

## CANON 19

### PARISHES

#### **Definitions**

- 1.(a) Wherever the word "commission" is used in this Canon it shall mean a commission appointed by the Bishop, consisting of two members of the clergy and two lay members of Synod, who shall report to the Bishop in writing. Such report, after approval by the Diocesan Council by resolution, and by the Bishop under the hand and seal of the Bishop, shall be deemed to be confirmed, and shall be final.
  
- 1.(b) Whenever the word "incumbent" is used in this Canon it does not apply to the person appointed by the Bishop as incumbent in a parish operating under a formal mandate from the Bishop as a Local Collaborative Ministry."

#### **Erection of a New Parish**

- 2.(a) Whenever a group of persons, not less than twenty of whom shall be communicants of the Church, of the full age of eighteen years residing in the Diocese desire the erection of a new parish, whether they reside
  - i.) in an existing parish, or
  - ii.) in a district not belonging to any one parish, or,
  - iii.) in adjoining parishes, they shall present a memorial to the Bishop to that effect, stating their reasons and the proposed boundaries of the new parish.
  
- 2.(b) On receipt of this memorial the Bishop shall
  - i.) Appoint a committee to study the matter and to report;
  - ii.) On approval of this report by the Bishop and the Diocesan Council, notify, in writing, the incumbent or incumbents and the churchwardens of parishes affected, of the particulars of the new boundaries proposed.

If no objection to the proposal is raised within one month from the date of such notices, and the Bishop approves of the proposal and is satisfied that proper and sufficient means have been or will be provided for the maintenance of work in such new parish, the Bishop may proceed to the erection of the parish.

- 2.(c) Any party notified as aforesaid and objecting to the proposed new parish shall, within the required time, state to the Bishop, in writing, the grounds of objection. The Bishop may thereupon refuse the prayer of the memorial or may appoint a commission which shall confer with the incumbent or incumbents of the parish or parishes affected and consider the objections made.

The commission shall then report its findings to the Bishop, and, if the report is favourable to the erection of the parish, and is confirmed, the Bishop may proceed to the erection thereof.

2(d) if the Bishop decides to proceed with the erection of the parish the following process shall ensue:

- (i) The Bishop shall by deed erect, form or establish a parish or mission, and, in the deed, define the limits and declare the name of the parish or mission.
- (ii) After consultation with the group whose memorial initiated this process, the Bishop shall: appoint and license an incumbent for a specific term, and with specific financial compensation, as may be agreed upon in writing between that person and the Bishop. And, in addition, the Bishop may appoint and license other persons, lay or ordained, to perform ecclesiastical functions within the parish.
- (iii) Within three months after the issue of the deed, a meeting of the members of the new parish or mission shall be held at some place within the limits thereof, which meeting shall be called by the incumbent after having, in the meantime, given sufficient notice thereof during Divine Service at the usual place or places for holding services.
- (iv) The proceedings at such meeting shall be conducted, and the officers of the new parish or mission shall be elected, in the same manner as at the annual meeting of organized parishes, and the directions and regulations set forth in this Canon shall apply as near as may be to such meeting.
- (v) The person presiding at the meeting shall, immediately after the meeting, notify the Secretary and Registrar of Synod of the election and appointment of the churchwardens, members of Vestry and lay delegates and substitutes to Synod, with their names and addresses.
- (vi) Upon receiving the notice, the Registrar shall forthwith register the particulars in the Diocesan Registry.
- (vii) The Registrar shall also procure from the Bishop a copy of the deed and shall duly register it in the Diocesan Registry.
- (viii) The entry in the Diocesan Registry of the deed and of the notification of election of officers shall be prima facie evidence of these facts.

2(e) After the limits of a parish or mission have been defined, as provided in this Canon, no one holding the licence of the Bishop shall have public prayer, or administer the sacraments within such limits, whether according to the prescribed order of the Church or not, without the consent of the incumbent of the parish; provided that:

- (i) this shall not prevent any person from attending or taking part in any public meeting;

- (ii) any priest or deacon, or Eucharistic visitor, may visit pastorally, with private administration of the sacraments, any person or family in the habit of attending worship in the congregation to which those persons are licensed;
- (iii) any person; holding the Bishop's licence shall be at liberty to give spiritual comfort and counsel to anyone seeking for it by personal visit;
- (iv) this shall not prevent the Bishop licensing a person to minister as chaplain in any hospital, jail, penitentiary, school, or other public or private institution within any parish.

### **Amalgamation of Parishes**

- 3.(a) Whenever the Bishop considers it advisable to amalgamate two or more existing parishes, and the Diocesan Council has expressed its approval by resolution, the Bishop shall seek the voluntary consent to the amalgamation of the incumbents and churchwardens of the parishes affected.
- 3.(b) If a voluntary agreement cannot be reached, a Commission shall be appointed to consider the objections of those opposed to the amalgamation, and any other matters pertinent thereto, and to report thereon. If the report is in favour of the proposed amalgamation, and has been confirmed by Diocesan Council, the Bishop may proceed to carry it into effect by disestablishing the existing parishes and by erecting a new parish in their stead. If the report of the Commission is unfavourable, further action shall be deferred for a period of not less than one year from the date of the report.
- 3.(c) When the parishioners of two or more parishes have passed resolutions expressing the desire to amalgamate, the parishes shall submit a proposal to the Bishop that includes the plan for ordained and lay ministries as well as the plan for the use and disposal of the real and personal property of the parishes. If the Bishop approves the proposal in principle, the Bishop shall submit the proposal to Diocesan Council. If Diocesan Council approves the proposal in principle, the proposal shall be referred to the Diocesan Executive to finalize the details of the proposal in consultation with the churchwardens and the incumbents of the parishes. Diocesan Council shall ensure that the retained real and personal property of the parishes is available for the continuing ministry and mission of the new parish. Trust funds of the parishes shall be held by the new parish on the same terms of trust for the benefit of the new parish. Proceeds from the sale of real property shall be held in trust by the Diocese; and the income therefrom (as defined and determined by Diocesan investment distribution policy) shall be made available for the ministry and mission of the new parish, consistent with the proposal. Proceeds from the sale of personal property shall be retained by the new parish. Any change in the use and distribution of the proceeds from the real property must be approved by the Diocesan Council.
- 3.(d) If the parish thus formed consists of more than one congregation, and the distribution of the financial obligations to be borne by each cannot be agreed upon by the congregations themselves, the Bishop shall appoint a Commission to consider the matter. The report of the Commission, after confirmation by Diocesan Council and the Bishop, shall be carried

into effect, but the matter may be reconsidered at the end of each three-year period thereafter, if requested by the churchwardens of any one of the congregations concerned.

## **Disestablishment of Parishes**

### **4.(a) Principles**

#### **i) Voluntary Disestablishment**

A process of consultation and discussion is to be utilized wherever possible prior to the decision to disestablish a parish. It is preferred that a parish move to voluntary disestablishment through its own processes. No parish church belongs to any one generation. It is important that any alterations, additions, rearrangements or disposition of buildings, memorials and ornaments of the church have input from both the Bishop and the congregation.

#### **ii) In-Voluntary Disestablishment**

If voluntary disestablishment cannot be arranged, due to a lack of available parish personnel to undertake the necessary decisions and actions, or for any other reason, the Bishop shall appoint a Commission consisting of the Archdeacon (or equivalent), two clerical members and two lay members of Synod, to make a recommendation to the Bishop respecting disestablishment.

#### **iii) Time Expediency**

Reasonable times should be followed to ensure fair treatment, without unduly delaying the process or causing unnecessary expenses to either the parish being disestablished or to the Diocese.

#### **iv) Allocation of Assets**

All assets including proceeds resulting from disposal of the property from a disestablished parish, after all outstanding accounts have been settled, shall be disbursed having regard for the following considerations:

- The needs of the Diocesan Archives, especially in light of their role in the disestablishment. A suggested amount is 10% of the net assets up to a maximum of \$10,000.
- The need for the continuance of ministry to the people in the area served by the disestablished parish, including the repair or replacement of other church property in the area of the disestablished parish, or in an adjacent area.
- The need to provide ministry in newly developed areas of the Diocese, not currently served by a parish.
- Priorities expressed by the parish to be disestablished prior to the Bishop's declaration of intent to disestablish.
- The needs of the Diocese as a whole, whether in the area of operations, capital, trust or endowment funds.

**4. (b) Before decision to disestablish**

- i) A parish may undertake a review, or request the Bishop to recommend a facilitator to assist the parish in a review, of the current status of the parish including changing demographics; financial capacity; property condition and status; and any other relevant data or topic.
- ii) On completion of the review, and preparation of a report, the parish shall advise in writing all members of the parish of a congregational meeting to consider the report and any recommendations contained in it. A copy of the report shall be forwarded to the Bishop prior to the congregational meeting.
- iii) The parish may at the congregational meeting pass a resolution, by a majority, advising the Bishop of the decision of the parish to be disestablished. The Bishop shall be notified in writing of the recommendation of the congregational meeting which recommended disestablishment. The notification shall contain the names of persons willing to continue as churchwardens or to be appointed as churchwardens to carry out the necessary actions required if the Bishop approves the decision to disestablish the parish.

**4. (c) When a decision to disestablish has been made**

- i) Within one week of the congregational meeting which recommended disestablishment, the membership of the parish shall be notified of the decision by the congregational meeting of the parish. Notification shall be by public announcement in the next Sunday parish bulletin and by posting on the church notice board. Members of the parish may, within 30 days of the date of announcement in the parish bulletin, make written submissions to the Bishop in respect of the decision of the congregational meeting.
- ii) The Bishop may, after considering the report of the parish, the recommendation of the parish congregational meeting, any written submissions received from members of the parish, and any other information that the Bishop considers relevant, and not before thirty-seven days from the date of the congregational meeting, or in the case of an involuntary dissolution, any time after the receipt by the Bishop of the recommendation of the Commission, issue a declaration of intent to disestablish the parish, and name the date on which such disestablishment is intended to take effect. The issuance of the Bishop's declaration of intent to disestablish shall cause the officers of the parish to commence the process of winding-up the affairs of the parish with a view to the disestablishment.
- iii) The Bishop's declaration of intent to disestablish may:
  - Appoint persons as churchwardens to continue the process;
  - Appoint a winding-up committee consisting of a senior member of the clergy, and at least two other members of Synod to deal with the process of winding-up the disestablished parish;
  - Provide the churchwardens and the winding-up committee with the authority necessary to wind-up the affairs of the parish;

- Appoint a member of the diocesan staff to assist with the winding-up of the parish;
- Appoint a person to provide pastoral care to parishioners during the process;
- Deal with any other matters that the Bishop considers necessary to facilitate the process of winding-up the parish.

4. (d) **After the Bishop's declaration of intent to disestablish a parish has been made**

- i) **Within three months of the Bishop's declaration of intent**, the Bishop shall require the parish to submit to the Treasurer of the Diocese and to the Bishop a financial statement of the assets and liabilities of the parish, and if the liabilities are found to be greater than the assets, the Bishop shall submit the statement to the Diocesan Council which shall take any action as it deems necessary under the circumstances.
- ii) **Within three months of the Bishop's declaration of intent**, the parish shall provide the Diocese with an inventory of all real and personal property of the parish.
- iii) **Within two months from the date on which the parish ceased active operations**, the parish shall deposit with the Registrar of the Diocese all registers, records and documents of the parish.
- iv) **Within three months from the date on which the parish ceased active operations**, the Diocesan Treasurer and Diocesan Accountant shall ensure that capital assets of every nature or kind of the parish, and, if deemed appropriate, title to the place or places of worship, shall be delivered or conveyed to or otherwise be placed under the control of, the Diocese.
- v) **Within five months from the date on which the parish ceased active operations**, the Diocesan Property Committee shall review all real property owned by the parish; prepare a report of the valuation and condition of said property; and submit the report to the Executive Committee along with recommendations respecting disposition of the real property.
- vi) **Within five months from the date on which the parish ceased active operations**, the winding-up committee shall report to the Executive Committee its recommendations respecting the disposition of memorials and parish artifacts.
- vii) **Within seven months from the date on which the parish ceased active operations**, the Executive Committee shall consider the report and recommendations of the winding-up committee and any other information made available to it by the winding-up committee and make a recommendation to the Bishop respecting, but not limited to, the disposition of the memorials and artifacts, and other matters as may be required. The Bishop may confirm the recommendation and instruct the winding-up committee to complete the process of disposition of the memorials and

artifacts, and the winding-up of the parish.

viii) **Within seven months from the date on which the parish ceased active operations**, the Executive Committee shall consider the report and recommendations of the Property Committee, and forward the report together with its own recommendations thereon, to Diocesan Council for consideration.

ix) **At the appropriate times**, the winding-up committee shall arrange for:

- A Service of Secularization (Deconsecration)
- the disposition of memorials, artifacts and miscellaneous items following Diocesan policies and procedures
- such other actions as may be required.

x) **At the appropriate time**, the Property Committee shall arrange for the listing of the real property for sale as directed by Diocesan Council.

#### 4. (e) **Cemetery Grounds and Columbaria**

If a parish to be disestablished includes a cemetery grounds and/or columbarium, then the process shall include arrangements for a municipal authority or other approved authority to take over responsibility for the cemetery grounds and/or columbarium, along with such capital funds as may exist that are designated for the perpetual care of the cemetery and/or columbarium.

#### 4 (f) **Final Disposition of Parish Assets**

The allocation of all assets, including proceeds resulting from the disposal of the property, after all outstanding accounts have been settled, shall be determined by the Diocesan Council, in accordance with this Canon, and confirmed by the Bishop.

#### 4. (g) **Disestablishment**

Upon completion of the winding-up process, the Bishop and the Secretary of Synod shall issue a certificate of disestablishment (dissolution).

#### 4. (h) **Extension of Time**

If it is impracticable to complete any process within the time stipulated in this Canon, the Executive Committee may extend the time for doing so.

### **Adjustment of Boundaries**

5.(a) The Bishop may appoint and direct a project group of three or more members to report on the boundaries of any or all parishes in the Diocese, whenever the Bishop and the Diocesan Council consider it necessary. If the report of the project group is confirmed by the Diocesan Council, the Bishop may proceed to effect such adjustment by deed.

5.(b) The incumbents and churchwardens of any adjoining parishes may confer regarding the boundaries which they have in common and may petition the Bishop to make any

adjustment of the boundaries which they consider advisable. The petition shall be referred by the Bishop to a project group of three or more members for study and report and, if the report is approved by the Diocesan Council, the Bishop may proceed to effect an adjustment by deed.

- 5.(c) The recommendation regarding the allocation of the territory formerly occupied by a disestablished parish shall be made by a project group of three or more members appointed by the Bishop after consultation with the incumbents and churchwardens of adjoining parishes, and shall be reported to the Bishop and the Diocesan Council. If the report of the project group is confirmed by the Diocesan Council, the Bishop may proceed to effect the allocation by deed.

### **General Regulations**

6. The Boundaries of a parish having been once defined, approved, and declared, shall not be disturbed for a period of five years, except in the case of the formation of new parishes, or at the direction of the Bishop.