

REGULATIONS RE: PARISH LANDS AND BUILDINGS

R.5.01 - Parish Lands

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 and proposal before it is made to the Vestry.
2. In order to facilitate approval by the Executive Committee, 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 the 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 Administration and Finance 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 Executive Committee. Anyone seeking such approval shall apply to the Administration and Finance Committee.
5. The Administration and Finance Committee may recommend the approval of such application to the Executive Committee 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.