



ONTARIO SENIOR TAMILS BENEVOLENT ASSOCIATION - (OSTBA)
EST. 2012. REG: NOT FOR PROFIT ORGANIZATION #1866873, ONTARIO, CANADA
ஓன்ராறியோ முதுதமிழர் நலன்புரி ஆதாயமற்ற சங்கம் #1866873

**The Constitution of the Ontario Senior Tamils Benevolent Association
2021 Amended to include resolutions of June 21.2023**

Table of Contents

1. The Name of the Association
2. Objectives
3. Membership & Contributions to the Trust Fund* (New resolution is inserted)
4. Death Benefit Payment * (New resolution is inserted)
5. Death Benefit Calls
6. Death Benefit Quantum * (New resolution is inserted)
7. Management of OSTBA
8. Duties of Office bearers in the Trustee Board
9. Vacating the post of Trustee from The Board of Trustees
10. Members Resignation from OSTBA
11. Trustees work as Volunteers
12. Honorary Auditor
13. Co-ordinator
14. Funds of the OSTBA
15. OSTBA Members' meetings
16. Trustee Board meetings
17. Election to the Trustee Board
18. Use of Common Seal
19. Code of Conduct
20. Disciplinary Action & Appeal
21. Conflict of Interest
22. Member's Liability.
23. Indemnity of the Board of Trustees

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24. interpretation of Decisions
25. Validity of communication
26. Dissolution of the OSTBA
27. Appointment of a Patron
28. Glossary of Terms

1. The Name of the Association

The name of the Association shall be the "Ontario Senior Tamils Benevolent Association", referred to as OSTBA. Its functions will be supported by most Not- for Profit Senior Tamil Associations in the Province of Ontario. The membership is now open to all members of Not- for- Profit Senior Tamils Organization registered in the Province of Ontario.

The address of OSTBA as at present will be 39, Dundas St East, Unit 215, Mississauga, ON, L5A 1V9 which may be subject to change if necessity arise.

2. Objectives of OSTBA



2.1 The primary objective of the Association is to create and operate a Death Donation Fund, which will relieve, at least in part, the considerable burden of expenses to be incurred on the demise of a member of the Association, by family members.

2.2 The Association would also render humanitarian assistance to members, inclusive of monetary awards, especially to those members suffering from Critical illnesses and those resident in Long Term Care homes with severe disabilities.

2.3 The above undertakings will be achieved on a co-operative and non-profit basis jointly by all members of the Association. Adequacy of funds will be a crucial factor in executing these programs, particularly the objectives mentioned in clause 2.2 above. The Association may engage in any activity identified and approved by the general membership, and procure financial assistance from the State Sector.

3. Membership & Contributions to the Trust Fund

3.1. Admission to the Association is limited to paid up members of the Senior Tamils organizations in the province of Ontario who are Permanent Residents or Citizens and, who are between sixty (60) and eighty (80) years of age and are free of any terminal illness as certified by the applicant at the time of admission. Confirmation of the status of their membership to be submitted by the respective Non- Profit Organizations at the time of admission and to maintain their membership with their respective Organizations after that to be entitled to the Death Donation Benefit. The total membership of the Association is limited to 350 members only. (New)

  2

3.1.1. The number of members admitted to the Association, outside the region of Peel shall not exceed Fifty percent (50%) of the total members at any given time. (New)

3.2. Amended Now ON June 21-2023. Application for new membership from year Jan.2013 shall be made to the Secretary of the Association on a prescribed new application form, for a total fee of \$100.00 (along with a non-refundable admission fee of Dollars Twenty \$20.00 and to make further \$15.00 member fees and deposit of \$65 in one instalment) at once.

3.3. The applicant should declare in his application form the names. A postal address, email address, if available, and telephone contacts of his two (2) beneficiaries in order of priority. If the application is accepted, he or she will be considered as a Provisional member. He/she will be eligible to vote or be elected to the Board only after Accreditation.

3.3.1. Amended Now. Now deleted. Since not applicable anymore.

4 Amended Now Deleted completely. Since not applicable anymore

3.4.1 Do not accept any terminated or default members .If a member resigns and rejoins with the approval of the Board of Trustees, he/ she will have to complete one year again to get an accreditation certificate and will not be eligible to vote or contest for a position in the Trustee board for three years unless otherwise decided the Board of Trustees depending on the reasons for the resignation.

3.5. Now deleted. Since not applicable anymore.



3.6. In the event of the demise of a provisional member, all contributions, together with any amount remaining in Call Deposit Advance, shall be refunded to his/her beneficiary.

3.7 Now deleted. Since not applicable anymore

4. Death Benefit Payment

4.1 The Trustees of the Association on becoming aware of the demise of a member either through his/her Beneficiaries or otherwise, shall take necessary measures to make Payment within three (3) working days of receipt of the certified copy of proof of death from the authorities.

The beneficiaries should provide satisfactory proof of the identities to any two (02) members of the Board of Trustees. Any member has the right to change his or her beneficiaries or the shares due to them at any time in writing.4.1.1 A sum of Dollars one hundred (\$100) will be deducted from the Death Benefit payment amount payable to the beneficiary/s to meet the operational costs. (New)

4.2. The first beneficiary would receive the Payment unless the deceased member requested a shared payment between the two (02) recipients. There can only be two (02) beneficiaries for each member. If the first beneficiary fails to claim a refund within ninety (90) days of the demise of the member, the second beneficiary will receive the full Payment. The beneficiary entitled to the death benefit should submit his//her claim on the prescribed form along with the certified copy of proof of death and his/her identity.

4.3.1. Now Amended. On June 21-2023. All members are entitled to receive 85% after one year if they keep a deposit of \$40. at all times. Members who keep a deposit of \$65 for a period of six months prior to his /her death is entitled to 88% of calls collected.

5. Death Benefit Calls

5.1. The Operating Fund built by the contributions of members shall be replenished every time any amount is withdrawn from it for Payment of Death Benefit. Other avenues of making operational funds by way of getting Govt. grants, Donations, and publishing Magazine should be explored by the trustee board.

5.2. Immediately following a Death Benefit Payment, from the Association's Reserve Fund, every member, both provisional and accredited, shall be notified of the demise, on a **Tamil news paper advertisement inserted** and the Payment made to the beneficiaries. A request for Payment of Dollars Twenty (\$20.00) by the members towards reimbursing the Association's Reserve Fund will be simultaneously made.

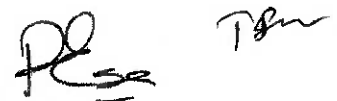
5.3. It is always mandatory on the part of every member *always* to maintain a death call deposit of (\$40/\$65) and top it up when this amount is exhausted. On the demise of a member, any amount outstanding in the mandatory deposit will be returned along with the final payment to the beneficiary. If a member fails to co-operate in this arrangement to reimburse the fund, having given two months grace period to replenish, his membership will cease, and all his contributions made earlier towards the fund will be forfeited after a letter is sent by Registered post to the address given in the application form and by email, if made available. Any unutilized amount in this deposit will be refunded to the beneficiaries along with the Death Benefit payment in the case of paid-up members.

5.3.1 All new members who join the Association will be exempted from the Payment of Death Call of Dollars twenty (20/-) on the demise of a fellow member for three months from the date of admission.

5.4 If two (02) or more deaths take place within two months, the request for the Death Call of Dollars twenty (20/-) may be staggered at the discretion of the Board of Trustees.

6. Death Benefit Quantum

6.1 Members who have completed one year in service with the Association, the Death Benefit payable shall be computed at eighty-five (85%) percent if they always hold



deposit of \$40 and members who keeps deposit of \$65 may get 88%. on certain conditions.

6.2 Amended Now Deleted completely. Since not applicable anymore

6.3 Amended Now Deleted completely. Since not applicable anymore

7. Management of OSTBA

7.1. If the Membership in OSTBA from any other Tamil Senior Association reaches fifty (50) members, a representative who is a member of OSTBA from that Association will be nominated by that Association for a term of two (02) years to look after any OSTBA related issues of the members from their Association in OSTBA. He attends the committee meetings and has voting rights.

7.2 The affairs of the Association shall be managed by the Board of Trustees consisting of, the President, the Vice President, the Secretary, the Additional Secretary, the Assistant Secretary, the Treasurer & Assistant Treasurer, and they are elected once in two years at an Annual General Meeting. (AGM)

7.3 The Trustees of OSTBA are eligible for re-elections at the AGM.

7.4. The elected Board of Trustees will serve for two years, and the election to the Board will be held once in two (02) years, effective from July 2019.

7.5. The Board of Trustees has the power to do all such acts as may appear to the Board to be necessary or desirable for the management of the affairs of the Association. It may invest funds in approved Banking Institutions for the benefit of the Association.

7.5.1 The members of the Board of Trustees should not be involved in any business activities that conflict with the objectives of OSTBA. If this clause is proved to be violated, he/she ceases to be a Trustee Board member.
(New)

7.5.2 Members of the Board of trustees are expected to adhere to the Oath of Privacy in dealing with members' data. (New)

7.6. OSTBA, being incorporated as a Not- for- Profit Organization as per NPO law, has been entrusted with the custody of Trust funds. Hence the Board of Trustees shall not engage in any form of money lending practices with any other Organizations.

7.6.1 Any deviation from the above By-law 7.6 should have the approval of Seventy five percent (75%) of the General Membership.

8. Duties of Office bearers in the Trustee Board

8.1 President

The President remains in overall control and is responsible for the effective functioning of the Association. He shall preside at meetings of the Board of Trustees, as well as any General meetings of the membership.



8.2 The Vice President

He will assist the President in running the day- to- day activities smoothly.

8.3 Secretary/ Additional Secretary / Asst. Secretary

Subject to the general control of the President, the Secretary shall be responsible for the day- to- day activities and administration of the Association in collaboration with the Treasurer/Asst Treasurer. He shall maintain a record of the membership of the Association, indicating details of name, address, telephone number and similar details of their nominees together with the date of admission as a provisional member/ accredited member and payments, etc. in a Membership Register. He shall summon meetings, Board as well as that of the General membership in consultation with the President and maintain a record of the proceedings. Besides, he shall attend to all correspondence relating to the Association and will be the custodian of the Books, Documents, and Securities of the Association.

The Additional and Asst Secretaries will assist the Secretary in administrative matters and correspondence in running the day- to- day activities smoothly.

8.3 Treasurer

The Treasurer shall deposit in the Bank all collections in respect of application fees, contributions, and donations to the Association and issue receipts thereof. He shall maintain a Petty Cash impress not exceeding One Hundred dollars (\$100.00) while effecting all payments authorized by the Board. He will also maintain an inventory (movable) of the items belonging to the Association. He shall present periodical financial statements and reports to the Board and submit financial statements at the end of the financial year to the Auditor. He must work in close collaboration with the President / Vice President/ Secretary/ Addl. Secretary/Asst. Secretary and Asst Treasurer.

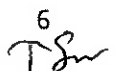
8.4. Asst. Treasurer

He/she will be responsible for maintaining the electronic records of members and accounts. He will also be responsible for payments received through e-Transfer & TD Bank from members and generally assists the Treasurer in the day- to- day work in Accounts Section.

8.5 The members of the Board of Trustees should have IT knowledge and able to communicate through email.

8.6 For the smooth functioning of OSTBA, Board positions could be interchanged within, if the entire board desires so and members will be advised accordingly (Proposed amendment)

8.7. In the event urgent decisions have to be taken on routine administrative matters, in the absence of the entire board, the President or in his absence, the Vice President, Secretary and the Treasurer are empowered to make decisions provided all three agree, failing, the entire board has to be consulted and unilateral decisions are not accepted.



9. Vacating the post of Trustee from The Board of Trustees

9.1 If the office of a Trustee shall become vacant:

- (1) If he/she absents himself without the approval of the Board for three (03) successive meetings
- (2) Upon his/her resignation.
- (3) Upon his/her death.
- (4) Upon removal from office on disciplinary grounds as agreed by the Board of Trustees.

9.2 In all such instances, the Board of Trustees will immediately appoint replacements for existing vacancies, subject to the approval of the membership, at the next AGM.

10. Resignation of members from OSTBA

Any member Provisional or Accredited may resign from the Association at any time. The member who wishes to leave will forfeit all payments made to the Association. Rejoining members will be treated as new members. Members who have sacrificed their membership due to the default of nonpayment of death calls and contributions may also join as new members.

If a member, wish to resign, he or she should make a written request to the President/ Secretary, under advice to the beneficiary/s, the member appointed.

10.1 If a member resigns and rejoins with the approval of the Board of Trustees, he will have to complete one year again to get an accreditation certificate. This concession will apply only one time, and members will not be readmitted to the Association in the event of resignation or default by a member. A payment of Dollars one Hundred (\$100/-) shall be recovered as penalty. He will not be eligible to vote or contest for a position in the Trustee Board for three years, unless otherwise decided by the Board of Trustees.

(New)

11. Trustees work as Volunteers

The Board of Trustees hold office in an honorary capacity, and no Trustee shall directly or indirectly receive any profit from his position. However, the Trustees may be paid Travelling expenses, at Govt, rates, if incurred, while performing their duties.

12. Honorary Auditor

The Association shall appoint an Honorary Auditor to audit the accounts of the Association. He shall submit his report to the Treasurer, who shall place it before the Board. These audited accounts along with the report of the Board shall be presented to the general membership at the Annual General Meeting. The Auditor shall not be a member of this Association.

12.1 The Association, also, can appoint an Internal Auditor amongst the membership, who will carry out the internal audit functions of the Association. He may be called by the Board to attend certain Board meetings, but he/she will not have voting rights. (New)

13. Co-ordinator

The Board of Trustees may employ a part-time Coordinator to assist the Board of Management in the performance of their duties. The Board shall determine the responsibilities and wages of the part-time Coordinator. He or She should have Basic IT knowledge and must have Written/Spoken skills in English and Tamil.

14. Funds of the OSTBA

14.1 The funds of the Association shall be deposited in one or more accounts in any recognized Bank and maintained in the name of the "Ontario Senior Tamils Benevolent Association," to build a sound capital to meet instant payments on the demise of members.

14.2. Withdrawals from the Donation Reserve would normally be done on receipt of a certified copy of the "Proof of death" of the late member to make Payment to the beneficiaries. A certified copy of the proof of death should be filed in support of the Payment. The bank account shall be operated jointly by the Treasurer or in his absence by the Assistant Treasurer and the President, Vice President, or the Secretary.



15. OSTBA Members' meetings

15.1. The fiscal year of the Association shall be from the first day of April to the thirty-first (31st) day of March of the following year. The Annual General Meeting shall be held during June or July once in two years. AGM will inter alia include.

(a) Minutes of the previous AGM and SGM if any, (b) Position of the Board of Trustees
(c) Presentation of Annual accounts and Auditor's Report. (d) Resolutions € AOB.

15.2 Any member desiring to bring a Resolution on any matter inclusive of a stated change in the Constitution at the AGM held once in two years. He or she should submit the same, in the form obtained from the Secretary, duly proposed and seconded and submitted, two (02) weeks before the AGM. The Board of Trustees will review the resolutions before authorizing them to be taken up at the AGM. If a Resolution is rejected, the proposer and the seconder will be informed in writing with reasons for rejection. Resolutions that were passed at the previous AGM will come under the scrutiny of the Board of trustees, if brought up again at the next AGM (New)

15.3 The notice of the AGM shall be sent to all members by Press Notification and Email, giving Four (04) weeks notice along with the Agenda and the Audited Financial statement for the year. (New)

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15.4 The Quorum for any General Meeting shall be Twenty percent (20%) of the membership. If there is no quorum within one hour of the appointed time, the meeting will be adjourned to be held within fourteen days (14), failing which, the meeting shall be held at the earliest convenient date, on which time it will be processed even without a quorum. (New)

15.5 The decision on any matter will be by a simple majority. In the case of an amendment to the Constitution, the majority should be Seventy-five percent (75%) of the members present at that meeting. Voting shall be by show of hands or by secret ballot if the membership so desires. In the case of a Tie, the President will have a casting vote.

15.6 Special General Meeting could be held if two-third majority of the Board of Trustees decides or if Fifty percent (50%) of the membership make a written request stating the reason for such a meeting. Fourteen (14) days' prior notice required for such meetings. (New)

16. Trustee Board meetings

16.1 The Board of Trustees shall meet as often as necessary and, in any case, not less than four (04) times in each financial year, giving one week notice to the members. The Board of Trustees shall be appointed by the members once in two years starting from July 2019

16.2 Emergency meetings could be convened by the President or at the request of four Trustees giving a minimum of Twenty-four hours' notice. The quorum for the Board meeting is five (05). Decisions shall be by a simple majority, and in the case of a tie, the President has the casting vote.

16.3 The Board of Trustees will make decisions on all operational matters and propose changes to the Constitution, if required, if any event affecting the Association takes place. Such amendments will be ratified at the AGM after informing the members (New).

17. Elections to the Board of Trustees

17.1 Application for nomination to the Board of Trustees should reach the Secretary or the Association's office two (02) weeks before the date of the Annual General Meeting. The nomination should be made in the prescribed form available at the office four (04) weeks before the AGM, with a Proposer and seconder's signature and the consent of the nominee in writing. (New).

17.2 A member may be nominated to only one position on the Board. If a member is appointed to more than one position, all nominations of that member shall be rejected.

17.3 Any candidate is at liberty to withdraw his candidacy before the elections, but he shall not be nominated to any position after his withdrawal.

17.4 After finalizing, the Secretary shall put up the approved list of candidates on the notice board.



17.5 If any post remains unfilled at the AGM, the Board of Trustees shall appoint a suitable person to fill such vacancy later.

17.6 In exceptional circumstances, any member with specialized Skills like IT knowledge, administrative experience, and accounting knowledge, may be appointed to the Board of Trustees with the unanimous approval of the Board.

17.7 The election to the Board of trustees will be held once in two (02) years starting from July 2019.

17.8 Trustee Board members shall not be eligible to contest in the STSP Board and vice-versa as agreed by both Associations.

18. Use of Common Seal

The common Seal of the Association shall be kept in the custody of the Secretary. The Seal should not be affixed to any instrument except by the authority of the Board of Trustees.

19. Code of Conduct

The conduct of all members of the OSTBA must conform to all legal, ethical, and professional standards expected of members of an Ontario non-profit organization. Their conduct must protect the values and interests of the OSTBA. Penalties for members who are perceived to have violated the Code of Conduct include, but are not limited to, immediate dismissal from the OSTB, if found guilty after a disciplinary inquiry as stipulated in the clause twenty (20) of this Constitution. (New)

20. Disciplinary action & Appeals

All complaints regarding the behavior or code of conduct of members or member of the Board of trustees should be submitted in writing to the Secretary. The committee has the power to reject or investigate the complaint. In the case, the committee decides to investigate a committee consisting of two (02) Trustees will be nominated by the Trustee Board to inquire into the complaint and submit a report to the Trustee Board.

Based on the report, appropriate disciplinary action, including the termination of membership, may be taken. The outcome of a disciplinary hearing should be notified in writing to the person who complained and the member against whom the complaint was made within fourteen (14) days after the investigation.

There will be the right of appeal to the Trustee Board following disciplinary action being announced. The committee should consider the appeal within four (04) weeks of the Secretary receiving the appeal. The outcome of the appeal will be notified to the person against whom action was taken.

(New)



21. Conflict of Interest

All members of the OSTBA Trustee Board are required to avoid engaging in acts that could cause real or potential conflicts of interest to arise. Conflicts of interest include but are not limited to, gaining financial or other benefits as a result of Trustee Board members' relationship with the OSTBA. If members encounter a potential conflict of interest, (i) they should be aware that the interests and values of the OSTBA take precedence over their interests, and (ii) they must take all reasonable measures to immediately extricate themselves from the circumstances that are causing potential conflicts of interest to arise. Penalties for members who are perceived to have violated conflict of interest rules include, but are not limited to, immediate dismissal from the Trustee Board. (New)

22. Member's Liability

The liability of the membership of the Association to contribute towards the payment of the Debts and liabilities or costs and charges and expenses of the winding of the Association are limited to the amount, if any, unpaid dues by the provisional member/member in respect of his membership of the Association.

23. Indemnity of the Board of Trustees

Every member of the Board of Trustees of the Association shall be indemnified out of the assets of the Association, against any liabilities arising out of the lawful duties of their office, which is incurred by the member in defending any proceedings is given in his favour or in which he is acquitted.

24. Interpretation and Decisions

24.1 Where only the masculine gender is mentioned, in this Constitution, the feminine gender will also be applicable.

24.2 The interpretations of any part of this Constitution by the Board of Trustees or decisions on any matter not provided in the Constitution shall be final

24.3. The Constitution shall be made available in the Tamil Language as well. In the event of any disparity between the English and the Tamil version, the English one shall prevail.

25. Validity of Communications

All communications sent by post to Provisional Members/ Accredited Members and their nominees to their addresses appearing in the Association's Register shall be deemed to have been received by the individuals concerned. Therefore, it is their legal responsibility of the members to inform the Secretary of the Association of any changes in their vital data promptly.



26. Dissolution of the Association

If at any time, the members fail to co-operate in their responsibility to reimburse the Donation Reserves in response to the call made on the demise of their colleagues to the extent, the scheme becomes inoperable, or for any other valid reason, the Association reserves the right of winding up of the Association after handing over the remaining fixed and liquid assets, to the Members divided based on the number of years served as a member. Permission to wind up and distribute remaining fixed and liquid assets to be obtained from the Ministry before any action is taken. (New)

27. Appointment of a Patron

A person who has been involved in the formation and functioning of the Association may be appointed as Patron by the Trustee Board. He may participate at Board meetings but will not be eligible to vote. But can be an observer at Committee meetings.

28. Glossary of Terms

OSTBA – Ontario Senior Tamils Benevolent Association

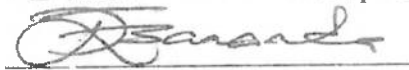
AGM – Annual General Meeting

SGM – Special General Meeting

AOB – Any Other Business

ON – Ontario

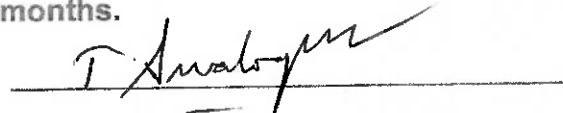
DEFAULT - The default period is two (2) months.



Paramanantharajah Esananda

President

Date July 28,2023



Thanabalasingam Sivaloganathan

Secretary

Date July 28,2023

Approved at the AGM held on June 21,2023.....

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