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Cooperative Housing Appeal Tribunal

Members

Paul Simms, Winnipeg
Kevin Toyne, Winnipeg
Gabrielle Lisi, Winnipeg (bil.)
Gary Gilmour, Winkler
Norman Sims Q.C., Minnedosa
Allison Fenske, Winnipeg
Karen Poetker, Winnipeg

Mandate:

The mandate of the Cooperative Housing Appeal Tribunal is to preside over appeal tribunals ensuring that tribunal decisions incorporate appropriate legal expertise when membership in a housing cooperative is terminated.

Authority:

The Cooperatives Act

Responsibilities:

Each housing cooperative has a Board of Directors that decides on membership. If the Board decides to terminate membership the member has the right to appeal the Board's decision. Appeal tribunals are arranged by the Financial Institutions Regulation Branch (FIRB) when they receive an appeal from a member.

Appeal tribunals must be held within 14 days, after the day FIRB receives the notice of appeal and must, within 12 days after completing the appeal hearing, render a decision and notify FIRB, the member and the housing cooperative of the decision.

The appeal hearing tribunal is a three-person tribunal which includes a presiding member in addition to two cooperative housing residents. The tribunal adjudicates the appeal and ensures that tribunal decisions incorporate the appropriate expertise. In accordance with the Act, the presiding member is to have suitable legal or other qualifications to enable the appeal tribunal to carry out its functions and duties fairly and efficiently.

Membership:

The number of available presiding members shall be a minimum of two, with no stated maximum number of members. As the timelines for housing appeals are usually quite short, presiding members need to be available on relatively short notice.

Length of Terms:

Generally three years, and may be re-appointed up to a maximum of ten consecutive years. Presiding members continue until they are re-appointed, the appointment is revoked or a successor is appointed.

Desirable Experience:

In accordance with the Act the presiding member is to have suitable legal or other qualifications to enable the appeal tribunal to carry out its functions and duties fairly and efficiently. Presiding members chair housing appeals and provide the written decisions.

Presiding Board members:

- Must be able to communicate verbally and have the ability to ask questions using open ended, non-judgmental language;
- Must be able to prepare and present written decisions;
- Have active listening skills;
- Use plain language;
- Adhere to a high degree of confidentiality;
- Have the ability to make decisions in a fair and unbiased manner; and
- Members are expected to read and review all information prior to a hearing.

Meetings:

Location: Virtual and in-person at various cooperative housing locations

Frequency: No regular schedule

Active, however the Minister has requested that the appeal tribunal be eliminated in part to further the government’s objective of reducing the number of ABCs. Legislative Proposal was prepared for spring 2022 session however it did not proceed. Intent is to reintroduce the LP for next legislative cycle (fall 2022).

Remuneration:

Presiding member: \$191.00 per meeting for meetings up to 3 ½ hours;
\$336.00 per meeting for meetings 3 ½ hours or more.

Presiding members are reimbursed for reasonable out-of-pocket expenses (OIC 00165/2015).