order of opportunity to rent a SRH unit shall be granted in accordance with:
- a. MAC Members with more years of residency in Whistler as their Principal Residence shall have priority over those with fewer;
 - b. Where the years of residency as a Principal Residence is equal, applicants with more years of employment will have priority over those with fewer.
- 6.3 Where there are still more SRH units for rent than demand, rentals may be made to non-MAC Members under the age of 55, and in addition to 6.2 a and b, applicants who are older shall have priority over those that are younger. [note: applicants agree that upon occupancy they will become members of MAC on the understanding that the minimum age requirement will be waived individually]

7.0 Resale of SRH Units

- 7.1 Resales of SRH Units shall follow the same procedures for eligibility as for first sales;
- 7.2 Resales of SRH Units shall be price restricted to a maximum of the original purchase price plus any change in the Consumer Core Price Index as published by the Bank of Canada from time to time [eg the fixed resale price];
- 7.3 An Open House will be scheduled and notice of it given to people on the seniors housing wait list;
- 7.4 Offers to purchase must be submitted to the WHA by 5:00 pm on the day after the Open House;

- 7.5 Applicants offering to purchase at the fixed resale price will be ranked in terms of priority points in accordance with 4.1, with the offer from the highest ranking applicant accepted.

8.0 Enforcement

- 8.1 The resale price of SRH unit will be enforced by granting the RMOW or WHA a Right of First Refusal and Option to Purchase.
- 8.2 The occupancy requirements and rental of SRH units will be enforced by a daily rent charge for every day of breach and/or breach shall trigger the right of WHA or the RMOW to exercise the Option to Purchase.

The Mature Action Committee

By: _____
Gordon Leidal, President

Date: _____

Whistler Housing Authority Ltd.

By: _____
Marla Zucht, General Manager

Date: _____

**cc: MAC Board of Directors
WHA Board of Directors**

**Bob MacPherson, General Manager of Resort Experience
Resort Municipality of Whistler**