

# Canons of the Diocese of Ontario

## Version 1.0 (2018)

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# Table of Contents

CANON 1	DEFINITIONS AND MOTION PROCEDURES AT SYNOD.....	4
CANON 2	DIOCESAN SYNOD COUNCIL .....	10
CANON 3	EXECUTIVE BOARD.....	15
CANON 4	DIOCESAN COMMON MINISTRY & MISSION .....	16
CANON 5	TRUSTS AND PROPERTY COMMITTEE .....	18
CANON 6	ACQUISITION, DISPOSITION AND/OR ALTERATION OF REAL PROPERTY AND OTHER PROPERTY AND RELATED RIGHTS .....	19
CANON 7	SETTLEMENT OF DIFFERENCES.....	21
CANON 8	INCUMBENT.....	23
CANON 9	CLERICAL APPOINTMENTS, EXCHANGES, RETIREMENTS AND TERMINATIONS.....	25
CANON 10	CLERICAL STIPEND AND EXPENSE REIMBURSEMENT.....	30
CANON 11	LAY READERS .....	31
CANON 12	PARISHES.....	33
CANON 13	VESTRIES.....	37
CANON 14	CHURCHWARDENS.....	43
CANON 15	PARISH ADVISORY COUNCIL.....	50
CANON 16	ARCHDEACONS.....	52
CANON 17	DEACONS .....	53
CANON 18	REGIONAL DEANS .....	54
CANON 19	DISCIPLINE .....	56
CANON 20	SEXUAL MISCONDUCT and CODE OF CONDUCT .....	63
CANON 21	SPECIAL PURPOSE FUNDS.....	66
CANON 22	CEMETERIES.....	71
CANON 23	DIOCESAN ADMINISTRATION OF PARISHES.....	72
CANON 24	SECRETARY OF SYNOD .....	75
CANON 25	STANDING COMMITTEES OF THE SYNOD .....	76
CANON 26	AUDIT COMMITTEE.....	77
CANON 27	DIOCESAN FINANCE COMMITTEE .....	78
CANON 28	INVESTMENT COMMITTEE .....	79
CANON 29	BISHOP'S COMMISSARY .....	81
CANON 30	DIOCESAN CATHEDRAL .....	82
CANON 31	INSURANCE .....	83
CANON 32	INDEMNIFICATION .....	84
CANON 33	SEAL OF SYNOD AND EXECUTION OF DOCUMENTS .....	85
CANON 34	OFFICERS.....	86

CANON 35	THE CHANCELLOR.....	89
CANON 36	HONORARY SECRETARIES AND DIOCESAN REGISTRAR.....	90
CANON 37	ARCHIVES COMMITTEE.....	91
CANON 38	CANONS and GOVERNANCE COMMITTEE.....	92
CANON 39	PENSION AND BENEFITS PLAN.....	93
CANON 40	RETENTION OF LEGAL COUNSEL.....	94
CANON 41	GENERAL PROVISIONS .....	95

Errata

# CANON 1

## DEFINITIONS AND MOTION PROCEDURES AT SYNOD

### 1. Definitions

For the purposes of The Constitution and Canons of the Synod of the Diocese of Ontario, the following terms shall have the meaning given opposite each.

**ACT-** means An Act Respecting the Incorporation of the Synod of the Diocese of Ontario, Statute of Canada, 1862, Chapter 86.

**ARCHDEACON-** a priest appointed by the Bishop to assist with the supervision of parishes in the management of the Diocese.

**ARCHDEACON OF MINISTRY AND PROGRAMS-** an Archdeacon appointed by the Bishop to assist in planning and implementing ministry and programs.

**AREA MINISTRY-** Means ministry conducted across multiple parishes within a geographic area of the Diocese, so designated by the Bishop, where there is a sharing of ministry and mission as well as administration and governance with the option of leading to full integration of ministry, administration, and governance.

**BISHOP-** the leader of the Diocese, President of Diocesan Synod and the link with other dioceses, the Provincial, National and worldwide Anglican Communion.

**BISHOP'S ADVISORY COMMITTEE-** a committee to consult with and advise the Bishop. The members include the Bishop, the Diocesan Executive Officer, the Archdeacon of Ministry and Program, the Dean of the Cathedral, and the Territorial Archdeacons.

**BISHOP, COADJUTOR-** a bishop elected by the Diocesan Synod to assist the Bishop and who has a right of succession.

**BISHOP, SUFFRAGAN-** a bishop elected by Diocesan Synod to assist the Bishop and who has no automatic right of succession.

**BISHOP'S COMMISSARY-** a priest appointed by the Bishop to perform the duties and administrative functions of the Bishop during his or her absence or illness.

**CANON-** An enactment or law of the Synod declared so to be upon its adoption.

**CHANCELLOR-** a judge or barrister, active or retired, appointed by the Bishop to advise on ecclesiastical law and other matters.

**CHURCH-** The Church is the Body of Christ carrying out ministry within space and time and for the purposes of these canons, the term "Church" is used to describe the consecrated buildings and congregation(s) that worship therein.

**CONGREGATION-** A group of persons who chose to meet and worship together.

**CONVENING CIRCULAR-** a set of documents to be sent to members of Diocesan Synod prior to a meeting and is to include all information about the business to be conducted at Diocesan Synod.

**CORPORATION**—While not an incorporated legal entity under civil law, by long-standing religious tradition, a “corporation” has been interpreted to refer to the churchwardens of each vestry acting together.

**CLERGY OR CLERIC-** These terms include the three (3) orders of the ministry- Bishops, Priests, and Deacons.

**DEACON, TRANSITIONAL-** a transitional deacon is ordained as a deacon with the intention of becoming a priest.

**DEACON, VOCATIONAL-** a vocational deacon is ordained with the intention of continuing in that ministry of communicating the world’s needs to the church and representing the church in the world.

**DEANERY-** a group of parishes within the Diocese organized by region for administrative purposes and mutual assistance. Each deanery is to be led by a Regional Dean elected by the clergy in the deanery and confirmed in that position by the Bishop.

**DIOCESAN SYNOD-** is the governing body of the Diocese composed of licensed clergy and lay members selected by the parishes to oversee all areas of Diocesan life including ministry and mission, finances and Canons.

**DIOCESE-** The Diocese of Ontario includes the five counties of Prince Edward, Hastings, Lennox and Addington, Frontenac and Leeds-Grenville. The Diocese belongs to the Ecclesiastical Province of Ontario.

**EX OFFICIO-**means a non-voting member of a board or committee, entitled to attend and speak.

**INCUMBENT-** The Cleric who for the time being has the care of souls in a Church, Parish, Mission or area, and who has been licensed or appointed by the Bishop to perform such ecclesiastical duties therein.

**INTERIM PRIEST-IN-CHARGE-** a priest appointed by the Bishop to act on a temporary basis in the place of the Incumbent.

**LAY READER-** a member of the church who has completed training and who is licensed by the Bishop to assist or lead parts of worship that do not require the leadership of clergy.

**LETTERS BENE DECESSIT-** a formal letter given by the Bishop to a priest or deacon in good standing who is transferring to another diocese.

**MEMBER OF THE ANGLICAN CHURCH OF CANADA-** A person who becomes a member by regularly attending worship in a local Anglican church and receiving the sacrament of Holy Communion at least three (3) times each year and contributes to the life and work of such Anglican church.

**MEMORIAL-** an address containing an exposition of facts and circumstances and soliciting attention thereto.

**METROPOLITAN-** An Archbishop who has jurisdiction and pastoral oversight over an ecclesiastical province.

**MINISTRY ALLOCATION FUND** – The fund maintained and accounted for within the financial accounts of the Diocese under the authority of Diocesan Synod Council to receive, hold, and disburse the Diocesan share of net proceeds realized from any sale or other disposition of Real Property or Property together with income earned thereon.

**MOTION-** A form of words by which it is sought to elicit an expression of opinion regarding some proposal contained therein

**ORDER-** A direction given by the Synod to one (1) or more of its officers or other persons to perform some specific act or acts. It remains in force until it has been complied with, or until the next session of the Synod.

**ORDERS-** refers to membership in the Synod according to the Order of Bishops, the Order of Clergy and the Order of Laity.

**ORPHAN-** A person under the full age of eighteen (18) years, one (1) of whose parents was a Cleric but is deceased.

**PARISH-** A parish is set apart by the Bishop in accordance with the canon on parishes, having one (1) or more congregations under one (1) Incumbent or priest-in-charge and which has one or more regularly organized Vestry or Vestries, with the right to elect members of the Synod, and may include a Diocesan Mission or Designated Ministry.

**PETITION-** A written or printed request addressed to a person or body of persons for the redress of some wrong or for the granting of some favour.

**POLICY-** An enactment setting forth in detail the rules to be observed in the practical carrying out of some canon.

**PRIMATE-** An Archbishop who serves as President of General Synod, Chair of the House of Bishops and senior Metropolitan of the church.

**PROPERTY-**means any moveable thing including a chattel, money, financial investment, artifact, a legal right or document but does not include real property as defined herein;

**REAL PROPERTY** – Real property includes land, buildings, any other things that is erected or growing on or affixed to land, minerals and other things under the land, and all rights issuing out of, annexed to, and exercisable within or about land such as leases, licenses, mortgages, air rights, easement and right of access.

**REGIONAL COUNCIL-** the leadership of a group of parishes within the Diocese so arranged for purposes of administration as well as mutual assistance and ministry.

**REGIONAL DEAN-** a priest, who is elected by the clergy of the deanery and confirmed by the Bishop to assist in the management of a deanery.

**REGULATION-** A regulation provides for the methods by which the duties of officers or members of Synod are to be performed.

**RESOLUTION-** A motion which has been adopted.

**RULE-** A rule prescribes some mode of procedure under a canon or by-law.

**RULES OF ORDER-** Rules adopted for the government of the proceedings of a Session of Synod.

**SHARED MINISTRY-** means ministry conducted across multiple parishes within a geographic area, so designated by the Bishop, solely for the purpose of sharing the services of a cleric but with the potential of evolving into an area ministry over time.

**STANDING ORDER-** One (1) that holds from year to year until withdrawn or altered by the Synod.

**STIPEND-** An amount of money paid to clergy for the performance of assigned duties but does not include honoraria received;

**TERRITORIAL ARCHDEACON-**An archdeacon appointed by the Bishop to provide administrative and ministry support to parishes within a geographic area in the Diocese;

**VESTRY-**members of one or more congregations attending the same church and who are entitled to attend and vote at an annual meeting or other meetings of the congregations.

**WARDEN or CHURCHWARDENS -** the primary leaders of a parish responsible for parish administration (Canon 14).

## 2. Notices of Motion at Synod

1. Notices of motion for Synod shall be delivered to the Secretary of Synod at any time. Such notices shall be placed upon the agenda of the next meeting of the Diocesan Synod Council.
2. The Diocesan Synod Council shall cause such notices to be printed verbatim in the Convening Circular or any additional or Supplementary Convening Circular with or without expressing any opinion or making any recommendation.
3. Any notices of motion received by the Secretary of Synod after the last regular meeting of the Diocesan Synod Council held at least thirty-five (35) days prior to any sitting of Synod shall be referred to the Synod Planning Committee. The Synod Planning Committee shall consider such notices and report its recommendations to Synod. Such notices shall be placed on the agenda only with the consent of the majority of the Synod present and voting.
4. Each notice of motion for the enactment, amendment, or repeal of any part or provision of the Constitution or of any Canon, Policy, By-law or Rule of Order, shall be in writing and shall set out in full the part or provision affected and the proposed enactment or amendment.
5. A motion to enact, amend, or repeal a part or provision of the Constitution or of any Canon, Policy, By-law, or Rule of Order, shall become effective upon:

- a. Having been recommended for adoption by the Diocesan Synod Council; and
  - b. Receiving the approval of not less than sixty-six percent (66%) of the members of Synod present and voting at the session at which it is considered; and
  - c. Receiving the assent of the Bishop.
6. A motion to enact, amend, or repeal a part or provision of the Constitution or of any Canon, Policy, By-law, or Rule of Order, which shall not have been recommended for adoption by the Diocesan Synod Council, shall nevertheless become effective upon:
- a. Receiving the approval of not less than sixty-six percent (66%) of the members of Synod present and voting at two (2) successive Regular Sessions of Synod; and
  - b. Receiving the assent of the Bishop following the second of such approvals.
7. A motion to enact, amend, or repeal a part or provision of the Constitution or of any Canon, Policy, By-law, or Rule of Order, which shall have been recommended by the Diocesan Synod Council, but which shall not have received the requisite approval referred to in clause 5 (b) hereof, shall nevertheless become effective upon:
- a. Receiving the approval of not less than fifty-one percent (51%) of the members of Synod present and voting at two (2) successive Regular Sessions of Synod; and
  - b. Receiving the assent of the Bishop following the second of such approvals.
8. Any motion to suspend a part or provision of the Constitution or of any Canon, Policy, By-law, or Rule of Order, if passed, shall only be effective until the next Session of Synod, and such part or provision shall then become effective upon:
- a. Having been recommended for adoption by the Diocesan Synod Council; and
  - b. Receiving the approval of not less than sixty-six percent (66%) of the members of Synod present and voting at the session at which it is considered, and
  - c. Receiving the assent of the Bishop.
9. Notices of motion dealing with expenditures which will result in an increase in the Diocesan Budget must contain an explanation setting out how any additional funding or reallocation of funding is to be achieved and must be submitted to the Diocesan Synod Council for its opinion prior to being presented to and dealt with by the Synod.

### 3. Policies

1. Any committee having charge of the administration of any Canon or fund of the Synod, may make, and from time to time alter and amend any policies passed by the committee for its internal management; provided always that such policies are not inconsistent with any Canon, policy, or rule of order of Synod or Diocesan Synod Council then in force.



2. Any policy or amendment thereof, made from time to time by such committee, shall remain in force until the next meeting of Diocesan Synod Council or session of Synod; but if not then confirmed by the Synod, shall be of no further force, and if re-enacted by the committee shall not be put into force until authorized by the Synod.

#### **4. Memorials and Petitions**

1. Memorials and petitions shall be dated and shall be signed by the persons presenting the same, and shall be in the following form:

"To the Right Reverend the Bishop, the Reverends, the Clergy, and the Lay Members of the Diocese of Ontario, in Synod assembled: The Petition (or Memorial), of (description) Humble sheweth, etc."

## CANON 2

# DIOCESAN SYNOD COUNCIL

### 1. Purpose

The Diocesan Synod Council shall exercise generally the executive powers of the Synod between sessions of the same, except those of a legislative character.

### 2. Members

The membership of the Diocesan Synod Council shall consist of:

A. The following ex officio members:

- i. the Bishop and any elected Coadjutor or Suffragan Bishop;
- ii. the Chancellor, or in the absence of the Chancellor, the Vice-Chancellor;
- iii. the Diocesan Executive Officer;
- iv. the Diocesan Financial Officer;
- v. the Archdeacon of Ministry and Program;
- vi. the Dean of Ontario;
- vii. the Honorary Clerical Secretary;
- viii. the Honorary Lay Secretary.

B. The following elected and appointed members:

- i. twelve members elected in accordance with the Constitution and the Canons;
- ii. up to six (6) members appointed by the Bishop;
- iii. The elected members shall hold office from the conclusion of the meeting of Synod at which they were elected until the conclusion of the next Regular Session of Synod.
- iv. The appointed members shall retain their office until the conclusion of the next Regular Session of Synod or until such time as the Bishop's appointments have been made thereafter.
- v. Elected and appointed members may serve two (2) consecutive terms on Diocesan Synod Council but may only be considered eligible for election or appointment again once they have not been a member thereof for two (2) years.
- vi. In the event of the unwillingness to continue serving or the resignation or death of an appointed member before their term expires, the Bishop shall appoint a replacement to complete that member's term of office. In the event of the unwillingness to continue serving or the resignation or death of an elected member, Diocesan Synod Council may elect a replacement from the same Deanery, at its first meeting following such vacancy, to complete that member's term of office.
- vii. Any member of Diocesan Synod Council declared to be mentally incapable to manage their property or personal care by an Ontario Superior Court shall be deemed to have resigned. Should any member elected from a Deanery, relocate outside that Deanery and cease to habitually attend his or her parish in such Deanery or should an elected member

- who was elected as a Lay Representative to Synod cease to be a Lay Representative, he or she shall be deemed to have resigned.
- viii. A member of Diocesan Synod Council who is not present at two (2) consecutive meetings, without a satisfactory explanation, shall be deemed to have resigned.

### 3. Meetings

- a) The Bishop shall be Chair of the Diocesan Synod Council. If the Bishop is absent and has not appointed a Commissary or named a Vice Chair, the Diocesan Synod Council shall elect one.
- b) A quorum for all meetings shall be a majority of members entitled to vote and who are present, excluding ex officio members.
- c) At least six (6) regular meetings shall be held in a year.
- d) A special meeting may be called at any time by the Chair or upon the request of the Diocesan Executive Officer, or upon the request of at least six (6) members.
- e) Notice of such special meeting shall be given by the Diocesan Executive Officer to all members at least seven (7) days prior to the meeting.
- f) At the discretion of the Chair, members may attend using teleconference or video conference facilities in place of a face-to-face meeting.
- g) Where the Chairperson decides that it is in the best interests of the Diocese for a decision to be made by the Diocesan Synod Council between meetings by use of polling, the Chairperson shall instruct the Secretary of Synod to carry out a poll of the Diocesan Synod Council members according to the following requirements:
  - (i) The Secretary of Synod shall attempt to reach all members using all reasonable means available;
  - (ii) At least a quorum of members must vote;
  - (iii) The decision shall be structured so as to require an answer of "yes" or "no";
  - (iv) All members shall be given exactly the same information and be required to respond to exactly the same question;
  - (v) Responses to any questions answered as part of the polling process are to be shared with all members polled and no vote is considered final unless all members voting have been given the same information and been informed of all responses to questions;
  - (vi) The poll shall be recorded by the Secretary of the meeting and the record of the poll received at the next regular meeting of the Diocesan Synod Council.

### 4. Duties and Responsibilities

The Diocesan Synod Council shall:

- a) Exercise the powers conferred on the Synod by any Act of the Legislature of Ontario, except with respect to amending the Constitution and Canons or except in respect to the powers conferred upon the Investment Committee under Canon 28 to administer property described therein.

- b) Provide consultation and assistance to the Bishop in the appointment of the Synod Planning Committee and Nomination Committee(s) as required by the Constitution.
- c) Consider and deal with the matters referred to it by Synod.
- d) Solicit and receive reports and recommendations on policy, programs and finance from the various boards and committees and decide on appropriate action.
- e) Authorize the payment of money under the control of Synod.
- f) Make necessary arrangements for the sessions of Synod; prepare in due form such matters as the Bishop or any member of Synod may desire to bring before Synod; prepare nominations for all elections to be held by ballot in accordance with s. 21 of The Constitution.
- g) Receive notices of motion, memorials, or other matters to be considered by the Synod, and shall have the same printed in the Convening Circular in full, or in part, as it may deem expedient. No notice of motion or other matter to be considered by the Synod shall be printed in the Convening Circular until it has been considered by the Diocesan Synod Council.
- h) Enact and amend regulations or rules where authorized by Canons.
- i) Establish policies and guidelines, subject to ratification by Synod, including, without limitation, policies relating to the governing of the Diocese, the management of physical resources, financial affairs, personnel, remuneration and benefits, training and development, recruitment and education of candidates for ordination, communication systems and service delivery.
- j) Delegate the implementation of policies of the Synod and Diocesan Synod Council to the Diocesan Executive Officer and personnel.
- k) Consult regularly with parishes on such matters as deemed advisable and encourage parishes to communicate matters to Diocesan Synod Council.
- l) Review and approve annual performance objectives for all employed personnel.
- m) Review all reports received from standing and non-standing committees for performance objectives and their mandate annually.
- n) Institute or defend any proceedings in the name of Synod.
- o) Invest all funds of Synod designated for investment and all funds held in trust by Synod, in accordance with the Trustee Act R.S.O. 1990, c.T.23 or any other applicable legislation.
- p) Employ banking services as required and establish a depository for the safe custody of all securities held by Synod.
- q) Request the Diocesan Executive Officer and Diocesan Financial Officer to provide reports of actions taken and financial statements for Diocesan operations since the prior meeting of Diocesan Synod Council.
- r) To appoint members to the Diocesan Finance Committee, the Diocesan Investment Committee and the Diocesan Audit Committee. At least three (3) members of the Audit Committee shall be elected members of Diocesan Synod Council.
- s) For the purposes of carrying out the duties and functions set forth in this Canon, to appoint, elect or, recommend appointments to the Bishop, of members of standing and non-standing committees as provided for in the Canons.

## 5. Suspension of Canon or Canonical Revision

Where it appears to the Diocesan Synod Council to be in the best interests of the Diocese that any Canon should be suspended in any particular case, the Diocesan Synod Council may, by a two-thirds (2/3) vote of the members present, suspend any Canon or provision thereof in a particular case until the next Regular Session of Synod. Where any Canonical provision has been suspended under this section, full reasons for the suspension shall be attached to the minutes and a full explanation shall be given at the next Regular Session of Synod.

## 6. Non-Standing Committees and Task Forces of Diocesan Synod Council

1. Diocesan Synod Council may establish and provide as follows:
  - a) on the recommendation of the Bishop and the Diocesan Executive Officer, establish non-standing committees or task forces;
  - b) make regulations concerning non-standing committees and task forces, their composition, terms of reference and appointment of members and may recognize groups that act in and beyond the Diocese and may establish any terms and policies upon which such groups may act within the Diocese.
  - c) A quorum for the transaction of business shall consist of not less than one-third of the members of any such non-standing committee or task force.
  - d) The first meeting of a non-standing committee or task force, after the members have been elected or appointed, shall be called by the secretary of the committee or task force, or by the Diocesan Executive Officer. At the first meeting of such committee or task force, the members shall elect a chair and may elect a vice chair.
  - e) The Bishop and Diocesan Executive Officer shall be ex-officio members of all non-standing committees and task forces. Other members of diocesan staff may serve as support persons' ex-officio.
  - f) Non-standing committees and task forces shall report to Diocesan Synod Council not less than annually or as often as required by Diocesan Synod Council;
  - g) The activities and terms of reference of all non-standing committees and task forces shall be reviewed annually.
  
2. Pursuant to this Canon, the Diocesan Synod Council establishes the following Non-Standing committees:
  - a) Archives Advisory Committee
  - b) Communications Committee;
  - c) Companion Diocese Committee;
  - d) Green Group;
  - e) Hyanto Ministries Board;
  - f) Lay Readers' Association;
  - g) Primate's World Relief and Development;

- h) Stewardship and Congregational Development Committee;
  - i) Training and Development Committee;
  - j) Vision and Strategy Committee;
  - k) Diocese of Ontario Refugee Support Committee (DOORS);
  - l) Covenant Committee;
  - m) Worship Committee.
3. Where appropriate, the person responsible for appointing committee members shall advertise for volunteers to fill the positions on the Committee. Membership criteria required shall include skills, experience level and time commitment required and term of service.
- a) Every Committee shall elect a chair and secretary on an annual basis.
  - b) Committees shall maintain records of all meetings including any report presented, and the secretary shall ensure that copies of the records are provided to the Diocesan Executive Officer so that a central record is maintained.
  - c) The groups or organizations that are not diocesan committees or task forces and that may act within the diocese, may, at the request of the chair of Diocesan Synod Council, be invited to appear before Diocesan Synod Council to present a report on their activities. Any report received may be presented to Synod at a regular session of Synod.

## 7. Special Emergency Circumstances

Notwithstanding any provision in this Canon, in the event of special emergency circumstances arising which could cause immediate grievous harm to the operations of the Diocese thereby requiring immediate decisions and action, the Diocesan Executive Officer, with the approval of the Bishop and the Chancellor, may exercise temporarily the executive powers granted to Diocesan Synod Council. The Diocesan Executive Officer shall report to Diocesan Synod Council regarding such emergency circumstances at its next scheduled meeting and thereupon such temporary executive powers shall terminate.

## **CANON 3**

### **EXECUTIVE BOARD**

#### **1. Purpose**

There shall be a standing committee of Diocesan Synod Council to be known as the Executive Board, hereinafter called the "Board".

#### **2. Members, Term, and Meetings**

1. The membership of the Board shall consist of:
  - a) The Bishop, who shall be chair of the Board and who may designate another member of the Board to chair a meeting in the absence of the Bishop;
  - b) Two (2) voting members of Diocesan Synod Council elected by Diocesan Synod Council;
  - c) Two (2) members appointed by the Bishop;
  - d) The Diocesan Executive Officer and the Archdeacon of Ministry and Programs, who shall be ex officio members.
2. Elected and appointed members shall hold office for not more than a maximum of two successive one-year terms, following which no re-election or re-appointment of such members may occur before the expiry of a two-year term.
3. The Diocesan Executive Officer, Archdeacon of Ministry and Programs and Diocesan Financial Officer shall provide such assistance and resources as required but shall have no vote.

#### **3. Duties and Responsibilities**

1. The Board shall consider and report and/or make recommendations, as appropriate, to Diocesan Synod Council on such matters as Diocesan Synod Council shall refer to the Board;
2. The Board shall carry out on behalf of Diocesan Synod Council such functions as may be delegated to it by Diocesan Synod Council in accordance with the Constitution and Canons;
3. The Board shall have authority to obtain, or request the Diocesan Executive Officer to obtain on its behalf, such information and specialized advice as the Board determines necessary to carry out its duties and responsibilities; and
4. The Board shall have authority to establish subcommittees and working groups on an ad hoc basis to assist the Board in carrying out its duties and responsibilities.
5. The Board shall have limited power to make special emergency decisions related to real property, personal property and investment matters and requests for capital loans between scheduled meetings of Diocesan Synod Council, but any such decision(s) shall be ratified at the next meeting of Diocesan Synod Council.

## **CANON 4**

# **DIOCESAN COMMON MINISTRY & MISSION**

[HEREIN REFERRED TO AS "CMM"]

### **1. Diocesan Budget**

1. Common Ministry and Mission ("CMM") is the portion of the Diocesan budget to be raised from parishes/congregations.
2. A budget for the ministries and operations of the Diocese shall be prepared annually and the total amount thereof shall be apportioned among all parishes/congregations of the Diocese as herein provided and all apportioned remittances received from parishes/congregations shall be applied in support of the Diocesan budget.
3. The Diocesan budget shall be approved each year by Diocesan Synod Council on the recommendation of the Diocesan Financial Officer, in consultation with the Diocesan Executive Officer, the Executive Board, and the Finance Committee.
4. The apportionment to parishes/vestries shall be in accordance with a formula or calculation established by policies approved by Diocesan Synod Council and ratified by Synod.
5. Each parish or congregation shall be notified by the Diocesan Financial Officer of the amount of CMM apportioned to such parish or congregation not later than the first day of October in each year.
6. The amount apportioned to each parish/congregation shall be due and payable in equal monthly installments as provided in paragraph 2 (below). of this Canon and any outstanding amount owed for the year shall be due and payable in full on or before December 31 in each year. Any unpaid balance of CMM that remains unpaid after December 31 each year shall bear interest at a rate prescribed by Diocesan Synod Council established annually.
7. In this Canon, year means the calendar year.

### **2. CMM**

1. Common Mission and Ministry is an obligation of the parish to the Diocese and shall be paid in twelve (12) equal monthly installments, which shall be due and payable on the 20th day of each month in each year. CMM is the income required to meet the requirements of the Diocesan budget and, notwithstanding anything contained herein to the contrary, imposes an obligation upon each parish or mission to pay, in advance on the 20th day of each month, the estimated amount allocated to the parish or mission for such purposes in twelve equal monthly installments. Once the actual monthly CMM is calculated and an invoice issued by the Diocesan Financial Officer, any balance due or any overpayment made shall be due and payable or credited respectively effective on the last day of each month. Payments received from parishes or



churches shall be applied, firstly, to the payment of all payroll costs made on behalf of parishes and the balance shall be applied against the CMM responsibility.

2. Should a parish be of the opinion that the apportioned amount is inequitable, having regard to its financial condition, it shall have the right of appeal to the Diocesan Synod Council. Such appeal shall be in writing and addressed to the Diocesan Financial Officer setting out the reason and submitting a proposed figure. Appeals are to be made no later than the 31st day of December in each year. Appeals shall be referred to the Diocesan Finance Committee through the Diocesan Financial Officer for consideration and recommendation to Diocesan Synod Council. After all appeals have been considered by the Diocesan Synod Council, the Diocesan Financial Officer shall notify the parish concerned as to the revised CMM, if any, as determined by the Diocesan Synod Council.
3. Diocesan Synod Council shall establish and maintain, from time to time, a policy for the enforcement of collection of arrears of CMM in the event of default in payment.
4. Diocesan Synod Council may, in its discretion, forgive all or any part of the arrears of CMM, including any interest accrued thereon.
5. If the Incumbent or any officers of the parish or mission have obstructed any investigation into the causes of the default in the payment of CMM or refused to cooperate in any measure recommended to resolve the default, the Bishop may remove the Incumbent or the churchwarden(s) or any other officer from the incumbency or office.
6. The person whose removal is under consideration may request that any report arising from an investigation be treated as a complaint under the discipline Canon No.19 and in that case, the provisions of that Canon shall apply.
7. If the Incumbent is removed, the incumbency shall be deemed vacant and shall be filled in accordance with Canon No. 9. If a churchwarden or another officer is removed, the Incumbent or, in the absence of the Incumbent, the priest -in- charge, in consultation with the Territorial Archdeacon and the Archdeacon of Ministry and Programs may appoint a Rector's churchwarden to fulfill the term of the removed Rector's churchwarden or, in the case of removal of the Peoples' churchwarden, arrange for a special meeting of the vestry to elect a successor.
8. Diocesan Synod Council may establish policies and make rules and regulations as necessary to fulfill the financial requirements contained in the approved Diocesan Budget from time to time.
9. In the event of default or deemed default in payment of any parish financial responsibility, the provisions of Canon 12 shall apply.

## **CANON 5**

### **TRUSTS AND PROPERTY COMMITTEE**

There shall be a standing committee of the Diocesan Synod Council to be known as the Trusts and Property Committee hereinafter called the "Committee".

#### **1. Members**

1. The membership of the Committee shall consist of:
  - a) The Chancellor or in the absence of the Chancellor, the Vice-Chancellor;
  - b) The Diocesan Executive Officer;
  - c) The Diocesan Financial Officer;
  - d) Up to six (6) members elected from Diocesan Synod Council.
2. Elected members shall hold office for not more than a maximum of two successive two-year terms, following which no such appointment may be made for one two-year term.

#### **2. Duties and Responsibilities**

The duties of the Committee shall be:

- a) To consider and report on devises, bequests, gifts or grants for church purposes to be held by the Synod in trust;
- b) To consider, report and make recommendations on offers to purchase, sell, license, lease or mortgage church property which may incur any financial obligation not expected to be liquidated within one year;
- c) To consider, report and make recommendations on plans and applications for the building of or structural alterations to church property;
- d) To consider and report on any other matters referred to it by the Diocesan Synod Council;
- e) To provide assistance to the Diocesan Executive Officer in making recommendations to Diocesan Synod Council on property matters; and
- f) To provide advice and recommendations on any other matters referred by Diocesan Synod Council.

# **CANON 6**

## **ACQUISITION, DISPOSITION AND/OR ALTERATION OF REAL PROPERTY AND OTHER PROPERTY AND RELATED RIGHTS**

### **1. All Real Property Held For The Diocese**

All real property in the Diocese is held for the Diocese irrespective of the name of the registered owner.

### **2. Acquisition Of Real Property**

No church, rectory, or other building shall be erected, purchased, leased or otherwise acquired, or have structural alterations made thereto or be removed from one locality to another without the written consent of the Bishop and the Diocesan Synod Council.

### **3. Disposition of Real Property and Proceeds of Sale**

- a) No real property shall be sold, licensed, leased or mortgaged or otherwise encumbered without the written consent of the Bishop and the Diocesan Synod Council. No real property shall be licensed or leased for exclusive use of the licensee or lessee for a term of more than twelve (12) months without the approval of the Executive Board.
- b) The proceeds of the sale of any real property shall be paid to the Synod in accordance with applicable law. In the event that a mortgage is acquired in connection with any such sale, the terms of such mortgage shall be pre-approved by Diocesan Synod Council and registered in the name of the Synod.
- c) From the net proceeds of the sale of real property within a parish, provision shall be made to cover all current and anticipated future parish financial obligations including, but without limitation, the cost to maintain cemeteries.
- d) The Diocesan share from the disposition or the sale of any of the above shall be deposited to the Ministry Allocation Fund. The Diocesan Synod Council shall have the responsibility for this Fund and shall prescribe policy from time to time under which it is administered on behalf of the Synod.

### **4. Disposition of Property**

Unless otherwise determined by Diocesan Synod Council, no Property shall be sold, transferred or otherwise disposed of and shall be retained by the Diocese in the event of the disestablishment of a parish vestry and such property shall be applied as Diocesan Synod Council determines in accordance with policy. If property is ultimately sold, the proceeds of sale/disposition shall be deposited into the Ministry Allocation Fund.

### **5. Loans**

No parish shall incur any financial obligation not expected to be liquidated within one (1) year without the written consent of the Bishop and the Diocesan Synod Council.

## **6. Consent of the Diocesan Synod Council**

The consent hereinbefore referred to, of the Diocesan Synod Council, shall be approved by resolution.

## **7. Vestry Resolutions**

All applications submitted for the approval of the Diocesan Synod Council shall be accompanied by a copy of the resolution of the vestry of the applicant parish or mission, certified by the Vestry Clerk.

## **8. Alterations/Repairs**

The Churchwardens shall be responsible for overseeing any alterations or repairs to the church, rectory, and other parochial buildings. Alterations or repairs necessitating a building permit or other permits require Diocesan Synod Council approval or compliance with Diocesan policy. In the event that a church or other parochial property is designated as a heritage property under the Municipal Heritage Act (Ontario), the churchwardens of the parish shall immediately notify the Diocesan Executive Officer who shall take such action as deemed advisable.

## **9. Memorials, Chattels and Fixtures**

No memorial, chattel, fixture or other property donated to, owned by or acquired by a parish church or mission shall be sold, transferred or otherwise disposed of, or removed from any church, rectory or other parochial building contrary to any policy established by Diocesan Synod Council, without the consent of the Bishop. In the event of the disestablishment of a parish church or mission, all property, as described in this Canon, shall be retained by the Diocese and shall be dealt with as Diocesan Synod Council determines.

## **10. Procedure**

The procedures to be followed in this Canon shall be as prescribed under policies established by Diocesan Synod Council.

# CANON 7

## SETTLEMENT OF DIFFERENCES

### 1. Purpose of Canon

When the Bishop is of the opinion that differences exist between the Incumbent or Priest-in-Charge of a parish and the parishioners of that parish and are sufficiently serious to justify investigation, or if an investigation is requested by the Bishop, a Suffragan Bishop, the Territorial Archdeacon, or the Regional Dean within whose territorial jurisdiction the parish is located, or by the Incumbent, or if for any other reason the Bishop considers it necessary to have an investigation, the Bishop may refer the matter to the Bishop's Advisory Committee to investigate and recommend remedial measures and, if possible, to effect an amicable settlement.

### 2. Report

The Bishop's Advisory Committee shall submit a report to the Bishop not later than one month after the date of the referral to it.

### 3. Commission

If the Bishop's Advisory Committee fails to affect an amicable settlement, and if for reasons given in its report, or for other reasons, the Bishop considers that it is in the interests of the Church to do so, the Bishop may issue a commission to two senior clergy and two lay members, one of whom shall be a member of Synod and one of whom shall be the Chancellor of the Diocese, or some other member of the Synod being a member of the bar of the Province of Ontario of at least 10 years standing, who shall be Chairperson of the Commission.

- a) The Commission so appointed shall be empowered to examine witnesses and to inquire into all circumstances relating to the said differences.
- b) As soon after the issue of the Commission as may be convenient, the Commissioners shall notify the said Incumbent, the churchwardens and lay members of Synod of the parish in question, and any petitioners for the investigation, of the time and place at which they will hold hearings.

### 4. Proceedings of Commission

The proceedings by and before the Commission shall provide an opportunity to the Incumbent, the churchwardens, the petitioners and the parishioners to make such representations as the Commission deems relevant and appropriate.

### 5. Inhibition

If, at any time after the issuing of the Commission, it shall appear to the Commission that scandal is likely to arise from the Incumbent continuing to perform the services of the Church while the differences are being investigated, the Commission may recommend to the Bishop that the Incumbent be inhibited from performing any services of the Church during the investigation. Following such recommendation, the Bishop may cause a notice to be served on the Incumbent inhibiting the

Incumbent from performing any services for the Church during the investigation, or until the Bishop shall withdraw the inhibition. During such inhibition, the Bishop may appoint another cleric to supply in the place of the inhibited cleric. Unless otherwise determined by the Bishop, the Incumbent shall be entitled to continue receiving the clergy stipend, benefits, and housing allowance until a final a determination is made under this Canon.

## **6. Report**

The Commissioners, or a majority of them, shall report their findings to the Bishop of the Diocese with all convenient speed and may recommend what action they deem advisable to be taken in the circumstances.

## **7. Action**

The Bishop shall take such action upon the report as may seem to the Bishop desirable and appropriate in the circumstances and the Bishop may affect an exchange between the said Incumbent and the Incumbent of another parish or remove or suspend such Incumbent from that Incumbent's benefice. The Bishop may suspend or remove any person/congregant from any office or remove any privilege or right that the person/congregant may have in the parish.

## **8. Failure to Comply with Notice of Inhibition**

Any Incumbent neglecting or refusing to comply with a notice under Section 5 of this canon or neglecting or refusing to obey an order made under Section 7 of this Canon, shall not be entitled to vote at Synod during such inhibition and shall be liable to the provisions of Canon 19 or 20 and subject to the penalties set out therein.

## **9. Report to Diocesan Synod Council**

The Bishop shall make such report on the matter to the Diocesan Synod Council as the Bishop shall deem expedient.

## **10. Expenses**

All necessary expenses incurred by the Commission shall be paid by the Diocesan Synod Council.

## **CANON 8 INCUMBENT**

**NOTE: All Incumbents and Priests-in-Charge serve by appointment of and at the pleasure of the Bishop. (See Statutes of Upper Canada, Chapter 86, 1862)**

### **1. Services of Worship**

The Incumbent or, where applicable, the priest-in-charge of a parish, shall have full charge of and be responsible for all aspects of the services of worship and for fulfilling the duties of the Incumbent under this Canon.

### **2. Vestry**

The Incumbent, when present, shall be chair ex-officio of the Annual or Special Meetings of Vestry.

### **3. Annual Vestry Meeting**

The Incumbent shall summon the annual vestry meeting of each congregation in the parish and may call special vestry meetings whenever the Incumbent thinks it necessary. It shall be the duty of the Incumbent to call a special vestry meeting when requested in writing to do so by the Churchwardens or by at least six (6) members of such vestry.

### **4. Annual Report**

The Incumbent shall present a report to the annual meeting of the vestry or vestries on the state of the church in the parish, and such other matters as the Incumbent considers advisable.

### **5. Where Joint Responsibility with Churchwardens**

The Incumbent and the Churchwardens shall act jointly in matters concerning the use of the church buildings and grounds and neither shall act without the approval of the other.

### **6. Differences Between Incumbent and Churchwardens**

In the case of difference of opinion between the Incumbent and the Churchwardens regarding their respective powers and duties, the matter under dispute shall be referred initially, to the Diocesan Executive Officer who shall consult with the Territorial Archdeacon for the purpose of effecting a resolution, and failing which, the factual circumstances shall be reported by them and the issue referred to the Bishop's Advisory Committee who shall review the report aforesaid and make recommendations to the Bishop, whose decision in such a matter shall be final.

### **7. Statistical Returns**

The Incumbent and Churchwardens shall co-operate jointly to complete and forward to the office of the Synod:

1. The certificate of election of lay members of Synod and the names and addresses of the Churchwardens for the current year. These shall be completed and forwarded to the office of the Synod within ten days after the annual meeting of the vestry.
2. Statistical returns as required by Synod regarding the congregation or congregations, the services of the Church, the Sunday School and other organizations. These shall be completed and forwarded to the office of the Synod for receipt no later than the fifteenth day of March in each year.

## **8. Organizations**

The Incumbent shall be primarily responsible for the work of religious education in the parish or missionary area, for its initiation, character, organization, and control, and the superintendent of the Sunday School and all other staff shall act under the Incumbent's direction. The Incumbent shall also have supervision of all organizations having as their purpose the care or adornment of the sanctuary, the chancel, or other portions of the church building; also of organizations for devotional, social or athletic purposes, carried on in the name of the Church or upon its property. (For other organizations see Canon 13, Vestries).

## **9. Special Appeals**

The Incumbent shall place before the congregation or congregations the special appeals for contributions ordered by Synod or Diocesan Synod Council.

## **10. Cooperation With Synod**

The Incumbent shall co-operate with the Synod, the Diocesan Synod Council, and churchwardens in communicating all activities.

## **11. Failure to Comply with Section 7**

By failure to comply with one or more of the provisions of sections 7 above, the Incumbent and Lay Delegates to Synod for that Vestry shall forfeit any right to a vote in a session or sessions of Synod and to election or appointment as a member of any committee of the Synod for that year.

## **12. Parish Records**

The Incumbent shall keep proper current records in books prescribed by law or by the Diocesan Synod Council and provided by the Churchwardens, of all services of Holy Communion, and of Morning and Evening Prayer, and shall keep an accurate record of baptisms, confirmations, marriages, and burials. Such records shall be kept in accordance with Canon 37.

## **13. Priest-in-Charge**

A Priest-in-Charge of a Parish shall exercise the functions of an Incumbent during such appointment.



# **CANON 9**

## **CLERICAL APPOINTMENTS, EXCHANGES, RETIREMENTS AND TERMINATIONS**

### **1. Clerical Appointments**

All clerical appointments within the Diocese are made by the Bishop, as provided in accordance with the Act and the Constitution.

### **2. Clerical Vacancies**

#### **a) Filling a Vacancy in a Parish Incumbency**

When a vacancy occurs in a parish incumbency, the Bishop will decide whether or not to fill the vacancy. In the event that the Bishop decides to fill the vacancy, he/she may do so as follows:

- i. The Bishop may begin to fill the vacant incumbency immediately by asking the Churchwardens to form a Parish Advisory Committee (PAC), as set out below; or
- ii. The Bishop may appoint an interim priest in charge for such period as the Bishop considers appropriate, following which the Bishop will ask the Churchwardens to form a PAC, as set out below to begin to fill the incumbency; or
- iii. The Bishop may, with the concurrence of the Churchwardens, appoint a priest in charge for a definite term on the understanding that, at the conclusion of the definite term and with the concurrence of the Churchwardens and the Bishop, the cleric's appointment as parish incumbent will become indefinite.

#### **Interim Appointment**

The Bishop, in consultation with the Bishop's Advisory Committee, may appoint an interim priest in charge or a priest in charge for such period and on such conditions as the Bishop considers appropriate.

#### **Parish Financial Resources**

Before the Bishop makes an appointment to a parish, the parish shall provide evidence satisfactory to the Bishop that the parish has sufficient financial resources to be able to provide the necessary remuneration for the cleric, in addition to meeting its other financial obligations.

### **3. Parish Advisory Committee ("PAC")**

#### **a) Formation of PAC**

If the Bishop has decided to fill the vacancy, he/she will ask the Churchwardens to form a PAC in accordance with section 2(a)(i) or (ii).

#### **b) Composition of PAC**

The PAC shall consist of the Churchwardens (and in the case of multi-point parishes, one churchwarden from each vestry) and such other members, not fewer than four (4) (or, in the case of multi-point parishes more than six (6) to a maximum of eight (8)), to be determined by the

Churchwardens and to be elected by Vestry (or in the case of multi-point parishes, by the Parish Advisory Council). The composition of the PAC should attempt to reflect the diverse communities within the parish.

**c) Election of Chair of PAC**

The members of the PAC shall elect a chair from among their number.

**d) Function of PAC**

The function of the PAC is to provide advice to the Bishop on the appointment of a cleric to fill the vacancy. All deliberations of the PAC shall be held in camera and are strictly confidential and not to be communicated to any person(s) not a member of the PAC.

**e) Vacancy on PAC**

If a vacancy occurs on the PAC, the Bishop shall, after conferring with the churchwardens, appoint a new member of the PAC.

**f) Conferring with PAC**

The Bishop will confer with the PAC before making the appointment of a new incumbent under section 2 (a)(i) or (ii).

**g) Time for Appointment**

If a cleric has not been appointed to fill a vacancy in a parish incumbency within nine (9) months after the formation of the PAC and after the Bishop has conferred with the PAC, the Bishop may proceed to make the appointment.

## **4. Appointment of Assisting Clergy**

1. "Assisting Clergy" includes, but is not restricted to, Assistant Curates, Assistant Priests, Associate Priests, and Deacons;
2. The appointment of assisting clergy shall be made by the Bishop after consultation with the Incumbent, any new Incumbent, the Territorial Archdeacon and the Churchwardens;
3. Subject to subsection (f), the appointment of assisting clergy shall be for a definite term. However, the term may be renewed upon the agreement of the Bishop and the Incumbent, after consultation with the Churchwardens;
4. The terms and conditions of the appointment of assisting clergy shall include guidelines regarding expectations and responsibilities of the assisting clergy, the Incumbent and the parish, which shall have been previously agreed to by the Bishop, the assisting clergy, the incumbent and the churchwardens;
5. Before any appointment is made, the Bishop shall be satisfied that the vestry has made provisions for whatever part of the remuneration and benefits is to be paid by the parish;
6. After the death, resignation or removal of the incumbent, any assisting clergy shall be deemed to have tendered their resignation to the Bishop and may, with the consent of the Bishop, be re-appointed by the new Incumbent after confidential consultation with the Bishop and the churchwardens.
7. Where the Bishop, after consultations with the Churchwardens, deems it advantageous to the life of the parish, the Bishop may defer the submission of one or more resignations under

subsection (f) to a date to be specified by the Bishop, to allow for the discussion of the possibility of a re-appointment under subsections (c) or (d) of this Canon.

## 5. Appointment of Honorary Assisting Clergy

- a) Clergy appointed to a parish, other than an assisting clergy, shall be honorary assisting clergy and their appointment shall be made by the Bishop after consultation with the Incumbent, the Churchwardens, and the Territorial Archdeacon. The appointment of honorary assisting clergy shall be at the pleasure of the Bishop.
- b) After the death, resignation or removal of the Incumbent, the honorary assisting clergy shall be deemed to have tendered their resignation to the Bishop.

## 6. Clerical Resignations

- a) Any cleric may resign, personally or by their attorney, by giving written notice to the Bishop. The Bishop may accept the written resignation of such cleric under the Bishop's jurisdiction. If the Bishop declines to accept such resignation, the applicant may demand a Commission of three, consisting of a cleric of the Diocese appointed by the Bishop, a cleric of the Diocese named by the applicant, and a lay member of the Synod, not a representative of such parish, named by the other two members of the Commission. If this Commission, within one (1) month of its appointment, unanimously recommends the acceptance of such resignation, the Bishop shall comply therewith.
- b) Any cleric declared to be mentally incapable to manage their property or personal care by an Ontario Superior Court shall be deemed to have resigned.

## 7. Termination of Clerical Appointments

Clerical appointments may be terminated as follows:

- a) Retirement or resignation of the cleric under this Canon;
- b) Withdrawal of the Cleric's License or appointment by the Bishop as a matter of discipline under Canons 19 or 20;
- c) Termination in accordance with the terms of the appointment;
- d) Non-disciplinary termination of appointment in accordance with Section 8 of this Canon.

## 8. Non-Disciplinary Termination of Appointment

### a) Termination by the Bishop in writing

The Bishop may terminate the appointment of a cleric, whether incumbent or assisting clergy, at any time, in accordance with the Act and the provisions of this section, upon notice to the cleric in writing;

### b) Preliminary steps required of Bishop

When the Bishop considers that there are circumstances within a parish which may require the termination of an appointment, the Bishop may first consult with the Bishop's Advisory Committee to consider the circumstances and concerns. The Bishop will then meet with the cleric and, where appropriate, with the churchwardens and other members of the parish:

- i. To review the particular circumstances with the parish;
- ii. To advise the cleric and lay members of the parish of his/her concerns;
- iii. To consider the views of the cleric and lay members of the parish;
- iv. To consider possible alternatives to the termination of the appointment including other appointments within the Diocese, a leave of absence, further education or professional development;
- v. To provide, financial, pastoral, vocational, or other assistance to the cleric or parish as may be appropriate; and
- vi. To review the procedure for the termination of clerical appointments, including the responsibilities of the Bishop and the Bishop's Advisory Committee.

**c) Provision of Reasonable Notice of Termination or Remuneration in Lieu**

In the event that the Bishop decides to terminate a clerical appointment and is not in a position to provide a further appointment to the cleric, the Bishop will, as soon as possible, provide the cleric with reasonable notice, in writing, of the termination of the appointment, or, alternatively, remuneration and benefits in lieu of notice.

**d) Provision for Payments upon Termination of Appointment**

Upon the non-disciplinary termination of a cleric's appointment at a parish/vestry, the Bishop may require that the parish/vestry pay, in full, all arrears of the stipend, expense reimbursements and allowances (including moving expenses) described in this Canon before another member of the clergy is appointed to the parish.

**e) A Cleric in Good Standing**

The termination of an appointment under this Canon does not affect the good standing of the cleric within the Diocese.

## 9. Education, Training and Professional Development

Where an appointment is terminated under section 8, the Bishop may consider it appropriate for the cleric to engage in further formal education, retraining or professional development for a period of time prior to, or as a condition of a further clerical appointment. In such an event, the Bishop and the cleric will attempt to reach a mutually satisfactory agreement governing the terms and conditions of such an arrangement.

## 10. Leave of Absence

- a) No cleric shall be continuously absent from the charge or duties to which such cleric is appointed for longer than one month in any one year unless leave of absence in writing from the Bishop has been obtained.
- b) No leave of absence shall be granted for longer than two years, but leaves may be renewed by the Bishop on written application of the cleric seeking such leave.

## 11. Armed Forces, Institutional or Government Service

Notwithstanding the provisions of the two preceding sections, a cleric serving in The Canadian Armed Forces or acting in the capacity as a Chaplain therein or in the service of an Institution such as a correctional service, a hospital or in the Provincial Government or the Government of Canada, may be granted leave of absence by the Bishop from such cleric's charge or duties or from the Diocese for a period not exceeding two years, but such leave may be extended by the Bishop from time to time.

## 12. Removal from the Diocese and Letters Dimissory

- a) Any priest or deacon under the jurisdiction of the Bishop of the Diocese, who desires to move from the Diocese, shall apply to the Bishop for Letters Dimissory.
- b) If the applicant is of good standing in the Diocese, the Bishop shall grant the said application, but in case of refusal, the Bishop shall state the reasons for such refusal in writing and such reasons shall be delivered to the applicant.
- c) The applicant may demand that the Bishop refer the said reasons to the Diocesan Court of Arbitration (DCA) for determination of sufficiency, and the applicant will be bound by the findings of the Court after a trial in accordance with the Canon of the said Court.

## 13. Exchange

In the event of the Bishop deeming it expedient that an exchange of Incumbents of any two parishes should be made, or in the event of any two Incumbents notifying the Bishop of their desire to affect an exchange, the Bishop shall confer with the said Incumbents. If the exchange is agreed upon, the Bishop shall confer separately with the Churchwardens and with the Lay Members of Synod who represent and are members of the vestry or vestries of the respective parishes, and if the consent of each of these groups is given to the exchange, the Bishop may proceed to carry it into effect.

## 14. Vocational Deacons

This Canon has no application to Vocational Deacons.

# **CANON 10**

## **CLERICAL STIPEND AND EXPENSE REIMBURSEMENT**

### **1. Stipend Amount**

When a cleric is appointed, the Diocesan Executive Officer, in consultation with the Churchwardens, shall determine the stipend in accordance with the stipend scale (the "Grid") to be paid to the cleric. The stipend, housing allowance, and other benefits shall be included in the Letter of Appointment. Thereafter, the Churchwardens shall meet annually with the cleric to determine changes to the stipend in accordance with the approved Grid. The parish is responsible for the total cost of the clerical remuneration package including stipend, housing, and benefits unless otherwise specified.

### **2. Honoraria**

Honoraria received by the cleric shall not be considered part of the stipend.

### **3. Reduction of Stipend**

Except with the written consent of the Bishop and the cleric, there shall be no reduction of stipend.

### **4. Minimum Stipend, Travel Expense Reimbursement and Sunday Supply Rates**

The Diocesan Synod Council on behalf of Synod shall determine annually the minimum stipend scale on the Grid, the mileage expense reimbursement and minimum Sunday Supply Rates to be paid to each cleric and shall so advise the Churchwardens.

### **5. Living Accommodation and Allowances**

In addition to stipend and mileage expense reimbursement, the parish shall:

- a) Supply living accommodation and pay reasonable costs; or,
- b) Pay a reasonable housing allowance, which reflects the cost of a three- or four-bedroom house with garage, including utilities and is consistent with the approved Diocesan Remuneration Annual Guidelines.

### **6. Moving Expense**

When a cleric assumes a new appointment within the Diocese, the parish/vestry to which the cleric is newly appointed shall be responsible for the costs associated with the move, however, a contribution to the moving costs up to an amount, to be determined annually by the Diocesan Synod Council, will be a charge on the Diocesan Budget.

# CANON 11

## LAY READERS

### 1. Order

The order of Lay Readers shall be comprised of qualified lay persons licensed by the Bishop.

### 2. Qualifications

1. A Lay Reader shall be a member in full communion of the Anglican Church of Canada, as defined in Canon 1, of at least one year's standing, being a regular Communicant and of the full age of 18 years and not in Holy Orders.
2. No one shall be presented to the Bishop to be licensed as a Lay Reader unless recommended by the Incumbent and Churchwardens with the concurrence of the parish/vestry council.
3. Before new Lay Readers are licensed by the Bishop, they shall have completed a course of study approved by the Incumbent and the Bishop and served a one-year probationary period during which time the candidate may perform the duties of a licensed Lay Reader under the guidance of the Incumbent.

### 3. Licenses and Admission

1. Lay Readers serve at the pleasure of the Bishop and under the direction of the Incumbent or Priest-in-Charge.
2. A Lay Reader shall be admitted to the Order by the Bishop, or some other cleric appointed by the Bishop.
3. There shall be a Lay Readers Association of which all Lay Readers and probationary Lay Readers shall be members and the Bishop shall be a patron. There shall be a warden and deputy warden of the Lay Readers Association appointed by the Bishop, who shall hold office at the pleasure of the Bishop. The Lay Readers Association shall appoint its own officers and executive committee as laid out in the by-laws of the Association.
4. Upon the death, resignation, or removal of the Incumbent of a parish, the license of any Lay Reader serving in such parish shall be deemed to continue with the Priest-in-Charge until the appointment of the Incumbent's successor and may, with the consent of the Bishop and the new Incumbent, be re-appointed to the parish.
5. If a Lay Reader wishes to resign the office, he or she does so in writing to the Bishop.

### 4. Duties

1. The duties of the Lay Reader at the invitation of the Incumbent shall be to officiate at or assist in those parts of Divine Service not requiring a bishop or priest, including the administration of the chalice, and to provide such other duties as may be requested.

2. An additional Episcopal Letter of Permission is required from the Bishop for any other lay person assisting the Incumbent with the administration of the Eucharist.
3. Lay Readers shall perform their duties and services in the parish of which they are members and may perform such duties elsewhere only with the approval of their own Incumbent.
4. A Lay Reader shall participate in continuing programs, prescribed by the Bishop and the warden or deputy warden of the Lay Readers Association from time to time, for his or her training and education in the faith.
5. Lay Readers may be appointed by the Bishop to have pastoral and administrative responsibilities in parishes without an Incumbent, such ministry to be under the supervision of the Bishop or the Bishop's designate.

## **5. Remuneration**

Remuneration and travel expense reimbursement for Lay Readers shall be set by Diocesan Synod Council annually and shall be paid by the parish in which the Lay Readers are invited to serve. Except in unusual circumstances, this will not apply to service in the Lay Reader's home parish.



## **CANON 12**

### **PARISHES**

#### **1. Commission of Investigation**

Wherever the word “Commission” is used in this canon it shall denote a Commission appointed by the Bishop, consisting of two (2) clerical and two (2) lay members of Synod, who shall report to the Bishop, in writing. Such report, after approval by the Diocesan Synod Council by resolution, and by the Bishop under the Bishop’s hand and seal, shall be final.

#### **2. Establishment of a New Parish**

1. Whenever the establishment of a new parish is desired by:
  - a) a group of persons, not less than twenty (20) who shall be communicants of the church of the full age of eighteen (18) years, residing in the Diocese, who present a memorial to the Bishop stating their reasons; or
  - b) the Bishop; or
  - c) Bishop’s Advisory Committee, in consultation with the Bishop:

thereupon, the Bishop or his delegate shall convene a meeting of the Diocesan Executive Officer, the Archdeacon of Ministry and Program and two (2) representatives of the Executive Board, and:

- i. in the case of a new parish with proposed geographical boundaries, the Regional Dean, the Chairperson of the Regional Council and the Incumbent and lay representatives of immediately adjoining parishes, or,
    - ii. in the case of a new parish without territorial boundaries, such other clerical and lay representatives as the Bishop deems may be affected by the new parish, to assess the situation and to make recommendations thereon.
2. If the meeting referred to in s. 2(1)(c) recommends the establishment of a new parish, the Bishop shall communicate the recommendation to the Executive Board who shall forward their recommendations to the Bishop. The Bishop, having considered the matter, shall forward the Bishop’s recommendation to the Diocesan Synod Council. If the Diocesan Synod Council approves the establishment of a new parish, the Bishop shall notify in writing the Incumbent or Incumbents and Churchwardens of parishes affected. If no objection to the proposal is raised within one (1) month from the date of such notices, and the Bishop approves of the proposal and is satisfied that the provisions of the Church Temporalities Act (section 17), where the same applies, have been complied with, and that proper and sufficient means have been or will be provided for the maintenance of work in such a parish, the Bishop may proceed to the establishment of the parish.
3. If any of the parishes notified as aforesaid objects to the proposed new parish, the grounds of objection shall be delivered to the Bishop in writing within one month of receiving the Bishop’s notice provided in preceding paragraph 2. (2). The Bishop may thereupon refuse the prayer of the memorial, or the Bishop 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 Diocesan Synod Council. If such report is favourable to the establishment of the parish and is confirmed by the Bishop and Diocesan Synod Council, the Bishop may proceed to the establishment thereof.

### **3. Amalgamation of Parishes**

1. Whenever the Bishop shall consider it advisable to amalgamate or merge two (2) or more existing parishes or congregations, and the Diocesan Synod Council has expressed its approval by resolution, the Bishop shall seek voluntary consent to such amalgamation or merger by a conference with the Incumbent and Churchwardens of such parishes or congregations.
2. If a voluntary agreement cannot be reached, a Commission shall be appointed to consider the objections of those opposed to the amalgamation or merger, and any other matters pertinent thereto, and to report thereon. If such report is in favour of the proposed amalgamation or merger and has been confirmed by the Bishop and the Diocesan Synod Council, the Bishop may proceed to carry it into effect by disestablishing any one (1) or more of the parishes or congregations and by establishing a new parish or parishes or congregations or by allotting the territory to one (1) or more parishes or congregations. If the report of the Commission is unfavourable, further action shall be deferred for a period of not less than one (1) year, from the date of such report.
3. If the parish thus formed consists of more than one (1) 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. Their report, after confirmation, shall be carried into effect, but the matter may be reconsidered at the end of a three-year period if requested by the Churchwardens of any one (1) of the congregations concerned.
4. Where two (2) or more existing parishes or congregations are merged under the provision of this Canon, the proceeds of the sale of surplus real property and personal property shall be placed in the Ministry Allocation Fund. All appointments of clergy or laity of the merged parishes or congregations, including the Incumbents, assistants in ministry, Churchwardens and other lay parish officials, shall terminate as of the date of approval by the Bishop and the Diocesan Synod Council of the merger, but the Bishop may, in the Bishop's discretion, continue any clerical or lay appointments on such terms as the Bishop deems fit, or make other appointments.
5. Subject to the approval of the Bishop and the Diocesan Synod Council, vestries of two (2) or more congregations or parishes may enter into arrangements for their more effective administration, including, but not limited to, the consolidation of financial resources, joint vestry meetings, joint advisory boards, combined services and other cooperative acts.

### **4. Disestablishment of a Parish or Congregation**

1. The Vestry of any parish now or hereafter established may, by a resolution adopted by at least a two-thirds (2/3) majority of those present at a special meeting thereof called for the purpose of

considering the matter, resolve that it is expedient, for reason to be stated in the resolution, that the parish should be disestablished. Upon the said resolution being approved by the Bishop in writing under the Bishop's hand and seal, the Bishop shall thereupon disestablish the parish.

2. If the Bishop deems it advisable that any parish now or hereafter established in the Diocese should be disestablished,
  - a) the Bishop may, with the approval of the Diocesan Synod Council, confer with the Incumbent and Churchwardens of such parish with a view to bringing about, if possible, a voluntary disestablishment under the preceding subsection.
  - b) If voluntary disestablishment cannot be so arranged, the Bishop may appoint a Commission to investigate and report on the advisability, or otherwise, of the proposed disestablishment. If its report recommends disestablishment and is confirmed by the Diocesan Synod Council, the Bishop may thereupon declare in writing that the said parish is disestablished. If, however, the report is unfavourable to disestablishment, no further action shall be taken, and all interested authorities shall be notified to such effect.
3. Before disestablishing a parish or congregation, the Bishop shall require submission of a financial statement of the assets and liabilities of such parish or congregation, to the Bishop and the Diocesan Financial Officer. If the liabilities are found to be greater than the assets, the Bishop shall submit the statement to the Diocesan Synod Council, which shall take such action as it deems necessary under the circumstances.
4. On disestablishment, the register and other books, records and documents of the parish shall be surrendered forthwith to the Registrar of the Diocese.
5. On disestablishment, the capital assets of the parish, of every nature or kind, and the place or places of worship therein shall be conveyed forthwith to and be in the control of the Synod.
6. For purposes of executing any transfer to the Synod of any real property or personal property of any disestablished parish, the Bishop may execute such transfer in place of the Incumbent of such parish, and the Secretary of Synod and the Diocesan Financial Officer may execute such transfer in place of the Churchwardens of such parish.
7. The Churchwardens of such disestablished parish shall continue in office for the purpose of winding-up only and shall, within a period of not more than three (3) months after the declaration of disestablishment has been issued, discharge all current financial liabilities so far as the current assets at their disposal will allow, and shall then hand over to the Synod any balance remaining in their possession, together with an audited statement of receipts and disbursements of the said parish since the end of the last financial year.
8. In the event that the Churchwardens of such disestablished parish fail to transfer assets to the Synod, the Diocesan Synod Council may by resolution remove the Churchwardens of such disestablished parish and appoint others in their place for the purpose of the transfer of assets pursuant to this section.

9. The sale of any assets or property, real or personal, resulting from such disestablishment shall be placed in the Ministry Allocation Fund, apart from the necessary expenses of the disestablished parish or congregation.
10. A Congregation within a parish may be disestablished and the other provisions of this Section 4 of this Canon shall apply, mutatis mutandis, except that the territory and any assets shall be allotted at the discretion of the Bishop, after consultation with the Diocesan Synod Council.
11. With the permission of the Bishop and the Diocesan Synod Council, multi-point parishes may be treated as a single congregation and single vestry for the purposes of the provisions of Canon 12, 13, 14, 15, except that the churchwarden's duties prescribed by Canon 14 shall be undertaken separately for each congregation.

# CANON 13 VESTRIES

## 1. Vestries, How Formed

In all churches or places of worship of the Anglican Church of Canada within the Diocese of Ontario, in which the sittings are free and in which a vestry shall have been organized before this Canon takes effect, such vestry shall consist of all persons who, if required to do so by any other member of the vestry present, are qualified and willing to sign the declaration below, before voting or being elected to any office in the said church, or to membership in the Synod of the Diocese.

### Declaration

"I solemnly declare that I have been a member of the Anglican Church of Canada as defined in Canon 1 and that I have regularly attended scheduled services of worship with this congregation for at least three (3) months and have received the sacrament of Holy Communion at least three (3) times and that I am of the full age of sixteen (16) years and that I have not voted as a member of any other vestry during the previous three (3) months, nor do I intend to vote in any other vestry during the ensuing year".

## 2. Formation of a New Vestry

Whenever a new congregation of the church is organized in the Diocese, the first vestry thereof shall be formed of those members of the congregation who are qualified and willing to subscribe to the following declaration:

"I solemnly declare that I am a member of the Anglican Church of Canada as defined in Canon 1 and have been a member of this congregation, that I am of the full age of sixteen (16) years, that I shall regularly attend scheduled services of worship with this congregation during the ensuing year and that I do not intend to vote as a member of any other vestry during the ensuing year".

## 3. Vestry List

The Incumbent and Churchwardens of the vestry of each church, providing they comply with any legislation enacted by the federal or provincial authorities, shall prepare a list in alphabetical order of all persons who are entitled to vote at meetings of such vestry and upon request, shall post the same in a place in the church where it can easily be seen, not later than one week after the first day of December in each year. The following notice shall be appended to the list:

"The above is a list, prepared in accordance with the Canon on Vestries of the Synod of the Diocese, of persons sixteen years of age and over who have been members of and regular worshippers with this congregation for at least three months prior to the annual meeting of the vestry. Applications to have names added to or removed from the list shall be made in writing to the Incumbent and Churchwardens not later than the fourth Sunday in December.

The persons whose names appear on this list as finally settled shall be members of the vestry and shall be entitled to vote at the elections thereof for the ensuing year."

#### **4. Additional Names**

1. Names of persons who have been members of and regular worshippers with the congregation for a period of not less than three months, and who fulfill the other conditions of membership, may be added to the list, at any time during the year by an application in writing to the Incumbent and Churchwardens. Names may be removed in like manner at any time.
2. Unavoidable absence from worship with the congregation, through illness or absence from home, shall not prevent a person from being listed.

#### **5. Persons Entitled to Vote at Vestry**

Persons sixteen (16) years of age and over, who have been members of and regular worshippers with the congregation for at least three (3) months prior to the meeting of the vestry, who are listed on the Vestry List and who sign the declaration set out in Section 1 and Section 2 of this Canon 13 are entitled to vote. Unavoidable absence from worship with the congregation, through illness or absence from home, shall not prevent a person from being entitled to vote. In order to vote at a meeting of Vestry, a member must be present in person.

#### **6. Disputed Membership of a Vestry**

1. The Incumbent and Churchwardens shall have authority, subject to the right of appeal to the Court on Contested Seats of Synod, to consider and determine all disputes regarding membership of the vestry of a church and entitlement to vote thereat, and the number of members of Synod that the vestry is entitled to elect.
2. If a dispute arises at any meeting of a vestry regarding its membership, the signing of the above declaration shall be accepted in the meantime, but the vestry meeting shall, on the completion of its business, be adjourned for two weeks to enable the dispute to be considered by the Incumbent and Churchwardens, and at the adjourned meeting any business is done or election had, which depends for its validity upon the vote or votes of the person or persons whose right was challenged, shall be confirmed or annulled as the case may be.

#### **7. Right of Appeal**

There shall be a right of appeal from a decision of the Incumbent and Churchwardens to the Court on Contested Seats of the Synod, in the case of any person claiming the right to be placed on the list of those entitled to vote in a vestry meeting or an election of members of Synod and the judgment of the Court shall be final.

#### **8. Discretion of Court on Contested Seats**

The Court on Contested Seats shall not disallow the election of any member of Synod on account of irregularity in the determination of those entitled to vote at such election, or in the holding of the meeting of the vestry for such election, provided that a majority of the Court is of the opinion that such

irregularity has not affected materially the result of the election and that the election was conducted fairly.

## 9. By-laws of Vestries

It is in the power of the members of a vestry to make by-laws for the regulation of the proceedings of the vestry and the management of the temporalities of the church or parish to which they belong, provided that such by-laws shall not be repugnant to any law or statute in force in this Province or contrary to these Canons or any Canon of the Anglican Church of Canada.

## 10. Annual Meeting of Vestries

The annual meeting of the vestry in every church shall be held no later than the fifteenth (15) day of March after due notice thereof has been given during Divine Service on the next two preceding Sundays.

## 11. Special Meetings of Vestries

1. It shall be in the power of the Incumbent of any parish, or of the Churchwardens thereof, to call a special vestry meeting whenever it is deemed desirable, and it shall be the duty of the Incumbent and Churchwardens to do so on receipt of written request by at least six members of the vestry.
2. Upon the failure of the Incumbent or Churchwardens to call a special meeting of the vestry upon such written request, such members shall notify the Bishop or Bishop's designate who may, after giving the requisite notice, convene such meeting of the vestry and shall preside thereat.
3. A special meeting of the vestry must be called by giving due notice thereof during Divine Service on the two Sundays prior to the day of the special meeting, provided that the Bishop or Suffragan Bishop may, in extraordinary circumstances and in writing, permit the giving of notice only on the one Sunday prior to the date of the special meeting.
4. All notices of special vestry meetings shall state precisely the purpose for which the meeting is called, and no other business shall be dealt with at that meeting.

## 12. Chairperson and Clerk of Vestry Meetings

At all vestry meetings, the Incumbent or Priest-in-Charge of the parish shall preside as Chairperson, when present, and in the absence of the Incumbent or Priest-in-Charge such person as the majority present at such meeting shall elect. The Vestry Clerk, when there is one, and present, or in case there be no Vestry Clerk, or in the absence of the Vestry Clerk, then such person as the vestry shall elect, shall be Secretary of such vestry, and the proceedings of such vestry meeting shall be entered in a book to be kept for that purpose, and preserved in the custody of the Churchwardens.

## 13. Quorum

At all vestry meetings, a quorum shall be not less than twenty-five per cent (25%) of members of vestry whose names are on the vestry list in accordance with Paragraph 3 of this Canon

## 14. Audit of Church Accounts

1. All church parish accounts including those of any or all parochial organizations, shall be reviewed by an independent designated or appointed financial representative.
2. Subject to paragraph 5 below, at every annual vestry meeting, the vestry shall appoint one or more independent auditors to hold office until the close of the next annual vestry meeting, and if an appointment is not so made, the auditor in office continues in office until a successor is appointed or the auditor resigns.
3. The auditor shall make such examination as will enable the auditor to report to the vestry as required under subsection (4).
4. The auditor shall make a report to the vestry on the Church accounts presented to the vestry at the annual meeting. The Church accounts shall include the financial position of the Church and the statements of operations and changes in fund balances and cash flow for the period under review. The auditor shall state in his/her report whether, in his/her opinion, the Church accounts referred to herein present fairly, in all material respects, the financial position of the Church and the results of operations and the changes in financial position for the period under review in accordance with generally accepted accounting principles.
5. Notwithstanding subsection (2), the vestry may pass a resolution, with the permission of the Bishop or the Bishop's delegate, to have, alternatively, the auditor conduct a review engagement or have an independent financial review conducted by a qualified experienced financial individual acceptable to vestry instead of an audit in respect of the parish's financial year if the parish has annual revenue in that financial year of less than \$100,000.00 or an amount as declared by Diocesan Synod Council in accordance with provincial legislation. The accountant conducting the audit or review engagement, or, alternatively, the qualified experienced financial reviewer, shall make a report to the vestry on the Church accounts presented to the vestry at the annual meeting, such report to include a statement that the financial statements fairly represent the financial position of the Church accounts.
6. Notwithstanding subsections 2. to 5., the Bishop, Diocesan Synod Council, Incumbent or Vestry may require, at any time, an audit of the financial records of the Churchwardens' accounts in addition to or instead of a review engagement or independent financial review aforesaid and the cost of the audit shall be borne by the parish.
7. It shall also be the duty of the auditors or accountants or independent financial reviewer, as the case may be, to report all matters, which in their opinion should be brought before the vestry and the parties named in paragraph 5.
8. A copy of the Churchwardens' accounts with auditors' report, review engagement or independent financial review aforesaid shall be forwarded to the Diocesan Financial Officer with the financial returns.



## 15. Care of Church Properties

The possession of the church, the churchyard and burying ground attached or belonging thereto, is in the Churchwardens for the time being, and the care of the property, both real and personal, is, therefore, their, responsibility. Expenses connected with depreciation by wear and tear, damage by fire, lightning or tempest, substantial repairs, alterations, additions, insurance, taxes (except as in the following paragraph), mortgage principal and interest, shall be borne by the vestry of the parish.

## 16. Care of Records, Deeds, etc.

As required pursuant to Canon 37, all important parish records not in actual use shall be placed in the care of the Archives Committee.

## 17. Parochial Organizations

1. The vestry shall have control of all organizations in a congregation having as their main purpose the raising and spending of money or the raising and spending of money to support their activities. Each such organization shall present an annual report to the vestry with a financial statement of all of its receipts and disbursements for the previous year and each organization's report and financial statements shall be included in the parish financial statements.
2. In case of disagreement between a vestry and an organization, either shall have the right to appeal to the Diocesan Synod Council and the ruling of the Diocesan Synod Council regarding the matter under dispute shall be final.

## 18. Financial Year

The financial year for each and every vestry shall begin on the first day of January and end on the thirty-first day of December in each year unless otherwise approved by the Diocesan Synod Council.

## 19. Order of Business

The order of business at the annual vestry meeting shall include the following items:

1. Incumbent or Priest-in-Charge takes the Chair. (Canon 13, Sec. 12). In the absence of the Incumbent or Priest-in-Charge, the Chair shall be taken by such member of the Vestry as the majority of those present entitled to vote at the meeting shall elect or, by a person appointed by the Bishop.
2. Opening prayers;
3. Electing Vestry Clerk (if not already appointed or if absent.)(Canon 13, Sec. 12);
4. Confirmation of the minutes of last annual meeting, and minutes of any other meetings that have not been confirmed;
5. The report of the Incumbent, or Priest-in-Charge, upon the condition, progress and needs of the parish;

6. Presenting and adopting Church financial reports with auditor's certificate attached, or, report of the qualified financial individual. In presenting the Church financial reports, the Churchwardens shall report on all major issues relating to their duties which have arisen or been dealt with since the last annual meeting.
7. Adopting a budget for the ensuing year;
8. Envelope Secretary's report;
9. Appointments and elections:
  - a) Churchwardens
  - b) Deputy Churchwarden
  - c) Sidespersons
  - d) Lay Members of Synod
  - e) Envelope Committee and Secretary
  - f) Auditors
  - g) Other officers or committees
10. Presenting reports of all organizations
11. General business
12. Adjournment

## **CANON 14**

### **CHURCHWARDENS**

The Churchwardens have management and administration of the temporal affairs of the church vestry and shall ensure that all valid orders and resolutions of the vestry are carried into effect.

The Churchwardens have the sole authority to authorize those expenditures and execute legal documents and agreements on behalf of the church vestry which are consistent with resolutions adopted by the vestry, the Constitution and Canons of the Diocese and shall not be contrary to law.

Clergy, retired clergy and former clergy are ineligible to be appointed or elected to the office of Churchwarden.

#### **1. Qualifications**

1. A person to qualify as a Churchwarden shall: -
  - a) be not less than twenty-one (21) years of age;
  - b) be a member of the Anglican Church of Canada as defined in the Constitution and Canon 1 and a Lay Member of the vestry of the church in question;
  - c) have received the Sacrament of Holy Communion on a regular basis during the previous year in the church in which he/she would serve as a Churchwarden;
  - d) not be the spouse of the Incumbent or any assistant, associate or honorary Cleric of the parish who is in receipt of remuneration for services rendered;
  - e) be in compliance with the diocesan policy "Responsible Ministry: Screening in Faith";
  - f) not be the spouse of any lay employee of the church, the other Churchwarden, any Deputy Churchwarden, Treasurer, Envelope Secretary, or any member of the Board of Trustees of the Cemetery; and
  - g) not hold any lay office subordinate to the churchwarden within the church whether or not in receipt of remuneration.
  - h) be expected to be aware of the role and responsibility of a Churchwarden and remain current on their duties throughout their term of office.
  - i) The qualifications set forth in paragraph 1. subsections d, f. and g. above are intended to avoid a conflict of interest or a perceived conflict of interest. Where there is a conflict or perceived conflict, the Parish Advisory Council shall appoint another member of the Council to perform the duty or duties required of the churchwarden only for such circumstance.
  - j) The qualifications set forth in this Canon may be varied by the Diocesan Synod Council.

#### **2. Appointment, Election, and Vacancies**

1. At each annual meeting of the vestry two (2) Churchwardens shall be designated. One (1) shall be appointed by the Incumbent of the parish in which the church is situated (often known as the Rector's Warden), and the other shall be elected by the lay members of the vestry present (often known as the Peoples' Warden). Notwithstanding the other provisions of this subsection, the Incumbent may choose to defer the appointment of a Churchwarden to a specified later date

and the Vestry may choose to defer the election of a Churchwarden to a special meeting of the Vestry called for a specified later date. Should the Incumbent decline to appoint or to defer appointment, the Vestry shall elect a second Churchwarden. Should the Vestry decline to elect or to defer election, the Incumbent shall appoint a second Churchwarden. In addition to the appointment or election of churchwardens, vestry may also elect a deputy churchwarden. The provisions of section 1 of this Canon shall apply. A deputy churchwarden shall not have the authority or responsibility of a churchwarden but shall be afforded the opportunity to be trained as a potential churchwarden.

2. A vacancy occurs when a Churchwarden resigns in writing addressed to and accepted by the Incumbent, dies, is removed, leaves the congregation permanently, ceases to be a member of such vestry or fails to perform the duties of the Office. When the vacancy is that of an appointed Churchwarden, the Incumbent shall declare the office vacant and appoint a successor. When the vacancy is that of an elected Churchwarden, the Incumbent shall call a special Vestry to declare the office vacant and to elect a successor. Such successors remain in office for the remainder of the term or until new successors are appointed or elected thereafter. The provisions of subsection (1) of this section shall be followed as applicable.
3. The Incumbent may in his/her discretion, after giving notice of his/her intention to do so to the Bishop, terminate in writing, the appointment of the Churchwarden whom he/she has appointed, and he/she may then appoint a successor who shall remain in office for the remainder of the term. The Vestry, in its discretion, may terminate the term of the Churchwarden it has elected by motion at a special vestry meeting called for the purpose. It shall be the duty of the Incumbent and the Churchwardens to call such a special vestry or receipt of a written notice of at least six members of Vestry. The Incumbent and the Churchwardens shall advise the Bishop of the calling of the Special Vestry. Upon the term of the Churchwarden being terminated by motion, Vestry shall elect a successor for the remainder of the term.
4. In the event that the Incumbent of the parish ceases to hold that office for whatever the reason, the Churchwarden appointed by the Incumbent shall remain in office until such time as a new Incumbent is installed when such Churchwarden shall tender a resignation to the new Incumbent who may reappoint the Churchwarden or appoint some other person to be Churchwarden.
5. However, if after the Incumbent ceases to hold office, and the Bishop has not appointed a new Incumbent by the time of the next Annual Vestry Meeting, the Churchwarden shall tender a resignation and the interim Priest-in-Charge may reappoint the Churchwarden or appoint some other person to be Churchwarden and the Churchwarden so appointed shall remain in office until a new Incumbent is appointed at which time such Churchwarden shall tender a resignation or shall remain in office until the next Annual Vestry Meeting, whichever shall first occur.

### 3. Powers

1. The Churchwardens are the officers of the church vestry under the name "The Churchwardens of the Church of ..... in the ....." and shall represent the interests of such church vestry and of

its members. They shall and may sue and be sued, answer and be answered unto, in all manner of suits and actions whatsoever, and may prosecute indictments, presentments, and other criminal proceedings for and in respect of such church vestry matters and things appertaining thereto.

2. In all matters not lying solely in the right and power of the Churchwardens by virtue of Acts of the Legislature or the Canons, it is their duty to carry out all legitimate directions of the Synod, and of the vestry of a congregation whom they represent.
3. The Incumbent and Churchwardens shall act jointly in matters concerning the use of the church vestry buildings and grounds.
4. In matters that are solely within the power of the Churchwardens, the two (2) Churchwardens cannot exercise their powers separately nor can one (1) act without the consent of the other. Where circumstances arise resulting in only one churchwarden being elected or appointed pursuant to Canon 13, such other elected or appointed churchwarden may exercise the powers conferred in this Canon subject to the approval of the Bishop and the ongoing temporary supervision by the Diocesan Executive Officer. Every effort shall be made to seek a person to fill the position of the vacant churchwarden position.
5. The Churchwardens, after consultation with the Incumbent, are empowered to appoint and terminate the appointment of the Sexton, the Organist/ Music Director, the Vestry Clerk, the Envelope Secretary, the Treasurer and any other subordinate lay officers/employees of the Church. The Churchwardens shall determine and pay the salaries, wages, benefits or honoraria of all lay employees/appointees.

#### 4. Other Duties

1. The Churchwardens shall present a financial report for the previous calendar year, (in a form approved by the Parish Advisory Council), to the vestry at its annual meeting. This report shall include a certificate of the auditors or financial reviewer appointed by the vestry.
2. The books of the Churchwardens shall be open to inspection by any member of the vestry at all reasonable times. The Churchwardens shall also present at the meeting, a budget of the financial requirements for the current year, including the Diocesan requirements for assessment and outreach (CMM). Such budget shall be presented to the Parish Advisory Council for review prior to the annual vestry meeting. Such budget, as adopted, with or without amendment, by the vestry, shall generally govern the operations of the Churchwardens during such year, unless changed at a subsequent meeting of the vestry.
3. The Churchwardens shall have custody and shall keep full and accurate accounts of all assets, liabilities, receipts, and disbursements of the church in the books belonging to the Churchwardens and shall forthwith deposit all monies and other valuable effects in the name or to the credit of the church into a Canadian Deposit Insurance Corporation (CDIC) approved chartered bank, trust company, credit union or financial institution, or in the case of securities, in such registered dealer in securities as may be designated by vestry or the Parish Advisory

Council from time to time. The Churchwardens shall disburse the funds of the church vestry as authorized by the signatures or initials of the two churchwardens upon the documents authorizing disbursement of such funds. In the absence of one or more Churchwardens, the provisions of paragraph 6 herein shall apply.

4. Churchwardens, or in their absence, their substitutes, for the time being, assisted, if necessary, by the Sidepersons shall:
  - (a) collect the offerings of the congregation at each service of the church, and shall count and enter and initial the amount of such offerings in the book provided for this purpose, immediately after such service, in the presence of the Incumbent or some other witness; and,
  - (b) receive on a frequent and periodic basis a statement of pre-authorized giving receipts of the parish or electronic transfer deposits to the parish and shall initial such statements and enter the amount of such receipts or deposits in the book provided for this purpose.
5. The Churchwardens shall be responsible for overseeing the disbursement of all monies of the vestry. Payments of sums of one hundred dollars (\$100.00) or more or such other amount which may be determined from time to time by Diocesan Synod Council, shall not be made by petty cash. At its annual meeting, the vestry shall name and authorize signing officers who shall include the Churchwardens and may include other members of the vestry whom the Churchwardens so nominate. Cheques and disbursements and electronic bank transfers shall be authorized by two (2) signatures. One (1) of the signatures on any cheque or disbursement or electronic bank transfer shall be that of a Churchwarden. The vestry may also authorize alternate signing officers who are not Churchwardens to authorize cheques or disbursements in place of a Churchwarden but only when no Churchwarden is reasonably available, and any cheque or disbursement so authorized must be reviewed and the cheque or supporting documentation must be initialed by a Churchwarden within sixty (60) days of the monies being disbursed. A Deputy Churchwarden may be authorized by the vestry to exercise the same level of signing authority granted to a Churchwarden and described in the foregoing but only if so nominated in writing by both Churchwardens.
6. The Churchwardens shall keep a written accounting record of all monies received by them including for extra-parochial purposes as may be prescribed by policy and such record shall be maintained for a minimum of seven (7) years.
7. The statistical and financial returns required of Churchwardens by the Synod shall be completed and forwarded by them to the Diocesan Executive Officer for receipt no later than the thirtieth (30th) day of March in each year.
8. They shall keep a record of all deeds, mortgages, insurance policies and other documents of importance pertaining to the church buildings and lands, with full particulars regarding any trusts under which such property is held. Title deeds and mortgages shall be deposited with the Diocesan Centre for reference and for safe-keeping.
9. They shall be responsible for the care of the land and buildings, furnishings and effects belonging to the church.

10. They shall effect and maintain such insurance as required by Diocesan Synod Council and may purchase supplemental insurance at their discretion.
11. They shall make provision for the conduct of the services of the Church, as follows: -
  - a. A flagon for the wine, a chalice or cup, a paten or plate, and proper linen for the Service of Holy Communion;
  - b. A sufficient quantity of bread and of wine for the Lord's Supper;
  - c. An Alms Dish and Collection Plates or Bags for the offerings;
  - d. A Bible, a Book of Common Prayer, a Book of Alternative Services, or any other book authorized for use in divine services, and Registers for Services,
  - e. Baptisms, Confirmations, and Burials;
  - f. One (1) or more appropriate vestments.
12. They shall be responsible for the heating, ventilation, and cleaning of the church and its furnishings, goods, and chattels, and shall not allow it to be used for profane purposes.
13. In the event of the Churchwardens being unable to agree regarding any question coming within the scope of their duties, the matter in dispute shall be referred by either of them or by the Incumbent to the Diocesan Synod Council for adjudication, and the decision and any consequential directions of the Diocesan Synod Council shall be final and binding upon those concerned.
14. Retiring Churchwardens shall deliver to their successors all monies, goods, chattels and other property belonging to the parish.

## 5. Deputy Churchwardens

1. In addition to the other provisions of this Canon, the Incumbent may appoint a Deputy Churchwarden and the Vestry may elect a Deputy Churchwarden. If at a meeting of the Parish Advisory Board, prior to the annual vestry meeting of the parish, it is recommended that there be more than two (2) Deputy Churchwardens, the Incumbent shall make a written request to the Territorial Archdeacon for permission for more than two (2) Deputy Churchwardens. Such requests shall outline clearly what necessitates it and for what period of time the permission is requested and shall contain the names of the proposed Deputy Churchwardens. Names shall be submitted by Parish Advisory Council to the Churchwardens and Incumbent. Appointment or election of such additional Deputy Churchwardens shall not take place until such permission is granted.
2. Sections 1 and 2 of this Canon apply to Deputy Churchwardens, except that their appointment or election is permissive and not obligatory and that each of the Incumbent and the vestry retain the right but not the obligation of appointing or electing an equal number of Deputy Churchwardens as are appointed or elected by the other.
3. A Deputy Churchwarden does not automatically succeed a Churchwarden. Deputy Churchwardens shall assist Churchwardens, as directed by the Churchwardens, in the performance of their duties. During the temporary absence or incapacity of a Churchwarden and

during a vacancy until such vacancy is filled, a Deputy Churchwarden, as requested by the Incumbent, shall fulfill the full duties of a Churchwarden.

## 6. Cemetery Boards or Committees

Where the parish is the owner of a cemetery or crematorium under the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c.33, the provisions of Canon 22 shall apply.

## 7. Treasurers

1. The Treasurer shall be responsible to the Churchwardens and shall perform such duties with respect to the financial affairs of the parish as the Churchwardens direct.

The Treasurer shall assist the Churchwardens in establishing and maintaining a secure method of recording all income and expenses and any other financial transactions of the parish. The system established shall provide for appropriate internal control procedures.

## 8. Duties where multi-point Parishes

1. In circumstances where an area ministry or a shared ministry is established involving multiple vestries and where, for the purpose of paying common expenses such as clergy stipends and benefits, a central banking arrangement and/or central treasurer are also established, the Churchwardens of each vestry, in consultation with the Incumbents or Priests-in-Charge of each vestry together with Diocesan staff, shall agree upon a governance structure for the area ministry or shared ministry, as the case may be, ensuring accountability and transparency in the carrying out of the joint financial duties of churchwardens as set forth in the Canons. In the event that the Churchwardens aforesaid are unable to agree upon a governance structure, Diocesan Synod Council, in consultation with the Bishop, the Diocesan Executive Officer and the Territorial Archdeacon, shall determine such governance structure and the decision of Diocesan Synod Council shall be final and binding on all concerned. The governance structure shall be in a written document and filed with the Diocesan Executive Officer and Diocesan Financial Officer.
2. The Churchwardens shall be jointly responsible for any and all shared costs or expenses incurred for the operation of the area ministry or shared ministry, as the case may be, including but without limitation, the following: clerical stipends, benefits and allowances, in such proportion as they may agree and failing agreement, then upon such proportion as determined by Diocesan Synod Council. A financial statement shall be prepared and submitted to the Diocesan Financial Officer and to each respective vestry by the Churchwardens showing all receipts into and all disbursements from the central bank account. Such financial statement shall be prepared in accordance with paragraph 4 of this Canon.
3. The Churchwardens of the multi-point parish may choose to elect or appoint not less than two (2) from among their members to carry out the obligations provided in this paragraph 8., however, all Churchwardens within the multi-point parish, the area ministry or shared ministry,



shall remain responsible for ensuring that the financial duties and obligations imposed by this paragraph shall be fulfilled where there is a central bank account and /or a central treasurer.

Notwithstanding the governance structure established in this paragraph 8., the Churchwardens shall meet at least quarterly, at a time and place to be determined by mutual agreement, for the purposes of reviewing the conduct of shared operations and to prepare such reports as may be required by Diocesan Synod Council from time to time.

(a) At each annual meeting of the Vestry there shall be constituted a committee of the Vestry to be known as the Parish Advisory Council, [hereinafter called the "Council"]. The Vestry, by resolution, may fix a term of one year for the members and such members shall be eligible for re-election, however, it is desirable that this ministry is shared by as many in the parish as possible.

# CANON 15

## PARISH ADVISORY COUNCIL

### 1. Parish Advisory Council

- a) At each annual meeting of the Vestry there shall be constituted a committee of the Vestry to be known as the Parish Advisory Council, [hereinafter called the "Council"]. The Vestry, by resolution, may fix a term of one year for the members and such members shall be eligible for re-election, however, it is desirable that this ministry is shared by as many in the parish as possible.
- b) Where there is a regional or multi-point parish, there may be an advisory council for such regional or multi-point parish.
- c) Parish Advisory Councils shall provide advice and assistance to the Churchwardens.

### 2. Membership

The Council shall be composed, at a minimum, of:

- a. The Incumbent;
- b. The Churchwardens;
- c. The Deputy Churchwardens, if any;
- d. The Treasurer, if appointed;
- e. Not less than two other members of the vestry as shall be elected at the annual vestry meeting;
- f. The Lay Members of Synod elected by Vestry;
- g. Up to a number equal to one-half the number of members of the vestry elected to the Council, but not to exceed four (4), may be appointed as additional members of Council by the Incumbent;
- h. If the vestry so desires:
  - i. one representative each from such parochial organizations as shall be designated by the vestry, such representatives to be chosen by each of these organizations;
  - ii. any such elected officials as shall be designated by the vestry;
  - iii. appointed Lay Members of Synod from the vestry;
  - iv. not less than one cemetery trustee, if any.

### 3. Regulations

1. Vacancies occurring between vestry meetings shall be filled by:
  - a) appointment by the Incumbent in the case of those originally appointed by the Incumbent;
  - b) by the organization in the case of those originally appointed by that organization;
  - c) by the Council in the case of those originally appointed by the vestry.
2. The Chairperson shall be elected annually by the Council.
3. The Council shall elect a Secretary and the minutes of each meeting shall be entered in a book to be kept for that purpose.

### 4. Duties

The duties of the Council shall be to perform such duties as may be delegated to it by the Vestry, the Incumbent or the Churchwardens, and to act in an advisory capacity to the Incumbent and Churchwardens as follows:

1. To receive from the Churchwardens, at least quarterly, a written financial statement and a report on all parish matters of importance and to make recommendations thereon.
2. To receive the budget to be submitted at the annual meeting of the vestry as prepared, after consultation with the Incumbent, by the Churchwardens, and to make recommendations thereon.
3. To make recommendations on any other matters affecting the parochial and extra-parochial responsibilities of the parish.

### 5. Meetings

1. The Council shall meet not less than on a quarterly basis during each calendar year except more frequent meetings may be held if requested by the Incumbent, the Churchwardens or vestry;
2. A quorum shall be one-third of the members, including at least one churchwarden;
3. At the first meeting of Council after the annual vestry meeting, the Council shall elect a chair, vice chair and appoint a secretary, who shall keep minutes of the meetings.

# CANON 16

## ARCHDEACONS

### 1. Office

1. Archdeacons are priests of the Diocese of Ontario appointed by the Bishop to or for such jurisdictions and duties as the Bishop may determine and shall hold office at the Bishop's pleasure;
2. Archdeacons shall be collated in the Cathedral Church of St. George, Kingston by the Dean of Ontario under the mandate of the Bishop;
3. Upon the resignation of an Archdeacon from a charge or other deployment in the Diocese such Archdeacon shall also forthwith tender a resignation to the Bishop as Archdeacon;
4. An Archdeacon, on the death or retirement of the Bishop, shall tender a resignation of the office to the successor in the See; and
5. The Bishop may appoint Archdeacons of the Diocese of Ontario as "Archdeacon Emeritus", upon their retirement.

### 2. Remuneration

An Archdeacon shall receive such emoluments of the office and such travelling expenses incidental thereto as the Diocesan Synod Council, with the approval of the Bishop, may from time to time determine.

### 3. Duties

1. An Archdeacon shall represent and assist the Bishop in the exercise of the Bishop's pastoral care and office within the jurisdiction assigned the Archdeacon and shall, at all times, observe, inquire and report on whatever may need consideration and control by the Bishop; and
2. An Archdeacon shall perform such other duties as may be required by the Bishop.
3. An Archdeacon shall be a member of the Bishop's Advisory Committee and shall consult with and provide advice to the Bishop on matters brought to that Committee's attention or referred by the Bishop, such as ministry and personnel matters and on any matters where the Committee's advice is requested by the Bishop.

## CANON 17 DEACONS

1. The Diaconate is an order of ordained ministry dedicated to serving and enabling others to serve the poor, the sick, the suffering and the lonely and in holding before the Church the needs of the world and interpreting those needs to the Church.
2. Within the Diocese of Ontario there are two expressions of ordained diaconate:
  - a) Transitional deacons, who are candidates for the priesthood and who are involved in a period of formation in service and ministry leading to ordination as a priest;
  - b) Vocational deacons, who have diaconal status within the life of the Church and the world and who would not, in normal circumstances, be considered candidates for the priesthood.
3. There shall be a College of Deacons and all deacons licensed in the Diocese shall be members. There shall be a warden and deputy warden of the College appointed by the Bishop, who shall hold office at the pleasure of the Bishop.
4. All deacons are licensed by and directly accountable to the Bishop and to those with whom the Bishop's ministry is shared. The Incumbent or Priest in Charge of the parish where a deacon exercises ministry shall have supervisory and administrative authority, in the name of the Bishop, over the parochial activities of the deacon. If the Incumbent resigns or retires, the deacon shall come under the authority of the Priest in Charge.
5. A Vocational deacon who wishes to resign or retire from the ministry to which they are licensed shall do so in writing to the Bishop. A Vocational deacon who in the judgement of the Bishop is no longer carrying out the ministry to which they are licensed shall be deemed to have resigned. The same retirement policy applies to Vocational Deacons as priests.
6. A deacon who is placed in charge of a parish or mission shall be under the direction of the priest in a neighbouring parish or such other priest appointed by the Bishop.
7. When ordained to the Transitional diaconate, that person and his or her family are eligible to receive the stipend and benefits granted to the clergy.
8. Vocational deacons and their families shall not be entitled to any claim as beneficiaries of any fund held in trust for the benefit of the clergy and their families. Should a vocational deacon be admitted to the Order of Priest, the claim of that deacon and his or her family as beneficiaries upon any such fund shall date from the deacon's ordination to the priesthood.
9. The Bishop shall have the sole authority to approve and issue specific regulations and directives regarding the formation and ministry of deacons in the Diocese.

# CANON 18

## REGIONAL DEANS

### 1. Regional Deaneries

1. The parishes and missions of the Diocese shall be grouped in Regional Deaneries the boundaries of which shall be determined by the Bishop but may be readjusted by the Bishop at any time.

### 2. Office

1. The procedures for the election, the term of office, the duties and other matters related to fulfillment of the Office of Regional Dean shall be as set out in this Canon or such policies as may be pertinent hereto.
2. A Regional Dean resigning or otherwise leaving such Regional Dean's charge or other employment shall forthwith tender to the Bishop a resignation as Regional Dean.

### 3. Remuneration

A Regional Dean shall receive such honorarium for the performance of Regional Deanery duties and such travelling expenses incidental thereto as the Diocesan Synod Council, with the approval of the Bishop, may from time to time determine.

### 4. Duties

1. A Regional Dean shall call together the clergy of the Regional Deanery at least quarterly in each year for the promotion of closer fellowship, for group study, for a conference on the state of the Church.
2. A Regional Dean shall assist the Bishop or Suffragan Bishop and the Territorial Archdeacon by providing pastoral care and ministry support to clergy and their families and to congregations within the limits of the Regional Deanery.
3. The Regional Dean shall from time to time report to the Bishop or Suffragan Bishop and the Territorial Archdeacon in whose territorial jurisdiction the Deanery is located on the state of the Church therein;
4. Regional Dean shall assist parishes in obtaining clergy replacements to cover short-term vacancies resulting from clergy illnesses and vacations;
5. The Regional Dean shall establish a communications network for clergy retired clergy and congregations within the Deanery to share information and exchange ideas for ministry within the Deanery.
6. The Regional Deans shall support the programs of the Diocese, including Screening in Faith, the implementation of the Covenant initiative and stewardship and congregational development within their respective Deaneries;

7. Regional Deans shall meet from time to time with the Bishop's Advisory Committee to share mutual concerns, information and ideas for improvement to ministry and administration of parishes within their respective Deaneries.
8. Regional Deans shall carry out such other functions that may be necessary or desirable for the fulfillment of the Office of Regional Dean';
9. The Regional Deans shall comply with and perform such duties as assigned by the Bishop and shall fulfill the obligations set out in the Canons.

## 5. Elections

1. When the Office of a Regional Dean becomes vacant, the Territorial Archdeacon shall call a meeting of the clergy in the Deanery to elect a new Regional Dean;
2. Any clergy, resident in the Deanery and a member of Synod is eligible to vote, but only those priests and deacons who are incumbents, full or part-time, are eligible to stand for election;
3. The Territorial Archdeacon shall preside at the election meeting where a quorum of two-thirds of those eligible to vote shall apply;
4. The Archdeacon shall call for nominations for the position of Regional Dean. Once nominations have been closed, a vote by secret ballot shall take place until one candidate has received a minimum of fifty-one percent of the votes cast. Electronic voting will be allowed if agreed upon by all the eligible clergy of the Deanery.
5. The Territorial Archdeacon shall advise the Bishop of the outcome of the election, at which time the appointment shall take effect.
6. The term of office shall be three years and the Regional Dean may be re-elected for one more term.

# CANON 19

## DISCIPLINE

### 1. Interpretation

In this Canon,

1. "Bishop" means the Bishop of Ontario;
2. "Canon XVIII" means Canon XVIII of the General Synod of the Church;
3. "Church" means the Anglican Church of Canada;
4. "Court" means the Diocesan Court of Arbitration; and
5. "Supreme Court of Appeal" shall mean the Supreme Court of Appeal of the Anglican Church of Canada.

### 2. Jurisdiction of the Bishop

1. It is hereby reaffirmed that the Bishop of the Diocese has by virtue of the office of the Bishop of the Diocese of Ontario, ecclesiastical jurisdiction, authority and power of discipline over all clergy and laity, members of the Anglican Church within the Diocese or under the jurisdiction of the Bishop and has always had jurisdiction in respect of all ecclesiastical causes within the Diocese and all offences against the laws ecclesiastical.
2. Nothing contained herein shall affect the jurisdiction and authority of the Bishop over any cleric holding the license of such Bishop in respect of any offence alleged to have been committed by such cleric in a Diocese other than such cleric's own Diocese for which act the cleric would be subject to discipline if resident within such cleric's own Diocese, nor in respect of any offence alleged to have been committed in respect to any license held by such cleric of any other Bishop.

### 3. Those Subject to Discipline

Every priest, deacon or layperson holding the license of the Bishop of the Diocese, or any office or appointment or charge under the jurisdiction of the Bishop, or who is in any sense subject to the Bishop's jurisdiction or receiving any allowance from or discharging any duties for the Synod, or any parish of the Diocese, shall be liable to a complaint under this Canon and upon such complaint being admitted or proven shall be subject to discipline as set out in this Canon.

### 4. Ecclesiastical Offences

All persons who are subject to ecclesiastical jurisdiction in the Church shall be liable to discipline for any of the following offences:

- i. a conviction for an indictable offence;
- ii. immorality;
- iii. disobedience to the bishop to whom such person has sworn canonical obedience;
- iv. violation of any lawful Constitution or Canon of the Church, whether of a diocese, province or the General Synod by which the person is bound.



- v. willful or habitual neglect of the exercise of the ministry of the person without cause;
- vi. willful or habitual neglect of the duties of any office or position of trust to which the person has been appointed or elected;
- vii. teaching or advocating doctrines contrary to those accepted by the Anglican Church of Canada; or
- viii. contemptuous or disrespectful conduct towards the Bishop of the Diocese in matters pertaining to the administration of the affairs of the Diocese or a parish.
- ix. violation of any provision contained in a Code of Conduct or policy established by Diocesan Synod Council and approved by Synod pursuant to Canon 20.

## 5. The Bishop's Initial Disciplinary Jurisdiction

Where it has been alleged that a priest, deacon or layperson subject to discipline under section 4) has committed an ecclesiastical offence, the Bishop shall have initial jurisdiction with respect to the determination of whether an ecclesiastical offence has been committed and the penalty for the commission of the offence. The procedures to be applied shall be in accordance with the Policies or Regulations to this Canon.

## 6. Making a Complaint

1. (a) A complaint (the "complaint") may be made by any person (the "Complainant") to the Bishop against anyone identified in section 4 of the Canon (the "Respondent") alleging the commission of an ecclesiastical offence as set out in this Canon. The complaint shall be delivered in writing to the Bishop setting out in detail the nature of the alleged offence.
- (b) The Bishop may also issue a complaint himself or herself.
- (c) The Bishop shall forward a copy of the complaint to the Respondent within seven (7) days of receipt of the complaint.
2. Where a complaint is made pursuant to this Canon, the Bishop shall either:
  - (a) Dismiss the complaint where it appears to the Bishop that:
    - i. the complaint is trivial, vexatious or made in bad faith;
    - ii. the facts on which the complaint is based occurred more than six (6) months before the complaint is made unless the Bishop is satisfied that the delay was incurred in good faith and no substantial prejudice will result to any person affected by the delay; or
    - iii. the complaint does not set forth facts that, if established, would constitute the commission of an ecclesiastical offence.
  - (b) Accept the resignation of the Respondent on such terms as to the Bishop appear just and equitable;
  - (c) Determine the penalty to be imposed if the Respondent admits committing the offence; OR

- (d) Appoint a Committee of Inquiry consisting of one or more persons to investigate the complaint.
3. Where the Bishop dismisses a complaint pursuant to subsection 2 above, the Bishop shall make a decision in writing with reasons and send a copy of the decision to the complainant and the respondent. In such a case, no further proceedings may be taken pursuant to this Canon with respect to the complaint.

## 7. Inhibition

If the Bishop considers that, because of circumstances presented to him/her, the interests of the Diocese or of a parish require that a priest or deacon not continue to exercise the functions of ordained ministry pending an investigation of the cleric's conduct, whether or not a complaint has been made under the Canon, the Bishop may cause a notice to be served on the cleric inhibiting him/her from performing the functions of ordained ministry within the Diocese or elsewhere in Canada, until the investigation is complete or until the inhibition has been withdrawn. Unless otherwise determined by the Bishop, the Incumbent shall be entitled to continue receiving the clergy stipend, benefits, and housing allowance until a final determination is made under this Canon.

## 8. Investigation of Complaint

- a) Where the Bishop appoints a Committee of Inquiry to investigate the complaint, the Committee shall gather evidence respecting the complaint and submit a report to the Bishop containing particulars of the evidence gathered and its findings of fact within sixty (60) days of its appointment.
- b) Upon receipt of the report, the Bishop shall either dismiss the complaint or deliver a copy of the report to the Respondent and invite the Respondent to meet with the Bishop within thirty (30) days of receipt of the report to respond to the report.
- c) After meeting with the Respondent or after giving the Respondent an opportunity to meet with the Bishop, the Bishop shall either dismiss the complaint or determine that an ecclesiastical offence has been committed. In the event that the Bishop determines that an ecclesiastical offence has been committed, the Bishop shall provide a further opportunity for the Respondent to make submissions on a penalty before any penalty is imposed.
- d) Any decision made by the Bishop shall be in writing with reasons and forwarded to the Complainant and the Respondent.
- e) The Bishop may obtain advice from the Chancellor or Vice Chancellor or such other persons as the Bishop considers appropriate.
- f) The Bishop may delegate his/her authority in connection with a complaint in writing to a member of the College of Bishops.
- g) If the Respondent admits committing the offence, the Bishop may determine the penalty to be imposed.

## 9. Imposition of Discipline

The Bishop may impose the following discipline on the Respondent:

- a) a reprimand or admonition, orally or in writing, in public or in private;
- b) suspension from the exercise of ministry or office;
- c) deprivation of office or ministry;
- d) deposition from the exercise of ministry if the person is ordained;
- e) withdrawal of license or appointment;
- f) acceptance of resignation on such terms as the Bishop considers just and equitable in lieu of or in addition to any other discipline;
- g) such other discipline as appears to the Bishop to be appropriate having regard to all the circumstances.

The terms “admonition”, “suspension”, “deposition” and “deprivation” shall have the same meaning as in Canon XVIII of General Synod.

## 10. Submission to Diocesan Court of Arbitration (“DCA”)

- a) In the event that the Respondent is not satisfied with the Bishop’s decision that an ecclesiastical offence has been committed or with the penalty imposed, the Respondent may notify the Bishop in writing of his/her intention to submit the Bishop’s decision or the penalty to the DCA within fourteen (14) days of receipt of the notification of the decision and penalty to the Respondent by the Bishop.
- b) The DCA shall be composed of a judge or barrister of at least ten (10) years in good standing with the Law Society of Upper Canada who shall preside, one member of the Diocesan clergy and one member of the Diocesan laity appointed by Synod. If for any reason, any member of the Court is unable to fulfill the functions of the office before the next Sessions of Synod, Diocesan Synod Council shall appoint a substitute or substitutes.
- c) No person who has taken part in the investigation of the alleged offence or the preparation for the hearing shall act as a member of the DCA or as a consultant.
- d) Members of the DCA shall receive remuneration and expenses incurred in performing their services according to agreements made with the Diocesan Synod Council.

## 11. Procedure before DCA

- a) All hearings by the DCA shall be conducted according to the principles of natural justice as set out in Canon XVIII of General Synod.
- b) The parties to the hearing before the DCA shall be the Bishop and the Respondent.
- c) Where a hearing by the DCA is of a determination by the Bishop that an ecclesiastical offence has been committed, the hearing shall be conducted as if it were an original hearing. The DCA may confirm or set aside the Bishop’s determination.
- d) The DCA shall hold an oral hearing at which time the parties may be represented by counsel or other representative, may call and examine witnesses, file evidence and may present submissions to the Court.
- e) The presiding member of the DCA has the authority:
  - (i) to require either party to furnish particulars before or during a hearing;

- (ii) to require either party to produce documents or things that might be relevant to the matter before or during a hearing;
  - (iii) to fix dates for the commencement and continuation of hearings;
  - (iv) to make interim orders concerning procedural matters.
- 
- f) Where the hearing by the DCA is of a determination by the Bishop of the penalty appropriate for the commission of the ecclesiastical offence, the DCA may substitute such other penalty for the offence as seems just and reasonable in all the circumstances.
  - g) The decision of the majority is the decision of the DCA.
  - h) Subject to any right of appeal conferred by the Canons of the Provincial Synod or the General Synod, the decision of the DCA is final and binding on the Bishop and the Respondent.
  - i) On application by the Respondent to the DCA, jurisdiction may be transferred to another Diocesan Court within the Ecclesiastical Province of Ontario where it appears to the Court that such transfer is necessary to ensure that the principles of fundamental justice are respected and where the Court to which the transfer is to be made consents to the transfer.
  - j) On application to the president of the Court of Appeal of the Ecclesiastical Province of Ontario, an appeal may be transferred to a Court of Appeal of another Ecclesiastical Province. On application to the Supreme Court of the Anglican Church of Canada, an appeal to it may be transferred to a provincial court of appeal.
  - k) In all cases, the Court, to which an application is made for a transfer, must be satisfied that a transfer is necessary to ensure that the fundamental principles of natural justice are respected and that the Court to which an application or appeal is to be made consents to the transfer.

## 12. Complaint Against a Bishop

In the event that a complaint is made against the Bishop or any member of the College of Bishops or a retired Bishop, the complaint shall be referred to the Court of Appeal for the Ecclesiastical Province of Ontario to determine whether an ecclesiastical offence has been committed and the determination of a penalty for the commission of the offence.

## 13. Appeal

- a) A party to a proceeding before the DCA may appeal to the Court of Appeal for the Ecclesiastical Province of Ontario from a decision of the DCA in accordance with the Rules of the Provincial Synod.
- b) An appeal shall not be considered filed until a Notice of Appeal has been completed and delivered to the Registrar of the Court of Appeal of the Ecclesiastical Province of Ontario.
- c) On notice of appeal by a Complainant or Respondent being served and filed as provided in the Rules of the Provincial Synod, the decision of the DCA shall be stayed until further order of the Court of Appeal.

## 14. Records

The Bishop shall maintain a central confidential record of all written complaints, withdrawal of complaints, informal procedures, referrals and appeals to the Diocesan Court of Arbitration and all other disciplinary actions. Such records shall be retained for a period of seven (7) years for volunteers and clergy or until retirement from active ministry for clergy or until employment is terminated in the case of an employee of the Diocese or parish whichever comes first.

- a) The Bishop shall retain the records of any complaint referred to any legal authority outside the jurisdiction of the Diocese, for a period of twenty-five years or as required by statute.
- b) Any person who is or has been a volunteer, clergy, or employee within the Diocese may apply for access to any records or allegations or complaints made against him or her and access to these records shall be granted where the Bishop is satisfied that the release is warranted having regard to the effect of the release upon an identifiable individual.

## POLICIES GOVERNING PROCEDURES FOR DISCIPLINARY PROCEEDINGS UNDER CANONS 19 and 20

1. If at any time the Bishop decides that a complaint should be referred to the Diocesan Court of Arbitration (DCA), the Bishop shall immediately advise the complainant and the party who is the subject of the complaint (the "Respondent").
2. After the Bishop has referred the complaint to the DCA, the Bishop shall have no further part in the proceedings.
3. All inquiries under this Canon shall be conducted according to the principles of natural justice.
4. The Respondent is entitled to be presumed innocent until the allegations are proven beyond a reasonable doubt.
5. Inquiries shall be conducted and resolved within a reasonable time as defined in this Regulation.
6. Once an allegation is resolved under Canon 20 and these Regulations, the Respondent cannot be subject to another inquiry or proceeding before the DCA based upon the same facts.
7. The procedures of the DCA for the conduct of a hearing or trial shall be determined by the DCA in its discretion.
8. Subject to any proceedings pursuant to the Criminal Code of Canada, disciplinary proceedings under Canons 19 and 20 and these policies shall be commenced within twelve (12) months from the date of the alleged offence or within twelve (12) months from the date when the facts giving rise to the alleged offence became known to an official office holder under the authority of the Bishop.

9. All facts giving rise to an alleged act shall be immediately reported to the appropriate authorities.
10. No proceedings shall be commenced in respect of an alleged offence unless thirty (30) days prior notice in writing has been given to the Respondent.
11. When a person is found to have committed an offence under Canons 19 or 20 the Diocesan Court of Arbitration or the Bishop, where the Bishop is exercising initial jurisdiction, shall impose the penalty within thirty days of the decision except that imposition of the penalty shall be stayed in the event of an appeal.
12. Where the penalty of suspension is imposed, the Bishop shall give notice to all clergy of the Diocese and all bishops of the Anglican Church of Canada.
13. Where a penalty of deprivation or deposition is imposed, the Bishop shall give notice to all clergy of the Diocese, all bishops of the Anglican Church of Canada and all Metropolitans of the Anglican Communion.

# CANON 20

## SEXUAL MISCONDUCT and CODE OF CONDUCT

### 1. Policies

The Synod of the Diocese of Ontario adopts the following policies:

- a) All workplaces and property belonging to the Diocese or a parish shall be free from violence, coercion, discrimination and sexual misconduct;
- b) All complaints or allegations of sexual misconduct shall be dealt with promptly, seriously, fairly and systematically;
- c) Those who hold positions of trust or power shall not take advantage of or abuse that trust or power;
- d) An ethic of mutual respect, responsibility, and caring shall be practiced;
- e) There shall be a Code of Conduct governing the conduct of all clergy, laity, officers, volunteers or other persons employed by or approved or authorized to act in any official capacity within any congregation, parish or church under the auspices of the Diocese.

### 2. Definition of Sexual Misconduct

For the purposes of this Canon, sexual misconduct is defined as an action directed toward a person or persons of the same or opposite sex that includes sexual harassment, sexual exploitation or sexual assault. Any such misconduct constitutes the ecclesiastical offence of immorality.

For greater clarity:

- i. sexual harassment is behavior of a sexual nature, intentional or unintentional, that is unwanted or ought reasonably to be known as unwanted and includes innuendo, telling of jokes or stories that are offensive, displaying or circulating offensive material, stereotyping of individuals, stalking and voyeurism;
- ii. Sexual exploitation consists of conduct that places or may reasonably be perceived as placing or attempting to place a condition of a sexual nature on employment, the opportunity for training or promotion or on any opportunity to participate in any church activity or making an express or implied promise of reward for complying with a sexual suggestion, or an express or implied threat of reprisal, denial of opportunity for refusal to comply with a sexual suggestion or taking or attempting to take advantage of a vulnerable person in a power relationship for sexual pleasure or gain;
- iii. Sexual assault is the intentional threat or application of force of a sexual nature on another person without that person's consent.

### 3. Prevention

- a) Prevention of sexual misconduct is mandatory for all clergy, employees, and volunteers within the episcopal jurisdiction of Diocese of Ontario.

- b) Diocesan Synod Council shall actively attempt to ensure that the workplaces of clergy, employees, and volunteers within the Diocese are free from sexual misconduct.
- c) All clergy must, as a condition of being licensed, agree in writing to comply with this Canon.
- d) All employees and volunteers, both diocesan and parochial, must, as a condition of employment and voluntary service respectively, agree in writing to comply with this Canon.
- e) The Bishop, in consultation with the Bishop's Advisory Committee, shall acquaint all clergy with this Canon and shall oversee the administration of this Canon.
- f) The Diocesan Synod Council shall ensure that a training program on issues of sexual misconduct is available to all clergy, employees, and volunteers in the Diocese at least once every three years.
- g) The Diocesan Executive Officer and the Churchwardens respectively shall acquaint their staff and volunteers with the provisions of this Canon.

#### 4. Diocesan Resource Person

- a) Two Diocesan Resource persons, one of each gender, shall be appointed by the Bishop and shall be available to clergy, employees, volunteers and all other persons in the Diocese directly or indirectly affected by sexual misconduct.
- b) The Bishop shall ensure that those who are appointed to act as Diocesan Resource Persons have appropriate training and continuing education on issues of sexual misconduct.
- c) The Diocesan Resource Persons shall be available:
  - i. to provide information and support to those who have concerns or questions about suspected cases or issues related to sexual misconduct;
  - ii. to participate in procedures concerning allegations of sexual misconduct;
  - iii. to advise the Bishop on actions taken or to be taken in regard to an allegation of sexual misconduct;
  - iv. to ensure continuous communication on the progress of the investigation of an allegation to both the complainant and the person against whom an allegation has been made;
  - v. to assist in the planning and implementation of Diocesan, regional and parochial training programs on sexual misconduct;
  - vi. to assist both those making an allegation and those receiving the information;

#### 5. General Provisions

- a) All persons involved with an allegation of sexual misconduct shall maintain strict confidentiality unless the law requires otherwise or there are safety issues, or the parties waive confidentiality;
- b) Subject to the requirements of s.5 (a) and (c) of this Canon, all allegations of sexual assault, sexual misconduct or abuse of persons, including vulnerable persons and children, shall be reported immediately to the appropriate authorities as required by law and to the Incumbent, the Churchwardens of the parish and to a Diocesan Resource Person or the Diocesan Executive Officer, who shall forthwith report such allegation to the Bishop.
- c) All persons involved or affected by any sexual misconduct shall be entitled to pastoral care and where appropriate, professional therapeutic support and counseling;



- d) No one shall knowingly make a false or vexatious allegation of sexual misconduct. The making of such false or vexatious allegation shall constitute an ecclesiastical offence of immorality;
- e) No action shall be taken against any person, who acts in good faith, for making a reasonable allegation of sexual misconduct.
- f) The Bishop or a media relations person designated by the Bishop (normally the DEO) shall be the only spokespersons for the Diocese or parish with respect to any allegation of sexual misconduct. No other persons are authorized to speak on behalf of the Diocese, a parish or the Church.

# CANON 21

## SPECIAL PURPOSE FUNDS

### 1. Establishment and Administration

With the consent of the Bishop, Synod or the Diocesan Synod Council acting on behalf of Synod is empowered to establish one or more special-purpose trust funds with such persons as Diocesan Synod Council shall select as the Trustees thereof. Special Purpose Trusts do not form part of the general assets of Synod and are to be held and administered in trust by those persons for such purpose or purposes and upon such terms and conditions as Synod, or the Diocesan Synod Council on behalf of Synod, and with the consent of the Bishop, shall establish.

### 2. Delegation

Synod, or the Diocesan Synod Council on behalf of Synod, with the consent of the Bishop, is authorized to delegate to such Trustees such administrative duties as may be necessary and applicable, to enable the Trustees of such special purpose trusts to carry out the terms and conditions as established by Synod or the Diocesan Synod Council. Synod or Diocesan Synod Council on behalf of Synod shall retain authority to cancel or change such delegations or make other delegations as Synod, or the Diocesan Synod Council acting on behalf of Synod determines to be appropriate.

### 3. Special Funds

The following are the Special Purpose Funds maintained for the Diocese:

#### A. The Clergy Benefit Fund

1. The Diocese shall maintain a Clergy Benefit Fund (CB Fund)
  - a) on which the income earned shall, with the annual approval of Diocesan Synod Council, be paid in accordance with the following regulations:
  - b) The CB Fund shall be administered by the Diocesan Executive Officer and the Diocesan Financial Officer;
  - c) Any gifts to the CB Fund shall be added to the capital unless otherwise directed by the donor;
  - d) Income from the CB Fund, after deducting management expenses, shall be distributed to eligible members prorated from the date of eligibility;
    - i. An eligible member is
    - ii. a member of the clergy, who continues to be a priest in the Anglican Church of Canada and who has retired from service in the active ministry of this Diocese and who is in receipt of a full pension under the General Synod Pension Plan by reason of the length of service, or,
      - a. has retired and is in receipt of a pension based on the maximum total of pension units available, or,
      - b. is considered retired due to having been declared permanently disabled under the terms of the General Synod Long-Term Disability Plan.

- e) Length of service shall be calculated from the date of the clergy member's first appointment in this Diocese by the Bishop. Unless cessation of service results from disability, the length of service does not include periods of time in which the clergy member ceases to do clerical or synodical work in this Diocese or for General Synod, or a Provincial Synod, without being superannuated or retired, or has withdrawn from active duties in this Diocese based upon a leave of absence granted by the Bishop or under benefits.
- f) The amount payable to each eligible member shall be determined annually by Diocesan Synod Council based upon the following criteria:
- g) the amount of income earned by the CB Fund available for distribution;
  - i. the amount of available income, if any, that may be drawn from the Clergy Superannuation Fund as allocated annually by Diocesan Synod Council;
  - ii. a supplemental amount, if any, allocated annually by Diocesan Synod Council, to be paid out of the General Fund of the Synod;
  - iii. Annual payments to eligible members shall be based upon years of full-time service with a maximum payment being for those members who have served a minimum of ten (10) years, or, would have been in full-time service for ten (10) years but who have been receiving a disability allowance under the General Synod Long-Term Disability Plan. Payments for those with less than ten (10) years of full-time service shall be reduced proportionately for each year of service less than ten years.
- h) In the event of the death of an eligible member, the amount payable shall be prorated to the date of death.

## **B. Clergy Superannuation Fund**

1. The Diocese shall maintain a Clergy Superannuation Fund (CS Fund) on which the income earned shall, with the annual approval of Diocesan Synod Council, be paid in accordance with the following regulations:
  - i. The CS Fund shall be administered by the Diocesan Executive Officer and the Diocesan Financial Officer;
  - ii. Any gifts to the CS Fund shall be added to the capital unless otherwise directed by the donor;
  - iii. the income, after deducting management expenses, shall be distributed to the eligible members, prorated from the date of eligibility;
  - iv. An eligible member is a member of the clergy identified in regulation Section 3. A 1. (d) of this Canon and also any non-stipendiary clergy who reach retirement age and do not otherwise qualify under the terms of this Canon but who have provided services to Synod, as identified by the Diocesan Executive Officer and the Diocesan Financial Officer;
  - v. Unless the available income is allocated by Diocesan Synod Council to the payments described in Section 3. A 1 (f), the amount of available income payable to each eligible

member from this Clergy Superannuation shall be equal to a proportional share of the amount payable in accordance with Section 3. A 1(f).

### **C. Widows', Widowers and Orphans' Fund**

1. The Diocese shall maintain a Widows', Widowers and Orphans' Fund (WVO Fund) on which the income earned shall be paid in accordance with the following regulations:
  - i. The WVO Fund shall be administered by the Diocesan Executive Officer and the Diocesan Financial Officer;
  - ii. Any gifts to the fund shall be added to the capital unless otherwise directed by the donor;
  - iii. The income, after deducting management expenses, shall be distributed on a prorated basis to any spouse of a deceased active or retired clergy of this Diocese; or, any child under the age of majority whose parents are both deceased, one of whom was a member of the active or retired clergy of this Diocese.

### **D. Divinity Student Fund**

1. The Diocese shall maintain a Divinity Student Fund (DS Fund) on which the income earned shall be distributed in accordance with the following regulations:
  - a) The DS Fund shall be administered by the Diocesan Executive Officer and the Diocesan Financial Officer;
  - b) Any gifts to the fund shall be added to the capital unless otherwise directed by the donor;
  - c) The income from the fund, after deducting management expenses and, subject to the approval of Diocesan Synod Council, may be distributed to divinity students who are preparing for either transitional deacon's or priest's orders and who have been accepted by the Bishop of this Diocese as candidates;
  - d) Diocesan Synod Council shall determine the amount of the grant of funds from the DS Fund to be disbursed as scholarships or loans and shall establish the conditions thereof, including one or more of the following criteria:
    - i. that the divinity student declares that he or she is in actual need of financial assistance;  
produces a physician's certification of good health;  
furnishes a bond as security approved by the Chancellor;  
promises to act as a lay assistant during summer vacation each year during the course, and  
promises to serve as a member of the clergy for five (5) years in the Diocese;
  - e) If a divinity student who has received funding from the DS Fund leaves the Diocese before completing five years of service, the student shall refund, with interest at a rate determined by Diocesan Synod Council, an amount proportionate to the time of service left unfulfilled.
  - f) If a divinity student receives funding from the DS Fund and later decides not to be ordained, the student shall refund the full amount received with interest at a rate determined by Diocesan Synod Council.

## E. Kingston Rectory Fund

1. The Diocese may maintain a Kingston Rectory Fund (KR Fund) on which the income earned shall be distributed in accordance with the following regulations:
  - a) The KR Fund and the property, real and personal, of the Kingston Rectory shall be managed by the Kingston Rectory Committee in consultation with the Diocesan Executive Officer and the Diocesan Financial Officer;
  - b) Any gifts to the fund shall be added to the capital unless otherwise directed by the donor;
  - c) The income from the Fund, after deducting management expenses, shall be distributed as follows:
    - (i) The sum of \$3,000.00 per annum shall be paid to St. George's Cathedral, Kingston, Ontario;
    - (ii) Any surplus annual income from the fund shall be divided equally among the following Kingston area churches: Christ Church, Church of the Redeemer, St. James',
    - (iii) St. John's, St. Luke's, St. Mark's, St. Paul's, St. Peter's and St. Thomas';
    - (iv) Should any two or more of the churches mentioned in this Canon be united into one parish by the Bishop, that parish shall only be entitled to one share of the surplus.
2. Diocesan Synod Council shall act as the Kingston Rectory Committee.

**The jurisdiction of the Committee is governed by Act 57, Victoria, Chapter 102 (No. 23, 1894)**

## F. Belleville Rectory Fund

1. The Diocese may maintain a Belleville Rectory Fund (BR Fund) on which the income earned shall be distributed in accordance with the following regulations:
  - a) The BR Fund shall be managed by the Diocesan Synod Council in consultation with the Diocesan Executive Officer and the Diocesan Financial Officer;
  - b) Any gifts to the fund shall be added to the capital unless otherwise directed by the donor;
  - c) The income from the fund, after deducting management expenses, shall be distributed as follows:
    - (i) The sum of \$2,500.00 per annum shall be divided and paid equally to the following churches: St. Thomas' and Christ Church, Belleville, Ontario;
    - (ii) Any surplus annual income from the BR Fund shall be paid to Christ Church, Belleville, Ontario.
    - (iii) Should Christ Church, Belleville and any one or more churches entitled to a share of the surplus be united into one parish by the Bishop, that parish shall only be entitled to one share of the surplus.
  - d) The property, real and personal of the Belleville Rectory shall be managed and controlled by Diocesan Synod Council;

- e) Diocesan Synod Council may make additional rules and regulations as necessary to carry out the provisions of this Canon.

2. Diocesan Synod Council shall act as the Belleville Rectory Committee.

#### **G. The Care and Administration of Cemeteries and Perpetual Care Fund**

- a) The Diocese shall maintain a Care and Administration of Cemeteries and Perpetual Care Fund in compliance with the Funeral, Burial and Cremation Services Act, S.O. 2002, c.33 and Regulations.
- b) The provisions of Canon 22 shall apply for the purposes of the administration of the Fund.

#### **H. General Provisions**

The Diocesan Synod Council may make additional regulations as necessary to carry out the provisions of this Canon.

## **CANON 22**

### **CEMETERIES**

1. Every parish or church in the Diocese with a cemetery, scattering garden or columbarium (hereinafter referred to as a "cemetery"), adjacent to or affiliated with such parish or church shall have a Cemetery Board (the "Board").
2. Diocesan Synod Council shall serve as the Board for any cemetery adjacent to or affiliated with a parish or church that has been disestablished, where such cemetery does not have an ongoing Board or has not been conveyed to a third party.
3. The Board, except the Board provided for in paragraph 2 above, shall be elected annually at the annual meeting of the vestry of the parish or church to which this Canon applies.
4. Should any parish or church to which this Canon may apply, fail to elect a Board, then the Churchwardens and Treasurer thereof shall serve as a Board.
5. Diocesan Synod Council may approve policies and guidelines for the composition of the Board and the operation and maintenance of cemeteries to which this Canon applies.
6. The Board shall administer the cemetery in accordance with the Funeral, Burial and Cremation Services Act, 2002, S.O., 2002, c.33 (the "Act") and any provincial legislation pertaining to cemeteries, any regulations promulgated pursuant to such legislation, this Canon and any policies and guidelines approved by Diocesan Synod Council.
7. In the event of a conflict between any provision of this Canon, a policy or guideline approved by Diocesan Synod Council and the Act or any provincial legislation or regulation governing the operation and maintenance of a cemetery, the provisions of the Act and any other provincial legislation or regulation shall prevail.

## **CANON 23**

# **DIOCESAN ADMINISTRATION OF PARISHES**

### **1. Appointment of Administrator**

Where it appears that it would be in the best interest of any parish or organization existing under the authority of the Diocese of Ontario or in the best interest of the Diocese because of:

1. a request by the parish or organization involved, either in the form of a vestry resolution or request in writing from the Incumbent and Churchwardens, or a resolution of the Board or another governing body of the organization, or
2. a recommendation of a Bishop's Commission, or
3. a situation determined by the Diocesan Synod Council to require it, that an administrator should be appointed to carry on the function of receiver and manager of the affairs of such parish or other organization, the Diocesan Synod Council, if satisfied that no other reasonable action is available, may by resolution, with the approval of the Bishop, appoint an administrator to act as trustee, receiver and manager of any parish or other organization existing under the authority of the Incorporated Synod of the Diocese of Ontario or the Diocesan Synod Council. A copy of such resolution certified by the Secretary of Synod of the Diocese under the seal of the Diocese shall be evidence for all purposes of such appointment. The administrator shall not be an employee of the parish, board or organization.

### **2. Powers of Administrator**

From the date of appointment, the administrator shall conduct all the financial affairs of the parish or other organization, and without limitation of the foregoing, shall have power to dismiss existing employees and to hire new employees and to receive and disburse funds of the parish or other organization. For the purpose of this canon, the Incumbent is not an employee.

### **3. Reports**

The administrator shall make a monthly report to the Diocesan Synod Council and to the Bishop and the Executive Board and within 30 days of the end of the administration shall make a final report to the Diocesan Synod Council, outlining the actions that have been taken and making recommendations as to the future of the parish or organization which may include, but are not limited to, the winding up of the affairs of the parish or other organization, disestablishment of the parish, dismissal or employment of staff, financial and budgeting advice, limitation of expenditures, and such other steps as the administrator considers advisable and the Diocesan Synod Council on receipt of the report may take whatever steps it deems necessary including the reappointment of the administrator for a further period with the same powers as set out herein or as may be included in the resolution of reappointment.



## **4. Term of Appointment**

The administrator may be appointed for any period not exceeding one year and may be re-appointed for successive periods, none of which shall exceed one year; provided that Synod may terminate any such appointment or alter the period of such appointment or reduce the term thereof.

## **5. Expenses**

The administrator may engage auditors, accountants, assistants or managers with the approval of the Diocesan Synod Council, and any expenses so incurred will be charged to the parish or other organization.

## **6. Board of Management**

The Diocesan Synod Council may appoint a Board of Management or other persons to assist the administrator.

## **7. Suspension of Parish Powers**

All banking arrangements and financial powers of the parish, board or other organization shall be suspended during the period of the administration, and particularly the rights and powers of the Incumbent and Churchwardens and any boards or persons engaged by them, shall also be suspended insofar as those powers relate to the administrative and financial affairs of the parish, board or other organization.

## **8. Interpretation**

Any question of interpretation shall be resolved by the Diocesan Synod Council, whose decision shall be final, and any question involving religious services shall be referred to the Bishop, whose decision shall be final.

## **9. Separate Books**

The administrator shall keep separate books of account and records for the period of the administration and shall submit a financial statement as part of the final report.

## **10. Conflict with Other Canons**

The powers of the administrator shall be those powers set out in this Canon or as may be specified by the resolution of the Diocesan Synod Council by which the administrator is appointed, and where there is any conflict with any other Canon the provisions of this Canon or of the resolution shall prevail during the period of administration.

## **11. Additional Powers of the Diocesan Synod Council**

If it appears that proceedings should be taken under Canon 9 or Canon 12 or any other Canon, the Diocesan Synod Council may recall the administrator or may continue the administration or take whatever other action it deems necessary.

## 12. Synod

If there is a meeting of Synod during the period of the administration, the decision by the Diocesan Synod Council may be revoked by Synod, in which case the appointment of the administrator shall thereupon be null and void and the administrator shall return all assets to the parish or other organization within 30 days following the resolution of Synod.

## 13. Termination of Administration

If at any time during the period of administration, the Diocesan Synod Council is satisfied that the parish or other organization is no longer in need of an administrator, the administrator shall be recalled by the Diocesan Synod Council.

## 14. Indemnity

Any administrator appointed under this Canon, such administrator's heirs, executors and administrators and estate and effects, shall from time to time and at all times, be indemnified and saved harmless out of the funds of the Incorporated Synod of the Diocese of Ontario from and against:

1. all costs, charges, and expenses whatsoever which such administrator sustains or incurs in or about any action, suit or proceeding which is brought, commenced or prosecuted against him or her for or in respect of any act, deed, matter or thing whatsoever made, done or permitted by such administrator in or about the execution of the duties of the office of administrator; and
2. all other costs, charges, and expenses which sustained or incurred in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by such administrator's own willful neglect or default.

## 15. Report to Synod

The Diocesan Synod Council shall report on any administration at the next following regular Session of Synod.

## 16. Rehearing

Any person who is a member of a parish or organization existing under the authority of the Diocese of Ontario, at the time the action is taken, and who objects to the appointment of an administrator pursuant to this Canon, may appeal the decision to the Diocesan Synod Council by letter addressed to the Diocesan Executive Officer and delivered within 15 days of the date of the appointment. Upon receipt of such notice, the Diocesan Executive Officer shall place the matter on the agenda of the next meeting of the Diocesan Synod Council at which time the question of the appointment will be reheard with all persons interested having an opportunity to attend and make representations. The decision of the Diocesan Synod Council on a rehearing shall be final apart from the provisions of paragraph 8 of this Canon.

# CANON 24

## SECRETARY OF SYNOD

### 1. Office

There shall be a Secretary of the Incorporated Synod of the Diocese of Ontario who shall be appointed by the Bishop and shall be an employee and officer of the Incorporated Synod of the Diocese of Ontario. The Diocesan Executive Officer may act as the Secretary of Synod.

### 2. Qualification

The Secretary shall be not less than the age of majority, and in the opinion of the Bishop, possess the necessary skills, experience, and judgment to carry out the duties of Secretary.

### 3. Duties

The Secretary shall:

- a) Exercise a general oversight of the governance processes of the Synod, its Boards, Committees and Diocesan Synod Council;
- b) Make the necessary arrangements for meetings of the Synod and Diocesan Synod Council;
- c) Attend all sessions of the Synod;
- d) Give or cause to be given notice of all meetings of Synod and Diocesan Synod Council;
- e) Attend all meetings of Diocesan Synod Council and arrange for a record of all votes and minutes of all proceedings in the records to be kept for that purpose;
- f) Be custodian of the seal of the Synod and shall deliver it only when authorized by the Constitution or by resolution of the Synod or the Diocesan Synod Council to do so, and to such person or persons as may be named in the Constitution or resolution; and
- g) Perform such other duties as are defined by the Constitution, Canons, and resolutions of the Synod or the Diocesan Synod Council, or as may be prescribed by the Bishop.

### 4. Deemed Resignation of Office

Upon the:

- a) termination of an employment relationship with the Diocese, or
- b) resignation, personally or by their attorney, in writing to the Bishop, or
- c) declaration that the Secretary of Synod is mentally incapable to manage their property or personal care by an Ontario Superior Court, the Secretary shall be deemed to have resigned the office of Secretary.

# CANON 25

## STANDING COMMITTEES OF THE SYNOD

### 1. Named

The Standing Committees of Synod shall be:

- a) The Diocesan Synod Council (Canon 2);
- b) The Executive Board (Canon 3);
- c) The Canons and Governance Committee (Canon 38);
- d) The Bishop's Advisory Committee (Canon 1(6));
- e) The Trusts and Property Committee (Canon 5);
- f) The Committee on Cemeteries and Perpetual Care (Canon 22);
- g) Audit Committee (Canon 26);
- h) Investment Committee (Canon 28);
- i) Diocesan Finance Committee (Canon 27).

### 2. Members

Members of Standing Committees shall be elected or appointed in accordance with the Canons and shall continue in office until a Regular Session of the Synod following their appointment or election.

### 3. Quorum

One-third of the members of a Standing Committee shall constitute a quorum, with the exception of Synod Council (Canon 2, 3b).

### 4. Meetings

The first meeting of a Standing Committee, after the members' appointment or election, shall be called by the secretary of such Committee or by the Secretary of Synod. At the first meeting of the Standing Committee, the members shall elect a chair and may elect a vice chair.

### 5. Ex-Officio Members

The Bishop, the Diocesan Executive Officer and the Archdeacon of Ministry and Programs shall be ex-officio members of all Standing Committees. Other members of the Diocesan staff may serve as support persons ex officio.

### 6. Report to Synod

Each Standing Committee shall present a concise report of its work to the Diocesan Synod Council not less than annually or as often as required by Diocesan Synod Council. Each Standing Committee shall also present a report on its work at a Regular Session of Synod.

### 7. Nominations

Each Standing Committee shall deliver a list of nominations for membership for the ensuing year, to the Nominating Committee in sufficient time to enable such Committee to discharge its duty under the Constitution.

# CANON 26

## AUDIT COMMITTEE

### 1. Membership

There shall be a standing Committee of the Synod to be known as the Audit Committee, consisting of the Chair and at least two (2) other members, to be appointed annually by the Diocesan Synod Council. Employees of the Diocese shall not be members.

### 2. Duties

- a) To recommend to Synod the appointment of auditors and their remuneration;
- b) To review the annual audited financial statements of Synod with the auditor prior to making recommendations to the Diocesan Synod Council;
- c) To review any changes in accounting principles and practices being followed;
- d) To review with the auditor and management any significant recommendations made by the auditor;
- e) To report to the Diocesan Synod Council after each meeting; and
- f) To undertake such other tasks as may either be requested by the Diocesan Synod Council or as may be appropriate for the Audit Committee, as outlined in professional guidelines from time to time.

### 3. Auditors

- a) The auditors shall conduct an annual audit of the financial accounts of Synod, in conformity with Generally Accepted Accounting Principles of the Canadian Institute of Chartered Accountants and report to the Bishop, to members of Diocesan Synod Council and to the members of Synod on the financial statements of the Synod.
- b) The auditors shall have access at all times to all records, documents, books, accounts, and vouchers of the Synod and shall be entitled to require from the officers of the Synod such information and explanation as in their opinion may be necessary to enable them to report as required.
- c) The auditors shall be entitled to attend each session of the Synod and shall receive notices and other communications that members of the Synod are entitled to receive and shall be entitled to speak during any part of the business, which concerns them.

# **CANON 27**

## **DIOCESAN FINANCE COMMITTEE**

### **1. Membership**

There shall be a Standing Committee of Synod to be known as the Diocesan Finance Committee consisting of the Chair and at least three other members, to be appointed annually by the Diocesan Synod Council. The Diocesan Executive Officer and the Diocesan Financial Officer shall also be members ex officio.

### **2. Duties**

- a) To assist where applicable in the preparation of the Diocesan Budget from time to time;
- b) To provide recommendations to the Diocesan Executive Officer, Diocesan Financial Officer, the Archdeacon of Ministry and Programs and Diocesan Synod Council on financial matters from time to time and to recommend policies on financial matters.
- c) To assist in the presentation of the Diocesan Budget to Diocesan Synod Council and Synod;
- d) To review the monthly financial statements and provide advice and recommendations to Diocesan Synod Council;
- e) To report to Diocesan Synod Council on financial matters;
- f) To undertake such tasks as may be either requested by Diocesan Synod Council or Synod as may be appropriate for a finance committee.

# **CANON 28**

## **INVESTMENT COMMITTEE**

### **1. Membership**

There shall be a Standing Committee of Synod called Investment Committee (hereinafter called the "Committee"). Membership of the Committee shall consist of:

- a) four members of Synod elected annually by the Diocesan Synod Council;
- b) up to four (4) members of the laity appointed annually by the Bishop after consultation with the Chairperson of the Committee for the previous year.
- c) the Diocesan Financial Officer shall also be a member ex officio.

### **2. Consolidated Investment Fund**

The Committee shall hold, manage and invest as one Consolidated Investment Fund all personal property, securities and monies entrusted to it, whether or not invested in or held by the Synod in trust, save such as the Diocesan Synod Council may otherwise direct, and such trust property as may be the subject of individual investment restrictions imposed by the donor or settlor. The Committee shall review and recommend policies to Diocesan Synod Council.

### **3. Consolidated Trust Fund**

The Committee shall hold, manage and invest as one Consolidated Trust Fund all personal property, securities and monies entrusted to it, whether or not invested in or held by the Synod in trust, save such as the Diocesan Synod Council may otherwise direct, and such trust property as may be the subject of individual investment restrictions imposed by the donor or settlor. The Committee shall review and recommend policies to Diocesan Synod Council

### **4. Accounts**

Separate and distinct accounts of each and every trust, showing the capital of the same, shall be kept, and the interest and profits received or accruing (the "revenues") from the several investments made of the whole of the Consolidated Trust Fund shall be divided among the several trusts pro rata in the proportion borne by each separate trust fund to the whole Consolidated Trust Fund, after deducting from such receipts the expenses of management, investment and administration.

### **5. Investment Powers**

The Committee may invest and reinvest all the assets now or hereafter comprising the Consolidated Trust in such a manner as is now or may hereafter be authorized under the provisions of the Trustee Act, R.S.O. 1990, c.T.23 as amended.

## 6. Other Powers

Subject to the powers given to the Trusts and Property Committee in Canon 5, the Committee shall have powers of purchase, sale or any other disposition of investment and property of Synod as may be necessary to carry out the intent of this Canon.

**Note:** The Acts conferring the above powers on the Synod are 41 Victoria C.69, 47 Victoria C.90, 54 Victoria C.101 and amending acts, 1 Edward VIII C.86, 8-9 Elizabeth II.



## **CANON 29**

### **BISHOP'S COMMISSARY**

1. The Bishop may appoint, in writing, a priest or bishop to be the Bishop's Commissary.
2. The duties of the Bishop's Commissary, subject to the terms of appointment by the Bishop, shall be to perform the administrative functions of the Bishop during the Bishop's absence from the Diocese or inability to act, including serving as:
  - a. President of Synod;
  - b. Administrator of the Diocese;
  - c. Chair of Diocesan Synod Council;
  - d. Member of all Synod Committees.
3. In the absence or incapacity of the Bishop, the Commissary shall exercise the powers and perform the functions and acts assigned to the Bishop by statutes and canons of Synod of the Diocese of Ontario, the Synod of the Ecclesiastical Province of Ontario and the General Synod, subject to any limitations expressed in the mandate or in the Commissary's order of ministry as a priest or bishop.
4. Upon the Bishop returning to the Diocese or upon recovering from incapacity, the Bishop may terminate the Commissary's authority. If there is a question regarding the Bishop's capacity to act, the Diocesan Executive Officer shall convene and preside over a special meeting of Diocesan Synod Council to consider the evidence and determine the matter.
5. If no Commissary is in office during the Bishop's absence or incapacity, the Dean of Ontario, if available or otherwise, the senior Territorial Archdeacon by appointment shall exercise the powers and perform the functions of the Bishop's Commissary.
6. Upon the installation of a new Bishop, any Commissary appointed by the former Bishop shall be deemed to have resigned.

## **CANON 30**

### **DIOCESAN CATHEDRAL**

1. At the discretion of the Bishop, St. George's Cathedral, Kingston, shall be the Cathedral Church for the Diocese of Ontario as well as the parish church of St. George's. Kingston;
2. The Incumbent of St. George's, Kingston, is the Rector of Kingston and customarily is appointed by the Bishop to be Dean of Ontario;
3. The Cathedral Chapter shall consist of the Bishop, the Dean, the Archdeacons and active Canons, and shall be called by the Dean to meet at least annually for the purpose of advice;
4. The Cathedral Chapter shall be invited to meet annually with the St. George's leadership to discuss timely issues pertaining to the relationship between the Diocese and the Cathedral.
5. Diocesan services of worship held in the Cathedral shall be planned by the Bishop in consultation with appropriate representatives of the Diocese and Cathedral;
6. The Cathedral may receive a diocesan grant to be reviewed annually and approved in the context of determining the Diocesan Budget. The grant is to reflect ministry and services provided to the Diocese, the ability of the Diocese to provide financial support and the ministry needs of the Cathedral Parish, and, the provision of facilities.

## **CANON 31**

### **INSURANCE**

1. The insurable value shall be based on such category or level of valuation as determined by periodic appraisals and recommendations by the insurer and the Diocesan Financial Officer and approved by Diocesan Synod Council. For parish and congregational property, the approval of the churchwardens is also required.
2. Buildings designated redundant by Diocesan Synod Council shall not be covered against fire or other casualties.
3. The Synod shall carry all risk insurance to protect its officers, employees, members of Diocesan Synod Council, volunteers in the Diocese and the clergy from all liability arising from fulfilling their responsibilities on behalf of Synod.
4. The Diocesan Synod Council shall select the insurer and approve the details and extent of the coverage.
5. The insurance shall be administered by the Diocesan Financial Officer.
6. The premiums shall be paid by the parishes.
7. Third parties using the church buildings and facilities shall provide, at their expense, proof of insurance coverage satisfactory to the Diocesan Executive Officer and shall make all necessary arrangements for such coverage.

## **CANON 32**

### **INDEMNIFICATION**

1. Subject to the provisions of any applicable legislation, the Incorporated Synod of the Diocese of Ontario (the "Diocese") shall indemnify every Bishop, Coadjutor Bishop, Suffragan Bishop, (hereinafter collectively called a "Bishop"), every former or retired Bishop, every officer, dignitary and employee of the Diocese and every person who is elected or appointed to any committee or sub-committee or any approved or authorized volunteer in any official capacity or undertaking of the Diocese ("Appointees") or who acts in such capacity or as a trustee for the Diocese or acts as a trustee for any members of the Diocese in their capacity as such (including all former officers, dignitaries, employees, Appointees and trustees), and his or her respective heirs or legal representatives, from and against all costs, damages, charges and expenses, including any amount paid to settle an action or to satisfy a judgment, reasonably incurred by him or by her in respect of any civil, criminal or administrative action or proceeding to which he or she is made a party by reason of being or having been a Bishop, officer, dignitary, employee, Appointee or trustee of the Diocese if:
  - a. he or she acted honestly and in good faith with a view to the best interests of the Diocese, its Clergy and laity and the advancements of the Reign of God; and,
  - b. in the case of a civil, criminal or administrative action or proceeding that is enforced by a monetary penalty, if he or she had reasonable grounds for believing that his or her conduct was lawful in the circumstances.
2. The Diocese shall also indemnify any such person in such other circumstances as the law permits or requires.
3. Nothing in this Canon shall limit the right of any person entitled to indemnity hereunder to claim indemnity apart from the provisions of this Canon to the extent permitted by law.
4. The Diocese shall purchase and maintain insurance for the benefit of all persons intended to be indemnified hereunder.

## **CANON 33**

### **SEAL OF SYNOD AND EXECUTION OF DOCUMENTS**

1. The seal shall be the Seal of the Incorporated Synod of the Diocese of Ontario.
2. The Diocesan Executive Officer shall have the care and custody of the Seal.
3. The Bishop or the Bishop's Commissary and either the Chancellor, the Vice-Chancellor or the Diocesan Executive Officer shall execute all deeds and documents that require the Seal. The Chancellor or the Diocesan solicitors shall confirm the legality of all such documents before they are executed.
4. Any one of the Bishop, Diocesan Executive Officer, Diocesan Financial Officer, Archdeacon of Ministry and Program, Chancellor, Vice Chancellor or the Dean of Ontario shall execute contracts not required to be under seal.

## **CANON 34**

### **OFFICERS**

#### **A. Diocesan Executive Officer**

1. (a) The Diocesan Executive Officer serves as administrative officer of the Diocese and assists the Bishop in his or her executive, pastoral and administrative responsibilities and interprets and supports the Synod and the Bishop's vision for the Diocese.  
  
(b) On nomination by the Bishop, supported as needed by a search committee of clergy and laity appointed by Diocesan Synod Council, the Bishop shall appoint and, if a priest, license the Diocesan Executive Officer.  
  
(c) Remuneration and term of office shall be as mutually agreed upon by the Bishop, Diocesan Synod Council and the Diocesan Executive Officer.

#### **Duties and Responsibilities**

1. The duties and responsibilities of office shall include:
  - a) responsibility for the development, maintenance, and communication of diocesan policies;
  - b) arranging and preparing for all meetings of the Synod and Diocesan Synod Council;
  - c) ensuring that decisions of Synod and Diocesan Synod Council are carried out and appropriate records kept;
  - d) providing administrative support to all diocesan committees;
  - e) receiving and transferring to the Archivist for custody and safekeeping all information contained in documents and records of Synod and Diocesan Synod Council including materials entrusted to the Synod by the Bishop and other officers of Synod and parochial authorities;
  - f) supporting and supervising non-parochial diocesan staff, including specialized ministries;
  - g) managing diocesan properties;
  - h) assisting the Bishop in matters related to staff and issues of public concern;
  - i) serving as Diocesan Registrar and in such other positions as designated under these Canons; and,
  - j) liaising with the Diocesan Chancellor on the interpretation of church law and with the Diocesan solicitors on all legal matters relevant to the Diocese and its parishes;
  - k) The Diocesan Executive Officer shall be responsible to the Bishop and shall be an officer of Synod with the right to attend meetings with voice and, if Anglican, to be a voting member of Synod. He or she shall also be entitled to attend all meetings of Diocesan Synod Council and all committees of the Diocese but shall be a non-voting member;
  - l) The Diocesan Executive Officer shall work closely with the appointed and elected officers of Synod, Diocesan Synod Council and the chairs of committees;
  - m) The Diocesan Executive Officer shall encourage the development of positive relationships with the Executive Officers of the other Dioceses of the Provincial and General Synods.
2. The position description may be amended by Diocesan Synod Council.

## B. Diocesan Financial Officer

1. (a) The Diocesan Financial Officer performs the functions of Treasurer to Synod and other diocesan agencies and serves as financial advisor to the Bishop, Synod, Diocesan Synod Council, its committees, Synod officers and other diocesan agencies.

(b) The Diocesan Financial Officer shall be appointed by the Bishop at the recommendation of Diocesan Synod Council on terms of remuneration and period of service as may be mutually agreed.

### Duties and Responsibilities

1. The duties and responsibilities of office shall include:

- a) To manage the financial affairs of Synod and other diocesan agencies as directed by canon or resolution of Synod or by resolution of Diocesan Synod Council;
- b) Keep adequate records;
- c) Conduct the banking operations of Synod and other diocesan agencies in such bank or banks as Diocesan Synod Council may designate;
- d) Ensure that all diocesan accounts are reconciled monthly;
- e) Under the direction of Diocesan Synod Council, ensure the safekeeping of current funds of Synod and other diocesan agencies and invest such funds and have custody and ensure the safekeeping of all securities.
- f) Develop and monitor the budget of Synod and prepare financial statements and reports from time to time as required;
- g) Interpret the financial requirements and budgeting processes of Synod and other diocesan agencies within the appropriate structures of the church in and beyond the Diocese;
- h) To see to the auditing of accounts of Synod and other diocesan agencies and the presentation of annual and other auditor's reports in cooperation with the auditors appointed by Diocesan Synod Council;
- i) To develop and promote diocesan and parish gift and bequest programs;
- j) To encourage the development of positive relationships between members of the Diocese of Ontario and the financial officers of the Provincial and General Synods;
- k) The Diocesan Financial Officer shall be responsible to the Bishop and shall work in close relationship with the Bishop and other diocesan staff under the general supervision of the Diocesan Executive Officer;
- l) He or she shall be an ex officio member of Synod and Diocesan Synod Council during his or her term of office;
- m) The Diocesan Financial Officer shall supervise the work of the financial support staff.

2. The Diocesan Financial Officer shall give security for the due performance of duties and the safekeeping of funds and securities through an insurance policy or bond in an amount to be approved by Diocesan Synod Council. Premiums for such policy or bond shall be paid by Synod.

3. The position description may be amended by Diocesan Synod Council.

## C. Archdeacon of Ministry and Programs

1. The Archdeacon of Ministry and Program is responsible for assessing needs, planning and implementing programs, as well as running diocesan-wide activities which will enhance and enable ministry and program across the Diocese.

### Duties and Responsibilities

1. The duties and responsibilities shall include:
  - (a) To work with the Bishop, various committees, and resources of the Diocese, to focus on implementing the mission, ministry and stewardship directions laid out in the Diocesan Vision and Strategy;
  - (b) To assist the Bishop in his or her executive, pastoral and administrative responsibilities, and in partnership with the Diocesan Executive Officer to interpret and support the Synod and the Bishop's vision for the Diocese;
  - (c) To work closely with the Stewardship and Congregational Development Committee to develop, execute and adjust plans for parish level congregational development;
  - (d) To assist in capital campaign leadership and coordination;
  - (e) To implement, operate and evolve volunteer programs to assist in programs;
  - (f) To work with identified stakeholders to develop and implement a renewed strategy for children and youth;
  - (g) To lead a team focusing on lay ministry, training and development of programs;
  - (h) To be responsible for the Fresh Start program;
  - (i) To support the work of various committees in the Diocese including, the Green Group/Eco-Justice group, the Social Justice and Peace group, the DOORS group;
  - (j) To oversee Hyanto Ministries program and ministry;
  - (k) To provide advice and assistance in parish restructuring and new ministry models;
  - (l) To provide advice and assistance to the Canons and Governance Committee;
  - (m) To be a member of the Bishop's Advisory Committee;
  - (n) To be a member of the Synod Planning Committee;
  - (o) To perform such other duties as requested by the Bishop or the Diocesan Executive Officer from time to time.
- 2) The position description may be amended by Diocesan Synod Council.



## **CANON 35**

### **THE CHANCELLOR**

#### **1. Office**

There shall be a Chancellor of the Diocese who shall be appointed by the Bishop of the Diocese and shall hold office during the Bishop's pleasure.

#### **2. Qualification**

The Chancellor shall be a member of the Bar of the Province of Ontario of at least ten years standing and shall be a member in full Communion, of the Church in the Diocese. Before entering upon any duties, the Chancellor shall swear to deal uprightly and justly with all persons having a connection with the Chancellor's office without respect of favour or reward.

#### **3. Duties**

The Chancellor shall advise, assist and act with the Bishop, the Bishop's Commissary and with Diocesan Executive Officer of the Diocese in all matters of discipline or cases of difficulty or doubt when requested. The Chancellor shall act as an advisor to the Bishop at sessions of the Synod and meetings of the Diocesan Synod Council and shall perform such duties as are required by the Bishop and the Constitution and Canons of the Diocese.

#### **4. Vice-Chancellor**

The Bishop may appoint a Vice-Chancellor or Vice-Chancellors, to hold office during the pleasure of the Bishop. Each Vice-Chancellor shall assist the Chancellor and in particular, shall act for and on behalf of the Chancellor during the Chancellor's absence or inability to attend to duties.

#### **5. Chancellor Emeritus**

On the retirement of any Chancellor, the Bishop may appoint such retiring Chancellor as Chancellor Emeritus.

#### **6. Death or Retirement of Bishop**

The Chancellor and any Vice-Chancellor, on the death or retirement of the Bishop of the Diocese, shall tender a resignation of office to the Bishop's successor in the See.

#### **7. Deemed Resignation of Office**

Upon the:

- (a) resignation, personally or by their attorney, in writing to the Bishop, or
- (b) declaration that the Chancellor or Vice-Chancellor, as the case may be is mentally incapable to manage their property or personal care by an Ontario Superior Court, the Chancellor or Vice-Chancellor, as the case may be, shall be deemed to have resigned the office of Chancellor or Vice Chancellor.

## **CANON 36**

# **HONORARY SECRETARIES AND DIOCESAN REGISTRAR**

### **A. Honorary Secretaries**

1. The Honorary Clerical Secretary and the Honorary Lay Secretary shall be individually elected by Synod by a majority vote of members present.
2. The Honorary Secretaries shall assist the Diocesan Executive Officer in keeping the minutes of meetings of Synod and Diocesan Synod Council.
3. The Honorary Secretaries shall execute deeds and documents requiring their signatures and shall perform such other duties as assigned by Synod or Diocesan Synod Council.

### **B. The Diocesan Registrar**

1. Unless another Registrar is appointed by the Bishop, the Diocesan Executive Officer shall perform the functions of the Registrar.

### **Duties and Responsibilities**

- a) the granting and termination of commissions;
  - b) the granting of letters of orders;
  - c) the granting, suspension, renewal and termination of licenses;
  - d) the granting of Letters Bene Decessit;
  - e) the granting leaves of absences of clergy;
  - f) the issuing of induction mandates and results;
  - g) the issuing of other official documents;
  - h) the issuing of appointment of the Commissary upon approval by the Bishop.
2. A certified statement of any official act that must be recorded shall be delivered to the Registrar by the official who performed the act.
  3. At the request of authorized parties and on payment of fees to Synod as set by Diocesan Synod Council, the Registrar shall provide certified copies of baptisms, marriages or burials entered in any parish or congregational register in the Archives.
  4. The Registrar shall have access to the registers and records necessary for the performance of the above functions.
  5. The Registrar shall assist the Archives in the performance of their functions as is practical.

## **CANON 37**

### **ARCHIVES COMMITTEE**

1. The Archives Committee shall be appointed by the Bishop and accountable to the Diocesan Executive Officer.
2. The Archives Committee shall receive from the Diocesan Executive Officer and have charge of all documents, records and papers of the Diocese and its officers, parishes, organizations, corporations, and agencies connected or associated therewith and having continued historical value as a matter of record, all of which is hereinafter called the Archives. Such records may also be Digital in form as deemed appropriate.
3. The Diocesan Executive Officer and the Archives Committee shall be responsible for the preservation and safekeeping of the Archives.
4. The Archives Committee shall arrange, describe and make available the archival material for consultation and research as staff and resources permit.
5. The Archives Committee shall recommend policies for an ongoing program for the management of records in order to retain records of enduring value and for the orderly and legal disposal of records of non-archival value. Management of records shall be by electronic format where feasible.
6. Fees for access to the Archives and for consultation and copying archival materials shall be fixed by the Diocesan Synod Council in consultation with the Archives Committee from time to time.
7. The Archives Committee shall report annually to the Diocesan Executive Officer and to Diocesan Synod Council.
8. The Archives Committee shall assist and cooperate with archival programs in other dioceses, provincially and nationally, to facilitate the acquisition and accessibility of Anglican Church of Canada records.
9. The Archives Committee shall prepare and present to the Diocesan Executive Officer annually a proposed budget for the operations of the Archives.
10. The Archives Committee shall oversee the day-to-day operations of the Archives and all staff and the preparation and direction of archival projects and volunteers.
11. The Archives Committee shall be responsible for archival presentations to Diocesan Synod Council, Synod, and parishes.

# **CANON 38**

## **CANONS and GOVERNANCE COMMITTEE**

### **1. Membership**

There shall be a Committee of the Synod known as the Canons and Governance Committee consisting of the:

1. Chancellor, who shall be the Chair;
2. Vice-Chancellor(s), if one is appointed;
3. Diocesan Executive Officer;
4. Archdeacon of Ministry and Program;
5. Four (4) Members appointed by the Bishop upon the recommendation of the Chancellor.

### **2. Duties**

The duties of the said Committee shall be:

1. To consider such amendments or revisions to the Constitution, Canons, and policies of the Synod or Diocesan Synod Council as may be referred to it by Synod or Diocesan Synod Council or any Committee thereof, and to report how best such revisions and/or amendments may be incorporated in the Constitution, the Canons and policies;
2. To review the Constitution, Canons, and policies from time to time and to report to Synod and Diocesan Synod Council on any required revisions in terminology, provision or arrangement.
3. The Committee shall present a report to Synod on the Constitution, Diocesan Canons, policies and recommended amendments thereto, The Committee may also report to Synod on any Provincial or General Synod Canons, policies or amendments thereto which may apply to the Diocese.

## **CANON 39**

### **PENSION AND BENEFITS PLAN**

#### **The General Synod Pension and Benefit Plan**

1. Whereas for the purpose of providing pensions and benefits for clergy of the Diocese of Ontario:
  - (a) The Synod of the Diocese of Ontario (Synod) accepts the provisions of Canon VIII, “General Synod Pension and Benefits Plans” of the General Synod of the Anglican Church of Canada and will accept any amendments to this Canon enacted for the same purpose.
  - (b) The Diocesan Executive Officer and Diocesan Financial Officer shall be responsible for administering Synod’s obligations under Canon VIII of the General Synod of the Anglican Church of Canada.
  - (c) The assessments levied upon Synod under Canon VIII shall be paid into the Pension Fund of the Anglican Church of Canada in monthly installments.
  - (d) The amount required to pay a member’s personal pension premium for the General Synod Pension and Benefits Plan shall be deducted from the monthly salary or stipend of that member.
  - (e) The amount of all assessments for which Synod is responsible shall be included in the annual operating budget of Synod.
  - (f) The amount of all assessments for which the parish is responsible shall be included in the annual operating budget of the parish.
  - (g) From time to time, the Diocesan Executive Officer and the Diocesan Financial Officer shall be responsible for providing to officers of the General Synod Pension and Benefits Plan any information required under the Plan respecting members of the Diocese of Ontario.
  - (h) Members shall be entitled to pensions and benefits as established under the General Synod Pension and Benefits Plan upon the terms therein contained.

## **CANON 40**

### **RETENTION OF LEGAL COUNSEL**

#### **1. Solicitor**

There may be a Solicitor of the Incorporated Synod of the Diocese of Ontario, who shall be appointed by the Diocesan Synod Council on the recommendation of the Chancellor and who shall hold office during the pleasure of the Diocesan Synod Council.

#### **2. Death or retirement of Bishop**

On the death or retirement of the Bishop of the Diocese, the Solicitor shall tender a resignation of the office to the Diocesan Synod Council.

#### **3. Duties**

The Solicitor shall perform such duties as are required by the Bishop, the Diocesan Synod Council, the Diocesan Executive Officer, and the Canons and Governance Committee of the Diocese.

#### **4. Use of Other Counsel**

The Bishop, the Diocesan Synod Council, or the Diocesan Executive Officer may in their discretion retain other Barristers and Solicitors, licensed to practice law in Ontario, in particular matters.

## **CANON 41**

### **GENERAL PROVISIONS**

1. Diocesan Synod Council may make policies and regulations:
  - a) respecting and governing the content, form, and filing of any document prescribed by the Canons;
  - b) subject to the terms of any employment contract, establish policies or regulations respecting employment standards, workplace conditions including workplace harassment in compliance with any provincial and/or federal legislation;
  - c) respecting any method of internal and /or external communications including electronic communications and the format thereof;
  - d) respecting the methods of giving any notice prescribed by the Canons;
  - e) respecting rules governing the publication or reproduction of any document including a notice, report or circular;
  - f) Respecting any waiver or abridgment of time required to perform any action prescribed by the Canons and establishing the manner in which such waiver or abridgment of time may be made;
  - g) respecting the authorizing of the Diocesan Executive Officer to take such action as may be required in emergency circumstances, as defined in the Canons, to protect the interests of the Diocese and/or a parish; provided nothing in this Canon shall be interpreted to authorize any action in contravention of the Canons or any law;
  - h) prescribing any action or other matter that is required or permitted to be done in accordance with or as provided for in the Constitution, Canons or policy for which a specific power or direction is not otherwise provided.

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## ERRATA


### Formatting or Layout Changes (from Draft 4.0 at Synod)


Page 4	Definitions	Corrected Numbering (started at 3 not 1)
Page 9	Memorials and Petitions	Indentation
Page 28	Clerical Appointments	Corrected lettering (were 2 "b" paragraphs)
Page 34	Parishes	Corrected numbering (6 should have been 4)
Page 50	Parish Advisory Council	Corrected Heading to Section 1
Page 56	Discipline	Corrected numbering (2.3 should have been 2.2) Corrected numbering (4 should have been 3 and on)
Page 57	Discipline	Corrected numbering in 7(2)
Page 58	Discipline	Corrected numbering (10 should have been 7)
Page 68	Special Purpose Funds	Corrected numbering (2 should have been 1)
Page 78	Diocesan Finance Committee	Corrected numbering of Membership to be 1.

# The Synod of the Diocese of Ontario

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