

CANONS

C.3.13 LAND TRANSACTIONS

Subject to the applicable Statutes of the Provinces of Ontario and Quebec and subject to such procedures as may be prescribed by By-law, land shall not be sold, mortgaged, leased for a term in excess of two years, or otherwise encumbered, without the consent of the Bishop and the Diocesan Council and of the Vestry of any Parish or Congregation which has an interest in such land.

C.5.05 BUILDINGS

Church buildings and rectories shall be erected, bought, leased, maintained and used as may be prescribed by By-law except that no sale, rent or lease of the right to use of pews during services shall take place in the Diocese.

BY-LAWS

B.3.19 PARISH LAND AND BUILDINGS

1. No land, Church, rectory, or other parochial building shall be erected, purchased, sold, mortgaged, leased for a term in excess of two years, or otherwise acquired, encumbered or disposed of, or have structural alterations costing over \$30,000 or more made thereto or be removed from one locality to another, without the consent of the Bishop and the Diocesan Council, and the authorization of the Vestry of the Parish or congregation interested therein.
2. All applications submitted for the approval of the Diocesan Council shall be accompanied by a copy of the Resolutions of the Vestry, certified by the Vestry Clerk.
3. Except as otherwise directed by the Diocesan Council:
 - a) the proceeds of the sale of any parochial property shall be paid to the Synod in accordance with the applicable Statutes of Ontario and Quebec; and
 - b) in the event that a mortgage is acquired in connection with such sale, the mortgage shall be taken in the name of the Incorporated Synod of the Diocese of Ottawa.
4. No designation of or reference to any persons shall be placed in any Church, rectory or other parochial building in such a way that it becomes a fixture to the premises, nor if so placed, removed therefrom, without the consent of the Bishop.

B.5.03 CHURCH PROPERTY

1. The possession of all Church land and buildings, the Churchyard and any burying ground attached or belonging thereto, is vested in the Incumbent and Churchwardens for the time being, and the care of the property is therefore their joint responsibility. 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. In the case of difference of opinion between the Incumbent and the Churchwardens regarding their respective powers and duties, and the exercise thereof, the matter under dispute shall be referred to the Bishop for adjustment. Except where the difference is also one between the Incumbent and the parishioners, the decision of the Bishop in such matters shall be final. All expenses and liabilities connected with such properties (except as provided in the following paragraph) shall be borne by the Vestry.

2. Where income is being derived from Church land and buildings for the benefit of the clergy of the parish, the same shall be remitted to the Synod Office in accordance with the provisions of By-law 4.05 and the Regulations, but any taxes assessed against such lands and buildings shall first be deducted from the income thereof.

3. The Parish shall pay the Incumbent's expenses for fuel, water, electricity, telephone services and internet services; and may pay the same for other clergy attached to the Parish.

REGULATIONS

R.5.01 PARISH LANDS AND BUILDINGS

1. Before calling a meeting of the Vestry to deal with any matter respecting lands and buildings as provided for in this Regulation, in By-law 3.19, in Canon 3.13, or otherwise, the Incumbent and Churchwardens shall first consult with the Bishop to discuss any proposal before it is made to the Vestry.

2. In order to facilitate approval by the Diocesan Council, the Incumbent and Churchwardens shall forward the following information and material to the Director of Administration; namely:

a) Respecting purchases:

- i) certified copy of Vestry resolution;
- ii) general description of property (with sketch of location);
- iii) purchase price;
- iv) method of financing purchase and statement of Parish's financial condition with respect to purchase;
- v) some evidence as to value, preferably by a disinterested party;
- vi) copy of offer (if available); and
- vii) statement giving details of why the property is required.

b) Respecting sales:

- i) certified copy of Vestry resolution;
- ii) general description of property (with sketch of location);
- iii) original Deed (or advice that Deed is on file at Synod Office),
- iv) offer to purchase; if none, statement setting forth:
 - A) amount to be received;
 - B) name and address of any proposed purchaser;
 - C) terms of payment of purchase price; and
 - D) date of expected expiry of offer;
- v) proposed disposition of proceeds;
- vi) statement as to whether property is or is not consecrated;
- vii) some evidence as to value, preferably by a qualified valuator; and
- viii) statement giving details of why the property is to be sold.

c) Respecting building or structural alterations:

- i) First step (for approval in principle):
 - A) certified copy of Vestry resolution;
 - B) preliminary plans, concepts and drawings;
 - C) estimated cost;
 - D) method of financing; and

- E) statement of why the building or alteration is required.
- ii) Second step (for final approval):
 - A) certified copy of Vestry resolution;
 - B) final plans and specifications;
 - C) actual cost as established by a tender or conditional contract;
 - D) method of financing; and
 - E) particulars of any performance bond furnished by contractor.
 - F) All preliminary plans, concepts, drawings and estimates, and thereafter all final plans, specifications and actual costs, shall be forwarded to the Financial Affairs Committee.

d) Respecting mortgages or loans:

- i) certified copy of Vestry resolution;
- ii) general description of property (with sketch of location);
- iii) original Deed of property (or advice that Deed is on file at the Synod Office);
- iv) amount, terms and interest rate;
- v) name and address of mortgagee or lender;
- vi) statement of intention of parish as to use of proceeds;
- vii) statement outlining method of providing funds for repayment; and
- viii) statement as to whether the property is or is not consecrated.

e) Respecting leases:

- i) certified copy of Vestry resolution;
- ii) general description of property (with sketch of location);
- iii) terms of lease;
- iv) rental;
- v) proposed disposition of proceeds where Parish is to be the landlord and proposed method of financing where the Parish is to be the tenant; and
- vi) statement giving details of why the leasing is required.

3. The net principal proceeds of the sale of real property that is no longer used (redundant) for church purposes within the Diocese shall as soon as possible following the completion of the sale be paid over to the Capital Fund of the Church Extension Corporation of the Diocese.

4. No church, rectory or other parochial building shall be the subject of an application for designation under the Ontario Heritage Act (nor under similar heritage law in effect in the Province of Quebec), nor shall such property be encumbered by any agreements, easements, covenants or any other legal obligation whatever pursuant to such law, without the prior written approval of the Diocesan Council. Anyone seeking such approval shall apply to the Financial Affairs Committee.

5. The Financial Affairs Committee may recommend the approval of such application to the Diocesan Council if it is satisfied on all of the following points:

- a) that, in the case of a parish, the parish seeking such approval is financially self-sufficient and is able to meet its current and reasonably foreseeable future financial obligations, except for its obligation to restore or maintain the heritage structure for which approval is sought;
- b) that, without the approval, in the case of a parish, the parish will not have sufficient financial resources to restore or maintain the heritage structure for which approval is

sought;

c) that the proposed heritage structure is of exceptional architectural or historical value;
and

d) that the heritage designation and/or agreements, easements, covenants or other legal obligations will not constitute an unreasonable interference with the use of the subject lands and buildings by the relevant parish and/or the Diocese.

6. APPROVAL LIMITS FOR CAPITAL PROJECTS

A parish may undertake a capital project for the improvement of property or construction of a building without seeking approval from any diocesan authority outside the parish where the cost of the capital project is less than \$10,000. A parish may undertake a capital project for the improvement of property or construction of a building if the cost of the project is \$10,000 or more but less than \$30,000 only with the prior written approval of the Archdeacon, who shall decide to give or withhold approval on the basis of the Archdeacon's opinion of the benefit of the project to the parish, and the parish's ability to pay for the project. In the case of a capital project costing \$30,000 or more, the parish shall seek the prior approval of the Diocesan Council as provided in the Regulations.