



### TABLE OF CONTENTS

Canon Number	Title	Page
A	Definitions used in the Constitution or Canons	A-1
-	Constitution	1
1	Election of a Bishop	1-1
2	Election of a Coadjutor Bishop or a Suffragan Bishop	2-1
3	Appointment of Dignitaries and Other Officers, and Their Duties	3-1
4	Candidates for Ordination	4-1
5	Candidates for Orders who have been Ordained in Another Denomination	5-1
6	Cleric Licences, Permits, Leaves of Absence and Letters Dimissory	6-1
7	Permission to Officiate	7-1
8	Licensing of Lay Readers	8-1
9	Clerical Appointments and Vacation	9-1
10	Retirement of Bishops, Clerics and Lay Employees of the Diocese	10-1
11	Notice to be Given on Leaving a Parish	11-1
12	New Ministries, Partnerships, Realignment, Reorganization, Re-designation, Disestablishment, and Administration of Parishes and Congregations of the Diocese	12-1
13	Rectories	13-1
14	Title to Real Property, Acquisition, Sale, Financing, Maintenance and Repair of Church Buildings	14-1
15	Investment of Trust Funds	15-1
16	Parish Records and Their Custody	16-1
17	Authorized Service Books and Scriptural Translations	17-1



18	Vestries and Churchwardens	18-1
<b>Canon Number</b>	<b>Title</b>	<b>Page</b>
19	Parish Council	19-1
20	Differences Between Clerics and Their Parishes	20-1
21	Discipline	21-1
22	Financial Appeals	22-1
23	Episcopal and Archdeacon's Fund and the Sick Benefit Fund	23-1
24	Diocesan Mission Grants	24-1
25	Ordination Outfit Grants	25-1
26	Elections of Members to General and Provincial Synods and of Standing Committees of Synod	26-1
27	Bishop's Fund for Professional Assistance of Clerics	27-1
28	The Diocesan Budget and Its Apportionment	28-1
29	Administration and Finance Committee	29-1
30	Archdeaconries and Regional Deaneries	30-1
31	Deanery Councils	31-1
32	Revolving Loan Fund	32-1
33	Diocese of Huron Pension Plan	33-1
34	Retiring Gratuity and Group Life Insurance	34-1
35	Insurance	35-1
36	Other Committees	36-1
37	Archives and Archives Committee	37-1
38	Indemnification	38-1
39	Human Resources Committee	39-1



40	Screening in Faith	40-1
<b>Canon Number</b>	<b>Title</b>	<b>Page</b>
41	Cemeteries	41-1
42	Huron Development Fund	42-1
43	Chapels of Ease, Cemetery Chapels and Summer Churches	43-1
44	Litigation	44-1



## Canon A

### Definitions used in the Constitution or Canons

1. The following words and phrases, when used with initial capital letters in the Constitution or Canons, shall be defined as follows, unless the context otherwise requires.
2. “Administrator” shall mean a cleric or lay person appointed by the Bishop to carry on the function of a trustee, receiver and manager of the affairs of a Parish for a period of time specified by the Bishop at the time of appointment in the event of:
  - (a) a request by such Parish, either in the form of a Vestry resolution or request in writing from the Incumbent and/or the Churchwardens;
  - (b) a Parish fails to appoint or elect two Churchwardens in accordance with Canon 18;
  - (c) a Parish is a supported Parish; or
  - (d) the Bishop being satisfied that no other reasonable action is available.
3. “Alignment/realignment” shall mean the grouping/regrouping of two or more Parishes to become a Regional Ministry.
4. “Archdeacon” shall mean a cleric, appointed by the Bishop, who has a defined administrative authority on behalf of the Bishop and delegated to them by the Bishop. That authority may be for the whole or for a part of the diocese.
5. “Archdeaconry Commission” shall mean a body consisting of the members of the Diocesan Council of the Diocese residing in an archdeaconry and such other persons as may be appointed by the Bishop, in consultation with the Territorial Archdeacon, for the accomplishment of one or more specified task(s).
6. “Bishop’s Commissary” shall mean a priest or bishop, whom the Bishop may appoint from time to time, in writing, to be the Bishop’s Commissary for specific period(s) of time. The Commissary shall have all the powers and responsibilities assigned to the Bishop by statutes, the Constitution and Canons of Synod of the Diocese of Huron, the Synod of the Ecclesiastical Province of Ontario and the General Synod, subject to the terms and limitations of appointment by the Bishop or in the Commissary’s order of ministry as a priest or bishop.
7. “Congregation” shall mean a body of Anglicans who gather together for worship and who are governed by the Canons, the Constitution and the incorporating documents of the Diocese.



8. "Congregational Council" shall mean the Parish Council of each congregation in the event that there are two or more Parishes functioning as a Regional Ministry.
9. "Diocese" shall mean the Incorporated Synod of the Diocese of Huron.
10. "Disestablishment" shall mean the termination of the legal entity of a Parish. A Parish may close its church building and continue to exist. The closing of a building does not necessarily imply disestablishment.
11. "Incumbent" shall mean an Incumbent, Rector, Priest-in-Charge, Deacon-in-Charge or Lay Pastor-in-Charge, not including an Interim Priest-in-Charge.
12. "Parish" shall mean a unit comprising one or more congregations, ministering to one or more geographic area(s). The Parish shall have an Incumbent and two Churchwardens and one Parish Council with a single budget and set of apportionable expenses. A Parish may also participate in a Regional Ministry.
13. "Partnership" shall mean a temporary relationship between two or more Parishes. There are no permanent obligations to a partnership and no change in the ownership of assets.
14. "Regional Ministry" shall mean a unit comprising two or more Parishes, ministering to multiple geographic areas. Each Parish possesses its own Parish Council, budget, and set of apportionable expenses. A Regional Ministry shares a Regional Ministry council which administers matters of common concern, such as shared ministerial costs.
15. "Reorganization" shall mean the grouping or regrouping of Parishes into one new Parish. In a reorganization, all former Parishes are disestablished, and a new Parish is created. This new Parish shall hold all the assets of the various Parishes involved that have not been declared surplus to the needs of the congregation(s) and shall be governed by one Parish Council and one set of Churchwardens.
16. "Special Ministry" shall mean a congregation that does not possess Parish status, formed by the Bishop. Special Ministry designation is temporary, assigned for limited term only.
17. "Supported Parish" shall mean any Parish that has failed to pay either 75% or more of its allotted apportionment or 100% of its personnel costs for three years in a consecutive six- year period.
18. "Supporting Parish" shall mean an existing Parish that supports a new ministry.
19. "Surplus Assets" shall mean those assets that the Bishop and Diocesan Council, having received the recommendations of the Territorial Archdeacon and of executive staff, determine can be more appropriately used for ministry in other



locations.

20. "Synod" shall mean an assembly of the voting members of the Incorporated Synod of the Diocese of Huron.
21. "Territorial Archdeacon" shall mean an archdeacon whose defined authority is for a geographical part of the Diocese.
22. "Worshipping Community" shall mean a congregation that does not possess Parish status, formed as a new ministry of an existing Parish or by re-designation. A Worshipping Community is part of a Parish.



## CONSTITUTION OF THE INCORPORATED SYNOD OF THE DIOCESE OF HURON

### MEMBERSHIP

1. The voting membership of The Incorporated Synod of the Diocese of Huron (hereinafter called "Synod") shall consist of the Bishop of the Diocese, (hereinafter "Bishop" will refer to the Diocesan Bishop unless otherwise specified), who shall be president of the Synod; all coadjutor and suffragan bishop(s) of Huron; all clerics holding licences from the Bishop or who with the Bishop's sanction hold any Diocesan office, or perform any Diocesan work (hereinafter referred to as "clerics"), the Chancellor of the Diocese; the Vice-Chancellor of the Diocese; the Synod Solicitor; Chancellor(s) Emeritus; and the lay representatives and Youth Members elected in accordance with the Constitution and Canons of Synod. The Principals of Canterbury College, Huron University College and Renison University College, if they are communicant members of the Anglican Church of Canada (or a Church which is in full communion with the Anglican Church of Canada), shall also be voting members of Synod. The Diocesan President of the Anglican Church Women and the Diocesan President of the Brotherhood of Anglican Churchmen, as elected or appointed according to their respective Constitutions, and while holding such positions (or their alternate, while holding such position), shall also be voting members of Synod. The Secretary-Treasurer of Synod (hereinafter called the "Secretary-Treasurer"), the Director, Human Resources and the Executive Officer, Bishops' Office (or Executive Archdeacon, Bishops' Office), if they are communicant members of The Anglican Church of Canada (or a Church which is in full communion with the Anglican Church of Canada), shall also be voting members of Synod while holding such positions.
2. Superannuated clerics who do not hold a licence for continuing active service and clerics on leave of absence from the Diocese shall be non-voting honorary members of Synod. They are free to express their opinion in Synod debate, but have no vote. At the discretion of the Bishop, clerics who have retired but are later appointed by the Bishop to a Parish may become voting members of Synod.
3. The lay representatives shall be communicants of The Anglican Church of Canada (or a Church which is in full communion with the Anglican Church of Canada) of at least one year's standing and of the full age of 16 years and









shall be filled by appointment by the chair and co-chair of the Deanery Council from amongst the Youth members elected or appointed from Parishes in that Deanery. The chair of the Deanery Council shall promptly advise the Secretary- Treasurer in writing of the name and contact information for each Youth member of Synod and of any person elected or appointed to fill a vacancy in the position of Youth member of Synod from the Deanery Council. Youth members of Synod shall have full voting privileges as members of the laity at all meetings of Synod and shall be eligible for election to committees by Synod.

### **MEETINGS OF SYNOD**

12. The Synod shall meet annually and at such time(s) as may be deemed expedient by the Bishop. Notice of such meeting shall be given in writing or by electronic means to all of the members of Synod not less than 14 days before the date of the meeting.
13. The Bishop shall have the discretion when the Bishop determines that circumstances warrant, to hold a Synod meeting in person, by video conference or other electronic means, or a combination thereof; provided that participants attending the meeting are able to hear each other and have the opportunity to be heard and when applicable, to vote. Persons participating in meetings which are held partially or completely by electronic means shall be counted for the purposes of quorum in paragraph 15.
14. If at any time during any session of Synod the Bishop is not present, the Bishop shall appoint a deputy to preside.
15. A quorum of the Synod shall consist of the Bishop, or the Bishop's designate, and 30 clerics and 30 lay representatives, except when electing a bishop, when the quorum shall consist of the Bishop, or the Bishop's designate, and a minimum of 75 clerics and 75 lay representatives, respectively. Youth members shall not be included in the quorum, notwithstanding that they may vote. There shall be no participation by proxy at any annual or special Synod meeting.
16. No business which requires a vote of Synod may take place in the absence of a quorum. Whenever the Bishop or the Bishop's designate determines that a quorum is not present, they may declare the Synod adjourned to the next ordinary hour for assembling or until a new session of Synod is summoned by the Bishop or the Bishop's designate.



### **HONORARY SECRETARIES OF SYNOD**

17. An Honorary Clerical and an Honorary Lay Secretary shall be elected annually by the Synod from among the members thereof, and such persons shall remain in office until the next annual meeting of the Synod. Their duty shall be to take, or cause to be taken, minutes of the proceedings of the Synod and to prepare the same for printing in the annual journal, and within a reasonable time after the close of the session of Synod, to deposit with the Secretary-Treasurer for safekeeping, all books and papers relating to the Synod which may be in their possession; to transmit to their proper destination all memorials, resolutions, etc., passed by the Synod; to attest the public acts of the Synod; to issue, after notification by the Bishop of the time and place of meeting, the circular convening the meetings of the Synod; and, in case of a vacancy in the See, to summon the Synod for the election of a Bishop.

### **ELECTION OF BISHOPS**

18. In the case of a vacancy in the See, it shall be the duty of the Honorary Secretaries of the Synod, within ten days of such vacancy, to give notice thereof to every member of the Synod summoning a meeting of the Synod (the "Electoral Synod") to be held in London within 180 days of such vacancy for the election of the Bishop, and to give at least 30 days' notice thereof. The Chair of the Electoral Synod shall be the Metropolitan of the Ecclesiastical Province of Ontario or their delegated representative, who shall not be entitled to have a vote unless a member of Synod. The clerics and lay representatives present shall vote by ballot separately by orders. The election shall be conducted as hereinafter provided.
19. Diocesan Council shall form the Nominating Committee for the election of a Bishop, a coadjutor bishop or a suffragan bishop, and at a suitable meeting prior to the Electoral Synod, or by deposit with the Secretary-Treasurer prior to such meeting, each member shall nominate by secret written ballot up to three eligible persons. To these may be added the names of up to three persons who are nominated by the Provincial House of Bishops, through the Metropolitan, if requested by Diocesan Council. These (up to three), in addition to those who receive the highest number of nominations from Diocesan Council balloting, to the aggregate total of not more than ten (plus ties) (provided that none of the nominees of Diocesan Council shall have received fewer than five votes) shall be the nominees of the Committee.
20. In case of a resolution being passed by the Synod or Diocesan Council accepting the Bishop's request that a coadjutor bishop or suffragan bishop is necessary, it shall be the duty of the Honorary Secretaries of the Synod,



upon instructions of Diocesan Council, to give notice thereof to every member of Synod, and at the same time to summon a meeting of the Synod to be held in London, for the election of such coadjutor bishop or suffragan bishop at such time, upon such date and upon such notice thereof (being not less than sixty (60) days' notice) as determined by Diocesan Council. At such Synod, such coadjutor bishop or suffragan bishop shall be elected in the same manner and subject to the same conditions as are contained herein for the election of a Bishop, excepting that the chair shall be the Bishop.

21. Immediately upon such notice being given of a vacancy in the See or upon notice being given of a resolution being passed by the Synod, or Diocesan Council, approving the Bishop's proposal that a coadjutor bishop or suffragan bishop is necessary, an Electoral Procedures Committee shall be named and convened by the Vice-Chancellor or, in their absence, by the Synod Solicitor, consisting of two other members of the laity and three clerics, such members to be appointed by the Vice-Chancellor or the Synod Solicitor as the case may be. The Electoral Procedures Committee shall secure from the nominees their willingness to stand, and shall provide the list of nominees in alphabetical order to all members of Synod, along with a recent photograph of each nominee, and biographical information about the nominees, including their educational background, work experience outside the Church, date of Ordination, appointments and record of service in the Church. Such nominations, pictures, and biographical material shall be mailed, or transmitted by electronic means, to the Synod members as early as possible, and not later than 20 days prior to the Electoral Synod. The Electoral Procedures Committee shall also gather, as soon as practicable, questions from each Deanery Council of the Diocese which the Deanery Councils wish the nominees for bishop to address. The questions shall be reviewed by the Electoral Procedures Committee and the Electoral Procedures Committee shall decide, in its sole discretion, which of the questions, if any, will be put to the nominees. The same question or questions, if any, shall be put to each nominee and the written answers of each nominee along with the nominee's picture shall be published in the Huron Church News and/or on the Diocesan website not later than seven days prior to the Electoral Synod.
22. Additional nominees may be nominated by five members of Synod by forwarding the nominations (with the written consent of each nominee) in writing to the chair of the Electoral Procedures Committee in care of the Synod office. Nominations shall be closed ten clear days before the Electoral Synod, at which time the biographical material, a recent picture, and written answers to the questions selected by the Electoral Procedures Committee shall be distributed to members of Synod on registration, and posted on the



Diocesan website.

23. The procedure for introducing the candidates shall be determined by the Electoral Procedures Committee with the concurrence of Diocesan Council.
24. The Electoral Procedures Committee shall have responsibility for appointing in advance a sufficient number of scrutineers to complete the tabulation of votes.
25. Balloting shall continue by orders, during which time the names of the nominees shall be posted at the front of the assembly. When any nominee receives more than half of all votes cast on a ballot by both orders, voting separately, that nominee shall be declared elected. All members of Synod who are in Episcopal orders (other than the Bishop) shall vote with the order of clerics.
26. The Honorary Secretaries of Synod, in consultation with Diocesan Council and the chair of the Electoral Synod, shall have the discretion when they determine that circumstances warrant, to hold the Electoral Synod meeting in person, by video conference or other electronic means, or a combination thereof; provided that participants attending the meeting are able to hear each other and have the opportunity to be heard and when applicable, to vote. Persons participating in meetings which are held partially or completely by electronic means shall be counted for the purposes of quorum in paragraph 15 hereof.

### **DIOCESAN ADMINISTRATOR**

27. In the event of a vacancy in the See caused by the death, resignation, retirement, or removal of the Bishop, or in the event of the Bishop's mental incapacity, whether temporary or permanent, certified by two qualified medical practitioners, Diocesan Council shall, by resolution passed at a meeting called forthwith for such purpose, appoint an Administrator of the Diocese (the "Diocesan Administrator). The Diocesan Administrator shall hold office until the Bishop has recovered from such incapacity, as certified by two qualified medical practitioners, or until a successor to the Bishop has been duly elected and installed. The Diocesan Administrator shall have all the powers regarding the administration of the Diocese, including the execution of deeds and documents, as are generally possessed by a Bishop's Commissary, not exceeding the order of ministry of the particular Diocesan Administrator so appointed. Certified copies of the medical certificates shall be forwarded to the Metropolitan of the Province, or in the case of a vacancy in the office of the Metropolitan, to the Senior Bishop of the Province.



28. The production of a copy of the resolution of Diocesan Council appointing the Diocesan Administrator, certified by the Chancellor of the Diocese and by the Secretary/Treasurer shall be sufficient evidence of power to execute deeds and documents of the Synod, and to perform such other duties as may be required.
29. In the event of mental incapacity of a Diocesan Administrator or or the Diocesan Administrator acting in a way detrimental to the welfare of the Diocese, the Chancellor, or in their absence, the Vice- Chancellor shall consult forthwith with the Metropolitan of the Province, or in the case of a vacancy in the office of the Metropolitan, the Senior Bishop of the Province, to determine an appropriate course of action.

### **SECRETARY-TREASURER OF THE DIOCESE**

30. A Secretary-Treasurer shall be appointed by vote of Synod, whose duty it shall be to attend to all business of the Diocese including, except as otherwise provided by Synod, the receipt and custody of all monies belonging to the Diocese, under the direction of the Bishop and Diocesan Council, and to be the custodian and guardian of all papers and documents relating to the affairs of the Diocese. The Secretary-Treasurer may, but need not be, also referred to as the “Director, Administrative Services” or such other title as may be approved by resolution of Diocesan Council from time to time and such reference shall be deemed to be a reference to the Secretary-Treasurer.
31. If any vacancy shall occur by death, removal or resignation of the Secretary-Treasurer, the Bishop shall appoint a successor to act until the next meeting of Synod and notice of such vacancy and appointment shall be given to the next meeting of Diocesan Council.
32. All payments, including without limitation, cheques, written authorizations or written directions, shall be signed or authorized by any two of the Bishop, the coadjutor bishop, the suffragan bishop(s), assistant bishop(s), the Diocesan Administrator the Secretary-Treasurer, the Director of Finance for the Diocese of Huron or a person so designated by Diocesan Council.
33. The Secretary-Treasurer is hereby authorized and empowered to execute all discharges of mortgages, cessations of charges and agreements for extension of mortgages, which from time to time may be required to be executed on behalf of the Diocese, provided that all deeds and other documents requiring the seal of the Diocese shall be executed as specified in paragraph 35.



34. The Diocese shall have a corporate seal of which the Secretary-Treasurer shall have the care and custody.
35. All legal documents executed under corporate seal, if required, shall be normally signed by the Bishop and the Secretary-Treasurer but in their absence by any two of the Bishop, any one of the coadjutor bishop, the suffragan bishop(s), the assistant bishop(s), the Diocesan Administrator or the Director of Finance for the Diocese of Huron, or a person so designated by Diocesan Council.
36. Notwithstanding section 32, the Bishop and Secretary-Treasurer are hereby authorized and empowered on behalf of the Diocese to execute all powers of attorney to transfer, and/or letters of transmittal as may be necessary effectually to assign and transfer under the corporate seal of the Diocese any stocks, bonds and other securities held by the Diocese from time to time; and without further authorization to make good and valid delivery of all such documents and stocks, bonds, and other securities on behalf of the Diocese upon the sale thereof.
37. There shall be annually appointed by the Synod a firm of independent certified public accountants as auditors whose duty shall be to examine all accounts of the Diocese and to report on them to the Synod.

### **Diocesan Council**

38. There shall be a Diocesan Council consisting of:
  - (i) the Bishop;
  - (ii) the Coadjutor, Suffragan and Assistant Bishop(s), if any;
  - (iii) the Dean of Huron;
  - (iv) the Chancellor;
  - (v) the Vice-Chancellor(s), if any;
  - (vi) the Synod Solicitor, if any;
  - (vii) the Registrar;
  - (viii) the Secretary-Treasurer;
  - (ix) two Youth members, as elected by Youth Synod;
  - (x) two members from the native congregations of Huron, as appointed by L.A.I.C. (Lenni Lenape Algonkian Iroquoian Council which is the









43. The Bishop shall have the discretion when the Bishop determines that circumstances warrant, to hold a Diocesan Council meeting in person, by video conference or other electronic means, or a combination thereof; provided that participants attending the meeting are able to be recorded for attendance, hear each other, and have the opportunity to be heard instantaneously and simultaneously and when applicable, to vote. Persons participating in meetings which are held partially or completely by electronic means shall be counted for the purposes of quorum in paragraph 44.

44. It shall be the duty of Diocesan Council to manage and administer all the funds, lands and property of the Diocese and generally to exercise all the powers and functions of the Synod between sessions of the Synod in accordance with the Constitution and Canons thereof, except enacting, amending or repealing the Canons or the Constitution.

45. The Diocesan Council, of which a quorum shall consist of ten members, shall meet not fewer than three times in each calendar year, provided, however, that the Bishop shall have the power to call the Diocesan Council together at any time. There shall be no participation by proxy at any Diocesan Council or Diocesan Sub-Council meeting.

### **Diocesan Sub-Council**

46. There shall be a Diocesan Sub-Council which shall consist of the Bishop or the Diocesan Administrator, if any, who shall be chair, the coadjutor and/or suffragan bishop(s), who shall be vice-chairs, the Chancellor, the Vice-Chancellor, the Synod Solicitor, and the Secretary-Treasurer, who shall be voting members *ex officio*, together with six clerics and six members of the laity, who shall be members of Synod and who shall be elected and/or appointed in the manner following:

(a) The Diocesan Council shall annually elect at its organizational meeting, held as soon as practicable following the annual session of Synod, from its members, by ballot taken separately by orders, six clerics and six members of the laity. Archdeacons may be invited to the sub-council meeting but shall have no vote (unless elected to sub-council.)

(b) In the event of a vacancy on the Diocesan Sub-Council at any time during the year, the Bishop, acting upon the advice of the Diocesan Council, shall appoint from the members of the Diocesan Council and/or Synod, a cleric or a member of the laity, as the case may, be to fill such vacancy.



47. The Diocesan Sub-Council shall have all of the powers of the Diocesan Council to act between meetings of the Diocesan Council.
48. The Secretary-Treasurer shall be secretary of the Diocesan Sub-Council and in their absence from any meeting the chair of such meeting shall appoint a person to act as secretary, and the actions of each meeting shall be reported through the Secretary- Treasurer to the Diocesan Council at its next meeting.
49. The Diocesan Sub-Council shall meet at the call of the Bishop at such place and time as they shall designate and a quorum shall consist of the chair or, in their absence, a vice-chair, together with four other members. Meetings of the Diocesan Sub-Council may be held, and decisions may be made by means of video conference, conference telephone or other electronic means.

### **BUDGET AND APPORTIONMENT**

50. In order to provide sufficient means to carry on the work of the Diocese, each Parish shall be required to contribute to the funds of the Diocese such a sum as shall be apportioned to such Parish by the terms of Canon 28. Each Vestry shall raise its contributions to the Diocese in the way best suited to the Parishes.
51. All contributions collected for special purposes sanctioned by the Diocese as well as one-twelfth of the Diocesan budget apportionment shall be forwarded to the Secretary-Treasurer at the end of every month.

### **VOTING**

52. No act or resolution of Synod shall become effective without the consent of the Bishop and a majority of the clerics and laity present; provided that, ordinarily, the votes of the whole Synod shall be taken collectively; but that at the direction of the Bishop or at the written request of not fewer than five members of the Synod, the votes of each of the orders shall be taken separately, in which case a majority of each order shall be necessary. All members of Synod who are in Episcopal orders (other than the Bishop) shall vote with the order of clerics.

### **AMENDMENTS**

53. A motion for the enactment, amendment, or repeal of any part of the Constitution or Canons may be forwarded by any two members of the Synod, at any time not less than 90 days before the next annual meeting of the Synod, to the Secretary-Treasurer who shall forthwith refer the same to



the Committee on Revision of Constitution and Canons, which committee shall assist the mover and seconder to frame a properly worded motion to present to Synod. Such motions shall be included in the convening circular of the next annual meeting of the Synod.

54. The Committee on Revision of Constitution and Canons may at any time submit to the Synod through the Secretary-Treasurer its recommendations for any enactment, amendment or repeal of any part or provision of the Constitution or Canons.
55. No such motion for the enactment, amendment, or repeal of any part of the Constitution or Canons shall be adopted unless it receives the consent of the Bishop and two-thirds of the clerics and lay representatives respectively voting by orders at Synod. Such motion if adopted shall become effective at once, unless the motion specifies another effective date.

### **GENERAL**

56. The proceedings of the Synod, printed under the direction of the Honorary Secretaries, shall be accepted as the official record of such proceedings, subject to the approval of the next succeeding meeting of the Synod, and such proceedings shall be preserved in the Diocesan Archives as the authentic minutes of the Synod.
57. All section headings have been inserted herein for convenience of reference only and shall not form part of the contents hereof.
58. For the purposes of the interpretation of the Canons, all terms with initial capitals contained in the Canons which are not otherwise expressly defined therein shall be deemed to have the respective meanings ascribed thereto in the Constitution or in the Canon Definitions Glossary which may be authorized from time to time, unless the context otherwise requires.
59. All statutory references referred to in the Constitution and Canons shall include such statutes as may be amended or replaced from time to time.



### **Canon 1 Election of a Bishop**

1. Bishops of the Diocese shall be elected in the manner laid down in the Constitution of the Diocese.
2. A bishop-elect shall receive from the presiding officer and Honorary Secretaries of Synod a certificate of election by the clerics and lay representatives, and a copy shall also be sent to the Metropolitan of the Ecclesiastical Province of Ontario.
3. Such bishop-elect shall, prior to their consecration, resign all other offices held by them in the Diocese.



## Canon 2

### Election of a Coadjutor Bishop or a Suffragan Bishop

1. The Bishop may, at any time, in writing under their hand and Episcopal seal, signify to any duly constituted meeting of the Synod, or Diocesan Council, that they desire to have the assistance of a coadjutor bishop and/or an additional suffragan bishop and in such communication shall state the principal responsibilities that the Bishop desires to assign to such bishop when duly consecrated. Such communication shall be delivered to the Secretary-Treasurer and shall be printed in the Convening Circular of the Electoral Synod and shall form part of the business of such meeting of the Synod; provided that at any meeting of the Synod notice of such communication and the printing thereof in the convening circular may be waived by two-thirds majority vote of the members of Synod present in person.
2. If Synod approves such resolution, Diocesan Council shall forthwith give the necessary directions to the Honorary Secretaries of the Synod in accordance with provisions of the Constitution.
3. The coadjutor bishop or suffragan bishop(s) shall perform such Episcopal duties as are assigned to them from time to time by the Bishop.
4. The coadjutor bishop shall automatically succeed the Bishop upon the death, retirement, removal or resignation of the Bishop and, in such event, no vacancy shall be deemed to have arisen in the See for the purposes of electing a Bishop.
5. A suffragan bishop, in the event of a vacancy occurring in the See, shall not become the Bishop unless duly elected.
6. In the event of the death, retirement, removal, translation, or resignation of a coadjutor bishop or suffragan bishop during the tenure of the Bishop, and should the Bishop continue to deem it advisable and necessary to have a replacement coadjutor bishop and/or suffragan bishop(s), the Bishop shall give notice to the Honorary Secretaries who shall proceed to call an Electoral Synod in the manner provided in the Constitution.



### Canon 3

#### Appointment of Dignitaries and Other Officers, and Their Duties

1. There may be in the Diocese the following dignitaries and other officers:
  - One Dean of Huron, together with Canons to constitute the Cathedral Chapter;
  - Archdeacons and Regional Deans as may be required;
  - one Chancellor;
  - one or more Vice-Chancellor(s);
  - one Registrar;
  - one Synod Solicitor, and, when necessary;
  - one Commissary; and
  - Honorary Canons.

The Bishop may also appoint former Archdeacons to be Archdeacons Emeritus and former Chancellors to be Chancellors Emeritus.

2. The appointment of dignitaries and officers shall be vested in the Bishop and such offices shall be held during the Bishop's pleasure. When any new Bishop assumes office, each of such offices except those of the Dean of Huron, the Canons of the Cathedral Chapter, Honorary Canons, Archdeacons Emeritus and Chancellors Emeritus shall be vacated on the date of the installation of the newly-elected Bishop.
3. In the case of the resignation, retirement or removal of any clerical dignitary from their Parish or from performing Diocesan work with the Bishop's sanction, they shall also retire from their office as dignitary (except in the case of a Canon of the Cathedral Chapter who is appointed to another Parish in the Diocese).
4. The duties of dignitaries and officers (if not otherwise provided) shall be assigned by the Bishop.
5. The Chancellor shall be an active communicant of the Anglican Church of Canada, and be a lawyer licensed with the Law Society of Ontario of at least ten years' standing. They shall advise, assist, and act with the Bishop or, in the Bishop's absence, with the Commissary, in all matters of discipline or cases of difficulty or doubt, when requested by the Bishop or the Commissary. Before entering upon their duties they shall swear that they will to the utmost of their understanding deal uprightly and justly in such office, without expectation of favour or reward.
6. Each Vice-Chancellor shall be an active communicant of the Anglican Church of Canada and be a lawyer licensed with the Law Society of Ontario. They shall act as deputy to the Chancellor in advising, assisting and acting with the Bishop or Commissary and shall perform such duties as may be assigned by the Chancellor or the Bishop, and in particular, shall act for and on behalf of the Chancellor during the Chancellor's absence or inability to attend to duties. Before entering into their duties,



they shall swear that they will to the utmost of their understanding deal uprightly and justly in such office, without expectation of favour or reward.

7. The Synod Solicitor shall be an active communicant of the Anglican Church of Canada and be a lawyer licensed with the Law Society of Ontario. They shall advise and assist the Bishop or, in the Bishop's absence, the Commissary and the Chancellor, in all matters, when requested by the Bishop or the Chancellor. Before entering into their duties, they shall swear that they will to the utmost of their understanding deal uprightly and justly in such office.
8. For the purposes of election and appointment by the Synod to committees and other bodies and for the purpose of casting votes at the Synod (if entitled by the Constitution to vote at Synod), the Chancellor, Chancellor(s) Emeritus, Vice-Chancellor, Synod Solicitor, Secretary-Treasurer, the Director, Human Resources, and Executive Officer, Bishops' Office (if not clerics) shall be deemed to be duly elected Lay Representatives to the Synod.



## Canon 4

### Candidates for Ordination

1. Candidates for the Orders of Transitional Deacon or Priest shall be required to hold a bachelor's degree from an accredited university and a degree in Theology from a seminary approved by the Bishop.
2. Candidates for the Vocational Diaconate must complete a minimum two-year process of study established by the Deacon's Board.
3. In all cases the educational requirements may be dispensed with, at the discretion of the Bishop.
4. No person shall be ordained into the Orders of Deacon or Priest until they shall have been examined by one or more examining Chaplains appointed for that purpose by the Bishop. Such examiners must be satisfied of the candidate's competency in all academic, theological and doctrinal requirements, including an adequate understanding of Holy Scripture and pastoral practice, and must be satisfied that the candidate possesses adequate homiletical and liturgical skills. Additionally, the examining chaplains must be satisfied that the candidate possesses the necessary skills to provide missional leadership in the current societal environment. These skills may include, but are not limited to, the ability to: provide vision to a Parish or congregation; inspire and equip lay leadership for ministry; work in a team environment; and be a strong presence in the community.
5. Before a candidate is ordained, the Bishop shall be satisfied of the candidate's personal suitability for Holy Orders and the candidate's personal commitment to Jesus Christ. Before ordination, an attestation in the form usually called "*Si Quis*" shall be publicly read in the Parish of which the candidate is a member, and letters testimonial shall be submitted.





## **Canon 5**

### **Candidates for Orders who have been Ordained in Another Denomination**

1. Any person who has been ordained in another Christian denomination may become a candidate for ordination in the Anglican Church of Canada through the Diocese by presenting two references from clerics of the Anglican Church of Canada who shall attest to the candidate's personal life and character, quality of past ministry and personal suitability.
2. Except in the case of a person recognized by the Bishop as having been Episcopally ordained, the candidate shall satisfy all the requirements of the Anglican Church of Canada and the Diocese for ordination.
3. The candidate's seniority in the Diocese for remuneration purposes shall be established by the Bishop.



## Canon 6

### Cleric Licences, Permits, Leaves of Absence and Letters Dimissory

1. Every member of the Anglican Clergy who wishes to exercise their ministry within the Diocese shall be required to possess a licence or a general permit issued by the Bishop, which shall describe the ministry, which is so authorized.

#### LICENCES

2. The Bishop may in the Bishop's discretion issue licenses to the following:
  - (a) all clerics, who shall be licensed to some particular charge within the Diocese; and
  - (b) all duly appointed or elected Diocesan officials who are clerics; and
  - (c) all other Anglican clerics in good standing who are deemed by the Bishop to be exercising ministry in the Diocese.
3. A license issued to assisting clerics (including but not restricted to: curates, assistant priests, and associate priests, honorary assistants and deacons), but not including licenced deacons, shall terminate automatically upon the effective date of the appointment of a new Incumbent of the Parish.

The continuation of the ministry of non-stipendiary clerics (including but not restricted to: curates, assistant priests, and associate priests, honorary assistants and deacons) upon the appointment of the new Incumbent shall require a new covenant of ministry between the cleric, the Incumbent, the Bishop and the Churchwardens.

4. A license is always issued by the Bishop and may be recalled at the Bishop's discretion. When such license ceases to be in effect it must be returned to the Office of the Bishop.

#### GENERAL PERMITS

5. The Bishop may in the Bishop's discretion issue general permits to the following by which they will be enabled to exercise ministry within the Diocese: Such persons shall be welcome to attend and speak, but may not vote at Synod.
  - (a) "on leave" clerics living in the Diocese who are Priests or Deacons in good standing on the roll of this or another Anglican diocese and who wish to do part-time duty in the Diocese, or to be honorary assistants; retired clerics of



this or other Anglican dioceses resident in the Diocese, who wish to do part-time duty, or be honorary assistants.

6. A general permit is always issued by the Bishop and may be issued for either an indefinite or definite period but may be recalled at the discretion of the Bishop. When such general permit ceases to be in effect it must be returned to the Office of the Bishop.

### **LEAVES OF ABSENCE**

7. Notwithstanding the provisions of the next two sections, a cleric serving in The Canadian Armed Forces or in the service of a 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.
8. Except as provided in sections 7 and 9 hereof, a cleric who wishes to be temporarily released from the duties to which they have been appointed for any purpose for more than 90 consecutive days, with the intention of returning to active ministry in the Diocese, may be granted a leave of absence by the Bishop for a period of up to one year, which may be extended for further periods of one year's duration by the Bishop.. The terms are to be negotiated with the cleric, the Bishop or the Bishop's designate and the approval of the Churchwardens. Temporary absences for up to 90 consecutive days shall not require an application for a leave of absence, but they must have the written approval of the Bishop before any announcement is made to the Parish.
9. A cleric who temporarily relinquishes their full-time ministry for the purpose of entering secular work may be granted a leave of absence by the Bishop for a period of up to one year, which may be extended for a further period of one year by the Bishop. For the duration of any such leave of absence, their status, with regard to participation in the Pension Fund and other funds of the Diocese, shall be the same as if they had received Letters Dimissory from the Bishop.

### **LETTERS DIMISSORY**

10. When a cleric in good standing from outside the Diocese accepts an appointment in the Diocese, the Bishop will make application to request Letters Dimissory from the bishop of the diocese wherein the applicant is currently canonically resident. When a cleric in good standing is canonically resident in the Diocese and accepts an appointment to another diocese, the Bishop shall issue Letters Dimissory.
11. A cleric holding a license, or a general permit or who is on leave of absence shall be regarded as subject to the Episcopal jurisdiction of the Bishop until they have been accepted into the Episcopal jurisdiction of the bishop of another diocese.



## **Canon 7**

### **Permission to Officiate**

1. No person shall be permitted to officiate, permanently or occasionally, in any Parish of the Diocese unless they have been Episcopally and canonically ordained in accordance with the discipline of the Anglican Church of Canada (or a Church which is in full communion with the Anglican Church of Canada) or holds a letter of special permission from the Bishop, or the Bishop's designate.
2. A cleric who does not hold a license or general permit from the Bishop shall not be invited to officiate in any Parish in the Diocese without the prior knowledge and permission of a bishop of the Diocese. This includes, but is not limited to, officiating/preaching at weddings, funerals, baptisms, summer ministry and vacation relief.
3. Every cleric who officiates/preaches in the Diocese is required to inscribe in the Parish's Register of Services their name, the date of such officiating and the name of the service.



## **Canon 8**

### **Licensing of Lay Readers**

1. Lay Readers of the Church shall be appointed and licensed at the pleasure of the Bishop.
2. A Diocesan Board, and/or Chaplain for Lay Readers, may be appointed by the Bishop and shall:
  - (a) receive nominations for a parishioner to act in the office of Lay Reader of the Church. Such nominations shall come from the Incumbent; and
  - (b) recommend to the Bishop the issuance of licenses to act as Lay Readers of the Church; and
  - (c) maintain a list of active licensed Lay Readers for publication in the Synod Journal.
3. When an Incumbent, to whom a Lay Reader is licensed, leaves the Parish, the Lay Reader's licence comes under the authority of the Territorial Archdeacon. Six months after the appointment of a new Incumbent, the Incumbent may request the Bishop to re-issue the Lay Reader's licence. Should the Incumbent not make such a request, the licence will be deemed to have been cancelled following a conversation between the Lay Reader and the Incumbent.
4. A Lay Reader's licence may be revoked at the discretion of the Bishop.
5. The Diocesan Board, and/or Chaplain, shall, in consultation with the Bishop, establish and oversee the requirements and training for Lay Readers.











be satisfied that the Vestry has made provisions for whatever part of the remuneration and benefits is to be paid by the Parish;

- (e) any assisting clerics shall be deemed to have resigned upon the effective date of the resignation, death or termination of the Incumbent of the Parish; provided that any or all of the assisting clerics may be appointed by the Bishop on a temporary basis until a new incumbent has been appointed to the Parish.

### **VACATION ENTITLEMENT**

16. Every cleric holding an appointment by the Bishop shall be entitled to a vacation every year of not fewer than thirty-one (31) days, including not more than five (5) Sundays, without diminution of the yearly compensation. The expenses of providing for Sunday and other services during such vacation shall be borne by the Parish. The vacation schedule shall be negotiated and recorded with the Churchwardens and the Territorial Archdeacon.
17. Every cleric holding an appointment by the Bishop after completing five years of service following ordination to the Diaconate, commencing on the first day of January of the following year, shall be entitled to an additional vacation every year of not fewer than seven consecutive days to be taken at a time approved by the Churchwardens without diminution of the yearly compensation. The expenses of providing for Sunday and other services during such vacation shall be borne by the Parish.



## **Canon 10**

### **Retirement of Bishops, Clerics and Lay Employees of the Diocese**

#### **BISHOPS**

1. (a) The normal date of retirement of the Bishop, a coadjutor or a suffragan bishop will be on attaining their 65<sup>th</sup> birthday. Regardless of age, when a bishop desires to retire, they shall forthwith submit their resignation to Diocesan Council or Synod and notify the Metropolitan of the Ecclesiastical Province of Ontario, such resignation normally to be effective not more than six months following the date of such notification.

#### **CLERICS**

2. (a) The normal date of retirement of a cleric will be on attaining their 65<sup>th</sup> birthday. Regardless of age, when a cleric desires to retire, they shall forthwith submit their resignation to the Bishop, such resignation normally to be effective not fewer than 90 days following the date of such notification.

#### **LAY EMPLOYEES**

3. (a) The normal date of retirement of a lay employee of the Diocese will be on attaining their 65<sup>th</sup> birthday.  
  
(b) The Bishop, in consultation with the Secretary-Treasurer and the Director of Human Resources, may at the request of the employee postpone such retirement on an annual basis from year to year.



## **Canon 11**

### **Notice to be Given on Leaving a Parish**

1. Whenever a cleric desires to resign their appointment, they shall give three months' written notice to the Bishop and to the Churchwardens, provided that such requirement shall not prevent any shorter, or longer, period of notice agreed to by the Churchwardens and the Bishop.
2. Whenever an Incumbent desires to terminate the employment of assisting clerics, they, acting jointly with the Churchwardens, shall give two months' written notice to such assisting clerics and to the Bishop; provided, however, that, with the consent of the Bishop, the assisting clerics may be paid salary and fringe benefits in lieu of notice.
3. Whenever an assisting cleric desires to resign their appointment, they shall give two months' written notice to the Incumbent and to the Bishop, or such shorter period of notice as may be agreed to by the Incumbent and consented to by the Bishop.



## Canon 12

### **New Ministries, Partnerships, Realignment, Reorganization, Re-designation, Disestablishment, and Administration of Parishes and Congregations of the Diocese**

#### **A. New Ministries**

1. Parishes and Regional Ministries in the Diocese of Huron are strongly encouraged to seek opportunities for the establishment of new ministries.
2. A new ministry may be created at the initiative of a Parish or Regional Ministry, by motion of Vestry after consultation with the Territorial Archdeacon and Diocesan Council, and with the approval of the Bishop. In this instance, the new ministry shall ordinarily be designated as a “Worshipping Community” within the Parish or Regional Ministry structure.
3. A new ministry may be created at the initiative of the Bishop in consultation with the Territorial Archdeacon and Diocesan Council. The Bishop shall consult, as appropriate, with Parishes that may be affected by this new ministry. In this instance, the new ministry shall ordinarily be designated as a “Special Ministry” of the Diocese. Liturgical use must be in consultation with and authorized by the Bishop.
4. A Worshipping Community created as a new ministry (as distinct from a Worshipping Community created through re-designation) shall:
  - (a) Have the direct and ongoing support of a supporting Parish.
  - (b) Be governed by the Vestry, Churchwardens and other officers of the supporting Parish.
  - (c) Be included in the Vestry of the supporting Parish.
  - (d) Be represented by one or more member(s) on the Parish Council. If greater than one, the number of representing members shall be by agreement between the Worshipping Community and the Supporting Parish.
  - (a) Not be subject to apportionment for a period of five years from its establishment by the Bishop. All items of expenditure shall be listed on the Financial Return but excluded from the Adjusted Operating Expense of the supporting Parish, for a period of five years. After the five-year starting period, all items of expenditure shall be listed on the Financial Return and



included in the Adjusted Operating Expense of the Supporting Parish. At the request of the Supporting Parish, the Bishop may permit an additional two-year exemption, for up to seven years in total.

5. A Special Ministry shall:
  - (a) Have the direct and ongoing support of the Bishop and executive staff of the Diocese.
  - (b) Be governed by an administrative committee appointed by the Bishop. The administrative committee may include, but is not limited to, members of the Special Ministry. The Bishop may appoint to the administrative committee any baptized member of the Anglican Church of Canada whom the Bishop deems to be appropriate. The committee's members serve one-year terms, renewable at the Bishop's pleasure.
  - (c) Be subject to the authority of the Territorial Archdeacon responsible for the area in which the Special Ministry is located.
  - (d) Possess Special Ministry status temporarily, for a five-year term, dating from the creation of the ministry by the Bishop. At the request of the administrative committee, the Bishop may permit an additional two-year term, for up to seven years in total.
  - (e) Report annually to the Bishop by February 28th its operating expenses as defined in Canon 28 for the preceding year, submitted on a Financial Return supplied by the Diocesan Office. The expenditures shall not be subject to Diocesan apportionment. The Financial Return shall be accompanied by the annual report. The financial report included in the annual report shall be independently reviewed or audited and differences (if any) between the financial report and the Financial Return explained.
6. A Worshipping Community or Special Ministry may apply to the Bishop and Diocesan Council for parish status at any time. Applications for Parish status shall:
  - (a) Be by motion from Vestry of the supporting Parish, in the case of a Worshipping Community.
  - (b) Be by request from the administrative committee, in the case of a Special Ministry.



## **B. Conditions for Change of Parish Status**

1. Parishes may prayerfully consider the possibility of re-designation, partnership, realignment, reorganization or disestablishment at any time. Parishes wishing to enter into discussions about any such process are required to inform the Territorial Archdeacon(s) responsible for their area(s) prior to the commencement of discussions.
2. The Bishop or Territorial Archdeacon (who may use the advice of an Archdeaconry Commission) may request any Parish to consider prayerfully the possibility of re-designation, partnership, realignment, reorganization, or disestablishment if the Bishop, Territorial Archdeacon or Archdeaconry Commission deems such a possibility to be for the greater good of the Anglican community.
3. Diocesan Council, upon receiving a report by the appropriate Territorial Archdeacon(s) who may use the advice of the Archdeaconry Commission(s), may re-designate, realign, reorganize, or disestablish Parishes of the Diocese, subject in all cases to the Bishop's approval of any realignment, reorganization or disestablishment and subject to one or more of the following conditions being met:
  - (a) Each Parish involved has approved a Vestry motion, to re-designate, realign, reorganize, or disestablish. Such a Vestry motion must come from a duly constituted Vestry meeting that was chaired by the Bishop or the Bishop's designate and passed by a majority of two thirds or greater of the votes cast by voting members of the Vestry present in person.
  - (b) The Parish is a Supported Parish.
  - (c) The Parish has permanently depleted capital from the sale of its buildings or property or has in other ways depleted its trust funds to pay for operating expenses for three consecutive years and this depletion of capital, in the opinion of Diocesan Council, has put the future viability of the Parish in jeopardy.
  - (d) The Parish has been unable to fill the positions of Churchwarden(s) and/or Lay Representative(s).
4. The Territorial Archdeacon(s) shall consult with all Parishes that will be affected by the proposed change and report to Diocesan Council. Should the Parishes involved be unable to reach a mutual agreement regarding shared costs, Diocesan Council, subject to the approval of the Bishop, shall determine how costs are shared after receiving the advice of the Territorial Archdeacon who may utilize the Archdeaconry Commission.



5. The decision of Diocesan Council, after consideration of the report of the Territorial Archdeacon(s), shall be final, subject to the approval of the Bishop.

### **C. Dealing with Assets upon Changes in Parish Status**

1. Before a request for reorganization is submitted to Diocesan Council, the Bishop must be satisfied that all assets are being used appropriately. Upon receipt of the request, Diocesan Council must also be satisfied that all assets are being used appropriately.
2. When specifically required by this Canon, a Ministry Plan and Financial Plan must be submitted to Diocesan executive staff and the Bishop, providing information about the disposition of assets and the ways that they serve the ministry of God's church.
3. A Parish may request that specific assets that are vested in the Parish undergoing reorganization or disestablishment shall be used to the benefit of that Parish. Any such request must appear in the Ministry Plan and Financial Plan and must be justified by those plans. In the event of disestablishment (which does not require a Ministry Plan or Financial Plan) any request for the disposition of assets must be accompanied by a thorough explanation of the ministry and financial justification for the request.
4. Surplus Assets arising under paragraph 3 above are those assets that the Bishop and Diocesan Council, having received the recommendations of the Territorial Archdeacon and of Diocesan executive staff, determine can be more appropriately used for ministry in other locations or ways in the Diocese.
5. If Diocesan Council determines that there are Surplus Assets as described above, the assets shall be placed at the service of the Diocese. One-half (1/2) of the net proceeds shall be deposited into a capital fund to be held by the Diocese, to be used to ensure the stability of the Diocese, and the remaining surplus shall be added to the Huron Development Fund.

### **D. Partnerships**

1. Partnerships between Parishes are temporary relationships that have no impact on the legal/canonical status of Parishes.
2. The purpose of partnerships is to enhance local ministry or to provide mutual support and fellowship between Parishes. Partnerships may, therefore, be created as needed without expectation that they will be permanent.
3. The terms of such partnerships shall be specified in writing and of specified duration but subject to renewal.



4. They shall proceed with the approval of the vestries of the Parishes and the Bishop, but do not need the approval of Diocesan Council.

### **E. Alignment/Realignment**

1. An alignment or realignment joins together two or more Parishes in a Regional Ministry.
2. The purpose of a realignment is to establish a stable structure for shared ministry and mission.
3. Because the Parishes continue to possess legal status as Parishes, each will continue to have a Parish Council and Churchwardens, and a Parish budget.
4. Responsibility for property and assets continues to reside with the Parishes.
5. A Regional Ministry shall have a Regional Ministry Council. The Regional Ministry Council shall be responsible for fostering/sustaining common mission and ministry, administering shared financial matters, and ensuring that covenant commitments are met.
6. When alignment/realignment occurs at the request of Parishes after consultation with the Territorial Archdeacon, the request must be approved at Vestry meetings in each of the affected Parishes. The approved request shall then be submitted to Diocesan Council for consideration and approval by the Bishop.

### **F. Reorganization**

1. In a reorganization, all participating Parishes are deemed to be disestablished. A single new Parish is created, with one Parish Council, budget, and set of apportionable expenses. A Ministry and Financial Plan shall be submitted to the Territorial Archdeacon and to the executive staff of the Diocese.
2. When Parishes reorganize, Diocesan Council shall, after receiving the recommendations of the Territorial Archdeacon and executive staff of the Diocese, determine, subject to the approval of the Bishop, if the property or proceeds of the sale of property is surplus to the needs of the new Parish.
3. Subject to Section C, all assets not designated as surplus shall become assets of the reorganized Parish. In the case of a reorganization including a portion less than the whole of a pre-existing Parish, Diocesan Council shall determine an appropriate division of assets at the time of reorganization.
4. When Parishes reorganize, the apportionment of the reorganized Parish to the end of the current year shall be the sum of the apportionments of the former Parishes as





if they had not reorganized. Apportionment for the following two years is to be as negotiated with the Bishop and the Bishop's designate with the goal of using the highest of the apportionments of the participating Parishes to the extent financially possible.

## **G. Re-designation**

1. Re-designation is the process by which a Parish becomes a Worshipping Community.
2. The purpose of re-designation is to allow the continued operation of an active group of worshippers who are no longer able to sustain the responsibilities of a Parish.
3. A Worshipping Community must be part of a Parish unless an Administrator has been appointed under Part I of this Canon 12. Therefore, the first step toward re-designation is to identify a Parish that is both suitable and willing to include the Worshipping Community in its operations in consultation with the Territorial Archdeacon.
4. A Worshipping Community has an identity distinct from the other congregation(s) in the Parish, rather than simply being a distinct group within a Parish. Therefore, the Worshipping Community must meet at a time or in a location distinct from the main congregation(s) of the Parish, and bear a distinct name.
5. A Worshipping Community does not have its own officers or budget. It contributes to the apportionment and clergy costs of the Parish according to an agreed formula. A Worshipping Community shall have at least one representative on the Parish Council. The Parish may choose to include more than one representative. Officers of the Parish may be nominated from the Worshipping Community.
6. When re-designation occurs at the request of a Parish, a meeting of Vestry must be held, chaired by the Bishop or the Bishop's designate. To continue with re-designation, the Vestry must decide:
  - (i) to disestablish as a parish;
  - (ii) to request establishment as a Worshipping Community;
  - (iii) which Parish the Worshipping Community is asking to join; and
  - (iv) the identity of the representative(s) to the Parish Council who will serve until the time of the next annual Vestry of the Parish.
  - (v) When re-designation occurs at the request of a Parish, a meeting of the Vestry of the Parish within which the Worshipping Community will reside must be held, chaired by the Bishop or the Bishop's designate. The Vestry



must decide to accept the re-designated Worshipping Community for the process of re-designation to continue.

7. When re-designation occurs at the request of the Bishop, the procedure to be followed shall be as described in this Canon 12, as if the request had been made by the Parish.
8. A motion for disestablishment of the Parish and re-designation as a Worshipping Community, specifying the name of the new entity, shall be brought to Diocesan Council for approval. Ordinarily, the motion shall be moved by the Territorial Archdeacon or Regional Dean.
9. In order for Diocesan Council to consider a request from a Parish for re-designation, the parish must submit a Ministry Plan and Financial Plan, reflecting its role in and contribution to the anticipated combined Parish. These plans must be provided to the Diocesan executive staff and to the Bishop, having first obtained consent to the plans from the Territorial Archdeacon. The Bishop must assent to the Ministry Plan and Financial Plan before the request proceeds to Diocesan Council.
10. Excepting in the case of the first representative to Parish Council, who shall be named according to the procedure in section 6 above, representatives from the Worshipping Community to the Parish council shall be appointed annually by the Incumbent from among members of the Worshipping Community.
11. The Worshipping Community is fully subject to the decisions of the Incumbent, officers, Parish Council, and Vestry of the Parish.
12. A review shall be held not less than 3 years and not more than 5 years after the formation of the Worshipping Community to determine if the requirements of a Worshipping Community are still being met.

## **H. Disestablishment**

1. Before a Parish is disestablished, a financial statement of the assets and liabilities of such Parish shall be submitted to the Secretary-Treasurer. The Secretary-Treasurer shall take such action as they deem necessary or appropriate under the circumstances.
2. Diocesan Guideline 16-2 (Closing of Churches) lists the steps to be taken in the closing of a Parish, including the appointment of Parish trustees.
3. On disestablishment, the registers and other books, records and documents of the Parish shall be delivered to the Registrar of the Diocese.



4. In the event that a Parish has been disestablished, all net assets of such Parish (cash, investments, furnishings, building(s), memorials and property) shall be vested in the Diocese. The Parish Vestry may wish to make recommendations regarding the disposition of these assets. Diocesan Council or Diocesan Sub-Council shall be responsible for the disposition of all assets on the basis that:
  - (a) All unpaid apportionment for the past five years shall be paid from the net assets of the Parish.
  - (b) The Parish shall be responsible for apportionment assessed until December 31st of the year of disestablishment, payable from its assets.
  - (c) All assets of a Parish that has been disestablished, after satisfying all of the Parish obligations to their employees, to the Diocese, and all other creditors, and taking into account any Vestry requests regarding the disposition of the Parish's remaining assets, shall be distributed in the following manner: one-half (1/2) of the net proceeds shall be deposited into a capital fund to be held by the Diocese to be used to ensure the stability of the Diocese and the balance shall be added to the Huron Development Fund.
5. All specific trust funds shall be honored in the most practical way (e.g. a Sunday School bequest shall be made available to the neighbouring Parish assuming pastoral care for the parishioners of the disestablished Parish). If after receiving the advice of the Chancellor it is deemed necessary or desirable by Diocesan Council or Diocesan Sub-Council, application shall be made to an Ontario Court of competent jurisdiction to vary the terms of a specific trust.
6. The charitable registration number of the disestablished Parish shall be surrendered to the Secretary-Treasurer forthwith after the final closing date.
7. The sale or other disposition of any building(s) shall take place under the guidance and direction of the Secretary-Treasurer.
8. If a cemetery is attached to the Parish being disestablished, a cemetery board and trustees shall be appointed as a separate entity at the final Vestry meeting as required by applicable Ontario legislation.



## I. Administration

1. The Bishop may appoint an administrator (who may be a cleric or lay person) (hereinafter called the “Administrator”) to carry on the function of a trustee, receiver and manager of the affairs of a Parish or Worshipping Community for a period of time specified by the Bishop at the time of appointment in the event of:
  - (a) a request by such Parish or Worshipping Community, either in the form of a Vestry resolution or request in writing from the Incumbent and/or the Churchwardens;
  - (b) a Parish fails to appoint or elect two Churchwardens in accordance with Canon 18;
  - (c) a Parish is a Supported Parish; or
  - (d) the Bishop being satisfied that no other reasonable action is available.
2. From the date of their appointment, the Administrator shall, in consultation with the Bishop, conduct all the affairs of the Parish, and without limiting the foregoing, shall have power to dismiss existing employees and to hire new employees, not including clerics, and to receive and disburse funds of the Parish or Worshipping Community.
3. The Administrator shall make a monthly report to the Bishop and within thirty days of the end of the administration shall make a final report to the Bishop, outlining the actions that have been taken and making recommendations as to the future of the Parish or Worshipping Community. These recommendations may include, but are not limited to:
  - (a) disestablishment of the Parish or closure of the Worshipping Community
  - (b) dismissal or employment of staff,
  - (c) financial and budgeting advice,
  - (d) reduction of expenditures,
  - (e) sale of assets, and such other steps as they consider advisable.

The Bishop may take whatever steps they deem necessary or desirable in the interests of the Parish or Worshipping Community and the Diocese.
4. If the Bishop deems that the disestablishment of the Parish is necessary, a motion shall be brought to Diocesan Council by the Territorial Archdeacon asking that the



Parish be disestablished and the assets disposed of according to Section H.4 of this canon.

5. 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 at a time, provided that the Bishop may terminate any such appointment or alter the period of such appointment or reduce the term thereof in their discretion.
6. If at any time during the period of administration the Bishop is satisfied that the Parish or Worshipping Community is no longer in need of an Administrator or should other procedures or proceedings be implemented, the Administrator shall be recalled by the Bishop.
7. The Administrator may engage auditors, accountants, assistants or managers and such other persons who may assist the Administrator in the performance of their duties, with the approval of the Bishop, and any expenses so incurred shall be charged to the Parish or Worshipping Community.
8. The Administrator's remuneration shall be set by the Bishop and shall be paid by the Parish or the Worshipping Community unless otherwise determined by the Bishop.
9. The rights and powers of the Incumbent, the Churchwardens, Vestry and the Parish Council and any committees or persons engaged by them, may be suspended insofar as those powers relate to the affairs of the Parish or Worshipping Community.
10. Any question of interpretation in the administration of the Parish or Worshipping Community and any questions involving religious services shall be referred to and resolved by the Bishop, whose decision shall be final.
11. The powers of the Administrator shall be those powers set out in this canon and/or as may be specified by the Bishop, and where there is any conflict with any other canon, the provisions of this canon shall prevail during the period of administration unless ruled otherwise by the Bishop on the advice of the Chancellor.
12. Any Administrator appointed under this Canon, and their heirs, executors and Administrators and legal personal representatives, shall from time to time and at all times, be indemnified and saved harmless out of the funds of the Parish, to the extent possible, and of the Diocese as the last resort, from and against:
  - (a) all losses, damages, liability, costs, charges and expenses whatsoever which such Administrator sustains or incurs in connection with or about any action, suit or proceeding which is brought, commenced or prosecuted against them for or in respect of any act, deed, matter or thing whatsoever made, done or permitted by them in the course of or about the execution of their the duties of the office of Administrator; and



- (b) all other losses, damages, liability, costs, charges and expenses which they sustain or incur in or about or in relation to the affairs thereof, except to the extent that such losses, damages, liability, costs, charges or expenses are occasioned by their own willful negligence or default.





practicable. Diocesan Council shall give such directions and provide such financial assistance as it considers appropriate in the matter and the Parish shall carry out such directions as soon as practicable.

7. Before a new cleric and/or their family moves into the Rectory, the Territorial Archdeacon shall inspect the Rectory and report their recommendations regarding the state of the Rectory to the Churchwardens and the Bishop.
8. If there is more than one Parish sharing an Incumbent, each shall bear its proper share of the expenses of supplying utilities, heat, general maintenance and repairs, capital repairs, capital improvements and insurance and the municipal taxes levied on the Rectory in the same proportion as the assessment of each Parish for the stipend of the Incumbent unless otherwise agreed to by the Parishes concerned with the consent of the Bishop.





## Canon 14

### **Title to Real Property, Acquisition, Sale, Financing, Maintenance and Repair of Church Buildings**

1. Legal title to all real property held by any Parish in the Diocese shall be registered in the name of The Incorporated Synod of the Diocese of Huron, which holds such property in trust for the benefit of the Parish. For the purposes of this Canon, Parish shall mean the present and future members of the Vestry of a Parish that occupies such real property.
2. Before any church is consecrated, the legal title thereto shall be registered in the name of The Incorporated Synod of the Diocese of Huron, which shall hold it in trust for the benefit of the Parish, as hereinbefore defined.
3. The sale, leasing, mortgaging or other disposition of any church, parish hall, rectory or other real property owned by the Parish, regardless of how the title is registered, shall require the prior consent of the Vestry except as otherwise provided in Canon 12, the Bishop and Diocesan Council (or Diocesan Sub-Council).
4. No real property held as a site for a church, rectory or parish hall shall be mortgaged or encumbered except for the purpose of raising money to be expended in the building thereon of a church, rectory or parish hall or for the enlargement, redecoration, restoration or renovation of the church, rectory or parish hall already built thereon.
5. The acquisition, purchase, rebuilding, structural change and any major repair or substantial redecoration of any church, rectory, parish hall, or real property, shall require the prior consent of the Vestry, and, after hearing the report and recommendation of the Territorial Archdeacon, the consent of the Bishop and Diocesan Council (or Diocesan Sub-Council). A copy of any building permit obtained by any Parish shall be sent to the Secretary-Treasurer as soon as practicable after its issuance. Details of the proposed means of financing the project shall be submitted to Diocesan Council or Diocesan Sub-Council together with a copy of the architectural drawings, if applicable.
6. Except in the most extreme cases and with the express prior permission of the Bishop and Diocesan Council (or Diocesan Sub-Council), no Parish shall undertake any substantial building or rebuilding project without at least 50% of the realistically estimated costs in hand, inclusive of any pledges. Additionally, the Parish shall demonstrate its ability to carry out its financial responsibilities, including any increased operating and maintenance costs arising out of such project.



7. The Bishop may appoint a Stained-Glass Window Approval and Advisory Committee, an Organ Approval and Advisory Committee and such other committees as they consider appropriate to advise the Parish. Diocesan Council or Diocesan Sub-Council may appoint one or more consulting architects on behalf of the Diocese as required.
8. Each Parish is required to maintain *in good repair* the church, parish hall, Rectory and any other buildings, and real property, whether or not registered in the name of The Incorporated Synod of the Diocese of Huron. Each Parish shall develop an annual plan and budget for such maintenance and repair for approval at the annual Vestry meeting.
9. If a building is sold or demolished, and if that building has a cornerstone, the Churchwardens shall have the cornerstone removed or reversed and its contents (if any) shall be sent to the diocesan archivist. If the cornerstone is removed, it shall be destroyed or deposited at another church.
10. A Parish may determine by Vestry motion that one or more of its building(s)/property(ies), including its church, is surplus to its needs. It may then, subject to the express prior permission of the Bishop and Diocesan Council (or Diocesan Sub-Council), sell the building or property. The proceeds of the sale shall be invested with the Diocese with the Parish being able to use the interest from the investments. Under special circumstances and with the express prior permission of the Bishop and Diocesan Council (or Diocesan Sub-Council), the capital may be used for other purposes.



## Canon 15

### Investment of Trust Funds

1. In order to facilitate proper investment and record keeping, all parishes are encouraged to transfer all trust funds and other monies available for other than short-term investment to the Diocese for investment by the Diocese for the benefit of the Parish.
2. The Diocese shall invest all such monies received by it in accordance with the provisions of any governing will, trust, or other applicable document in those investments authorized by law for trustees. The income from such investment, less a reasonable management fee determined by resolution of Diocesan Council from time to time, shall be remitted not less than annually to the Parish which is the beneficiary of the trust fund or may be added to the capital of the trust fund if so requested by the Parish Council of such Parish.
3. The income from any trust fund shall be held by the parish or by the Diocese on behalf of any parish to be used by the Parish in accordance with the provisions of the governing will, trust, or other applicable document or if there is no governing will or other applicable agreement, shall be used in such manner as may be determined by the Parish Council of the Parish from time to time.
4. Encroachments on or withdrawals of the capital of any such trust fund may only be made by resolution of the Vestry of the Parish and in accordance with the provisions of any governing will, trust, or other applicable agreement or if there is no governing will, trust, or other applicable agreement governing such funds, then by resolution of the Vestry of the Parish.
5. For the purposes of this Canon, "capital" shall mean the original monies, investments, or assets received pursuant to a will, trust or other applicable agreement or otherwise invested in a trust fund, together with any appreciated value, but shall not include income (distributed or otherwise) earned on the capital.
6. In the event that a Parish does not transfer to the Diocese any trust funds or funds held by it for other than short-term investment, it shall report annually to the Secretary-Treasurer the details of such investments so retained.



## Canon 16

### Parish Records and Their Custody

1. The following books and records shall be kept in each Parish in the Diocese:
  - (a) a current copy of the latest compilation of the Diocesan Constitution and Canons and other material published therewith;
  - (b) minute books containing minutes of the Vestry and Parish Council of the Parish;
  - (c) records and reports and books of account in which are properly recorded the financial affairs of the Parish, which are to be retained for such periods of time as may be prescribed by law;
  - (d) other reports presented at Vestry meetings and other important papers;
  - (e) a "Vestry Book" in which are recorded appropriate details of all services held in the Parish;
  - (f) appropriate records of baptisms, confirmations, marriages, memorial services, funerals, and burials;
  - (g) a record of members of the Parish for pastoral purposes;
  - (h) a book in which are recorded all memorial gifts and dedications;
  - (i) such other records as may be required by the Bishop, the Synod or Diocesan Council.

The Incumbent and Churchwardens shall use their reasonable best efforts to keep all records current and accurate and shall ensure that the documents and records, whether in paper or electronic form, are stored in a place and manner as determined by the Incumbent and the church wardens that will permit anyone with the need and authority to have access to the documents and records. With the consent of the Churchwardens, financial records, cemetery records, and records of members may be kept by electronic means provided appropriate backup safeguards are maintained.

2. All Incumbents, Churchwardens, Trustees and other persons having legal custody of any grants, conveyances, judgments or probates or certified copies of Wills or parts thereof in any way relating to real estate granted, conveyed or devised for the benefit or use of any congregation, church or parish of the Anglican Church of Canada in the Diocese, shall transmit a true copy of such document to the Secretary-Treasurer for safekeeping.
3. On the relinquishment, death, retirement, permanent disability, resignation or removal of an Incumbent, the Churchwardens shall assume responsibility for all Parish registers in their



possession containing records of baptisms, confirmations, marriages and burials and also a complete list of parishioners.

4. Each Parish shall submit an annual statistical report to the Secretary-Treasurer in such form as may be required from time to time.
5. The Incumbent and Churchwardens of each Parish shall deposit in the archives of the Diocese all Parish registers, books, documents, records and papers relating to the Parish which are no longer in use and are suitable as archival material.



## Canon 17

### Authorized Service Books and Scriptural Translations

#### PRAYER BOOKS

1. The only authorized prayer books for use in the Diocese are those that have been approved by resolutions of the General Synod of the Anglican Church of Canada from time to time. They are currently The Book of Common Prayer (1962) and The Book of Alternative Services (1985) as well as the Supplementary Eucharistic Prayers, Services of the Word, Night Prayer (2001), and the Rites for Morning and Evening Prayer and the Holy Eucharist as listed in the Evangelical Lutheran Worship (2006).
2. Supplementary resources, prayers, materials and rites beyond those listed above may be used only with prior approval of the Bishop. At informal worship in small groups, other forms may be used but the authorized prayer books shall be used at regular services.
3. At the regular services of a Parish other forms of worship supplementary prayers or materials, rites, etc., may only be used with prior approval of the Bishop.

#### HYMN BOOKS

4. The only authorized Hymn books for use in the Diocese are those that have been approved by resolutions of the General Synod of the Anglican Church of Canada or by resolution of Synod from time to time. Currently, these are The Book of Common Praise (1938), The Hymn Book (1971) and Common Praise (1998).
5. Occasional use of other hymns and music is permitted and encouraged with the understanding that all provisions of copyright licensing, fees and copyright reporting for materials used occasionally shall be maintained and comply with all pertinent copyright laws in Canada.
6. The Hymnody and Service Music, as listed in the Evangelical Lutheran Worship (2006), are authorized for occasional use in the Diocese.
7. Local situations and/or fresh expressions of ministry that require different forms of music to be used on a regular basis may do so after receiving the approval of the Bishop and provided that:
  - (a) The Parish involved uses the great hymns of the Church sufficiently that its members would feel connected at wider Anglican events such as Synod; and
  - (b) All provisions of copyright licensing, fees and copyright reporting for materials used shall be maintained and comply with all pertinent copyright



laws in Canada.

### **TRANSLATIONS OF SCRIPTURE**

8. The public reading of Scripture in the liturgies of the Diocese shall be from those translations that accurately reflect the original Greek and Hebrew texts and have been compiled by groups of scholars. “Dynamic Equivalence” or “Paraphrase” versions of the Holy Scripture, including versions which reflect the opinion of one person rather than of a consensus of scholars, are not permitted for use in public worship in this Diocese.



## **Canon 18**

### **Vestries and Churchwardens**

#### **MEMBERS OF VESTRY**

1. In every Parish within the Diocese there shall be a Vestry composed of all the baptized members of such Parish who have reached 16 years of age and who for at least three months during the preceding 12 months of the date of the relevant Vestry meeting have been identifiably involved with such Parish with regular worship, fellowship and financial support to that Parish, subject to the certification procedure hereinafter set forth. No person shall be considered to be a member of the Vestry of more than one Parish in the Diocese of Huron at one time, except that a person may be a member of the Vestry of a Parish and also of a Summer Church as hereinafter defined. Each person who wishes to be considered a member of the Vestry of the Parish shall sign a statement of compliance with the provisions of this section at such Vestry meeting upon request. There shall be no participation by proxy at any annual or special meetings of Vestry.

#### **CERTIFICATION OF MEMBERS OF VESTRY**

2. The Incumbent (or, in the event that there is no Incumbent, the Bishop's designate) and the Churchwardens of a Parish shall act as a Certification Committee for the Parish. If required, the Certification Committee shall determine at that time, on the basis of its best pastoral judgment, the eligibility of those persons in attendance to be members of the Vestry.

#### **VESTRIES IN NEW PARISHES**

3. In a newly formed Parish, the first Vestry shall be organized as follows: The Incumbent shall call a meeting of the Vestry by notice given at each service held by the Parish on the three immediately preceding Sundays naming the day, hour and purpose of such meeting. At the meeting, the members of such Vestry shall consist of those persons who meet the qualifications in section 1 of this Canon and who also indicate that it is their intention to worship regularly in such new Parish; provided that the minimum attendance qualification for Vestry membership set out in section 1 shall not apply for the purposes of all Vestry meetings of the new Parish held during its first year in existence. At the first Vestry meeting, the Incumbent shall preside and shall first appoint as a Churchwarden a member of such Vestry and the Vestry shall proceed to elect another member of the Vestry as a Churchwarden. The spouse or partner of the Incumbent shall not be eligible for the office of





Churchwarden in that Parish without the written consent of the Bishop. Should Vestry fail to elect a Churchwarden, the Incumbent shall appoint a Churchwarden who shall hold office until the next annual Vestry meeting. For greater clarity, a Vestry meeting may be held following the main service on the third successive Sunday on which notice of the meeting was given.

### **ANNUAL VESTRY MEETING**

4. A meeting of the Vestry of each Parish shall be held not later than February 28 annually unless given special permission from the Bishop. Notice of the date, time and purpose of such annual Vestry meeting shall be given at each service held by the Parish during three successive Sundays preceding the date of the meeting. For greater clarity, a Vestry meeting may be held following the main service on the third successive Sunday on which notice of the meeting has been given. Business of the annual Vestry meeting shall include, without limitation, the review of the financial statements of the Parish for the fiscal year just ended, the approval of the annual budget of the Parish and the appointment of accountants or auditors of the Parish for the upcoming financial year.

### **SPECIAL VESTRY MEETINGS**

5. (a) The Incumbent or the Churchwardens may at any time call a special meeting of the Vestry and may also do so upon the written request setting out the reasons or purpose for such a meeting of six or more members of the Vestry of the Parish. Should the Incumbent or the Churchwardens refuse or be unwilling to act within fifteen days of the date of receipt of a request to call such special meeting of the Vestry, then any six members of the Vestry of the Parish may deliver a written notice requesting such meeting (including reasons and the purpose of the meeting and draft wording of any proposed motions) to the Territorial Archdeacon, who shall decide whether or not the special meeting of Vestry should be called. In the event the Territorial Archdeacon declines to call the requested special meeting of Vestry, the members of Vestry who have requested the special meeting may appeal to the Bishop for reconsideration, whose decision shall be final and binding.  
  
(b) Notice of any special meeting of the Vestry to be held shall be given by the Incumbent or the Churchwardens at each of the next Sunday services on three successive Sundays at each service of the Parish and in such other manner or method as will ensure to the maximum extent possible, that the Parish receives notice of the special meeting of the Vestry. In all cases, a copy of such notice shall be provided to the applicable Territorial Archdeacon in a timely manner. The notice shall set forth the date, place and time of the special meeting of the Vestry and the business to be conducted thereat as well as the draft wording of any proposed motions. For greater clarity, such special meeting of the Vestry may be held following the main service on the third successive Sunday on which notice of the meeting has been given. At such special Vestry meeting no business shall be transacted other than



that specified in the notice calling the same. The Bishop or the Bishop's designate may call a special meeting of the Vestry of a Parish by giving written notice to the Incumbent, or the Churchwardens, in the case of a vacancy in the position of Incumbent. The notice shall specify the date, place and time of the special meeting of the Vestry and the business to be conducted thereat, and the draft wording of any proposed motions. Upon receipt of the notice as aforesaid, the Incumbent (or the Churchwardens, if applicable) shall issue notice of the special meeting of Vestry in accordance with subsection 5(b) herein. At such special Vestry meeting no business shall be transacted other than that specified in the notice calling the same.

### **HOLDING VESTRY MEETINGS IN EXTRAORDINARY CIRCUMSTANCES**

6. Despite any other provisions contained in this Canon 18 regarding the calling or holding of meetings of Vestry, the Incumbent (or, in the event that there is no Incumbent, the Bishop's designate), or the Bishop or the Bishop's designate for the purposes of Paragraph 5(c) herein, shall have the discretion when they determine that circumstances warrant, to hold a Vestry meeting in person, by video conference or other electronic means, or a combination thereof; provided that participants attending the meeting are able to hear each other and have the opportunity to be heard and when applicable, to vote. Persons participating in meetings which are held partially or completely by electronic means shall be counted for the purposes of quorum at the Vestry meeting.

### **CHAIR AND SECRETARY OF VESTRY MEETINGS**

7. At each meeting of the Vestry, the Incumbent or the Incumbent's designate shall act as chair of the meeting and the Bishop or the Bishop's designate may personally attend, with the right to speak but without a vote. In the event that neither the Incumbent nor the Incumbent's designate is present at the meeting, a Churchwarden shall act as the chair; provided that should no Churchwardens be present at the meeting or willing to act as chair, the chair shall be elected by the persons present at the meeting. The members of the Vestry present at the Vestry meeting shall elect from amongst their number a secretary, who shall be known as the Vestry Clerk, who shall keep the record of the proceedings of the meeting.

At the discretion of the Chair and with the approval of the meeting, non-voting members may be invited to speak but not to vote.

Despite the foregoing, the Bishop or the Bishop's designate shall have the right to chair meetings of Vestry at their discretion.



## **ELECTION AND APPOINTMENT OF CHURCHWARDENS**

8. At the annual meeting of the Vestry, the Incumbent shall appoint one lay member of the Vestry as a Churchwarden and the members of the Vestry shall elect another lay member of the Vestry to be the second Churchwarden for the ensuing year. No person shall be eligible for the office of Churchwarden except a regular Communicant member of such Vestry who has attained the age of 18 years. The spouse of the Incumbent shall not be eligible for the office of Churchwarden or Deputy Churchwarden, Treasurer or Envelope Secretary in that Parish without the written consent of the Bishop. In the event that the Incumbent is unable or unwilling to appoint a Churchwarden or, in the event that there is no Incumbent of the Parish, both of the Churchwardens shall be elected by members of the Vestry. If the members of the Vestry are unwilling or unable to elect a Churchwarden, the Incumbent shall appoint both Churchwardens for the ensuing year. In the event that two Churchwardens are not elected or appointed, then the matter shall be directed to the Bishop who may either:
- i. appoint an Administrator for the Parish pursuant to Canon 12 who shall take control of the operation and management of Parish ; or
  - ii. initiate the process of the disestablishment of the Parish, pursuant to Canon 12.

In the event an Administrator shall be appointed, the Administrator shall be deemed to be the corporation for the purposes of section 12 hereof with all necessary power and authority to act in such capacity.

## **NOMINATING COMMITTEE**

9. To facilitate elections, the Parish Council shall appoint a nominating committee to present a slate of candidates for election at the annual Vestry meeting. In the absence of a formal nominating committee, the Churchwardens and Deputy Churchwardens (if any) shall act as the nominating committee. Further nominations with the consent of the nominee(s) may be made at the Vestry meeting.

## **TERM OF OFFICE**

10. The two Churchwardens shall hold their respective offices until the conclusion of the next annual meeting of the Vestry or until the appointment or election of their respective successors. A vacancy shall be created in the office of Churchwarden upon the occupant's death, removal, resignation or cessation of membership in the Parish and such vacancy shall be filled in the manner provided in Section 8 of this Canon either at the next annual Vestry meeting or at a special Vestry meeting called for the purpose of filling such a vacancy. No person who has held the office of Churchwarden for five consecutive years shall be appointed or elected a Churchwarden again until



the expiration of one year following the termination of their fifth consecutive year of holding office as a Churchwarden, save and except with the approval of the Bishop or the Bishop's designate, should new lay leadership not be available in the Parish.

### **REMOVAL OF A CHURCHWARDEN**

11. (a) In addition to the provisions of Canon 21, a Churchwarden may be removed from their office in the event they:
- i. Remain unwilling or unable, following written notice setting out the alleged default in adequate detail by the Incumbent of the parish and the other Churchwarden, to perform their duties; or commits any material act or omission or is engaged in any course of conduct that may materially detrimentally affect either:
  - ii. the reputation of the Parish in particular or the Diocese generally, or
  - iii. the ongoing affairs and operations of the Parish or the Diocese.
- b) Subject to section 11(c), in the event a Churchwarden has breached any of the provisions in section 11(a) above, the Parish Council of the Parish may, at the request of the Incumbent and the other Churchwarden, enact a resolution requesting such Churchwarden to resign their office. Should such Churchwarden thereafter refuse to resign their office, the Incumbent, or in the case of a vacancy in the position of Incumbent, the Bishop or the Bishop's designate, shall call a special meeting of the Vestry and the Vestry shall have power to remove such Churchwarden from office by a majority vote. In the event of a removal of a Churchwarden, a successor shall be appointed or elected in the manner provided in section 8 of this Canon.
- c) For clarity, should the Churchwarden be accused of committing an Ecclesiastical Offence as enumerated in Canon 21, the rules, procedures, and penalties set out therein shall govern.

For the purposes of this section, the notice calling the special Vestry shall set out in sufficient detail the reasons for the decision of the Parish Council to remove the said Churchwarden, and the Churchwarden shall have the opportunity to speak at the special Vestry meeting called for the purpose of removing them.

### **FILLING VACANCY IN OFFICE OF CHURCHWARDEN**

12. Subject to the provisions of section 8, if for any reason a Churchwarden is not elected or appointed at the annual Vestry meeting, such appointment or election shall take place at the next Vestry meeting, which shall be held within 30 days. In the event that an elected Churchwarden dies, submits their written resignation, is



removed, declines to accept office or ceases to be a member of the Parish of which they were Churchwarden, the Incumbent shall call a special meeting of the Vestry as soon as practicable and a replacement Churchwarden shall be appointed or elected, as the case may be, to fill the vacancy until the next annual Vestry meeting.

Should a vacancy arise in the position of Churchwarden who is appointed by the Incumbent, the Incumbent may appoint a replacement without having to call a special meeting of the Vestry but with notice to the Parish.

### **CHURCHWARDENS TO BE AS A CORPORATION**

13. Pursuant to the provisions of section 8 of the Act of Incorporation of The Incorporated Synod of the Diocese of Huron (38 Victoria, c. 74, 1874), the Churchwardens shall be as a corporation to represent the interests of the Parish for which they are so elected or appointed and may sue and be sued in such corporate capacity and shall sign all deeds and documents required to be signed on behalf of the corporation. Any documents pertaining to the title to the real property of a Parish shall be executed by the appropriate Diocesan representatives rather than the Churchwardens.

### **DUTIES OF CHURCHWARDENS**

14. The Churchwardens shall have equal status and responsibilities in the Parish in which they serve. They must act jointly in the exercise of their duties and responsibilities. They shall exercise leadership and act as the executive officers of the Parish Council of the Parish in the supervision of all temporal matters in relation to the Parish and shall have general responsibility for all matters relating to the Parish that are not expressly the responsibility of the Bishop or the Incumbent. They shall act in consultation with the Incumbent and the Parish Council of the Parish in the advancement of the Kingdom of God in the Parish. Without limiting the generality of the foregoing, the Churchwardens shall:
  - (a) give leadership in the Parish by regular worship, example and stewardship;
  - (b) exercise leadership to raise the revenue necessary for the operations of the Church, including the payment of all salaries and benefits;
  - (c) keep or cause to be kept proper, accurate and current books of account containing details of all financial matters relating to the Parish and to submit full and complete financial reports to the Diocese as required from time to time;
  - (d) cause all insurable buildings and property of the Parish to be covered by adequate insurance against fire, theft and other insurable perils in accordance with the policies of the Diocese; ensure the proper administration



and management of any cemeteries or churchyards belonging to the Parish in accordance with section 20 of this Canon;

- (e) in consultation with the Director of Human Resources of the Diocese as a source of information and guidance, appoint, and dismiss all lay employees and officers of the Parish including but not limited to the Envelope Secretary, the Treasurer, the Verger and the Organist;
- (f) prepare and present to the Vestry meeting an annual budget for the financial operations of the Parish, which shall include an annual plan and budget for building maintenance and repair, and, following the adoption of such budget by the Vestry, use their reasonable best efforts to carry out the provisions of such budget;
- (g) present at the annual Vestry meeting a full account of their actions as Churchwardens of the Parish as well as a full report on the preceding fiscal year's financial results and the state of the life and viability of the Parish;
- (h) present, at regular meetings of the Parish Council, an account of their actions as Churchwardens of the Parish and a full accounting and disclosure of financial matters involving the parish or Parish;
- (i) use their respective best efforts to carry out all lawful resolutions of Synod, Diocesan Council or Diocesan Sub-Council, the Vestry and the Parish Council of the Parish whom the Churchwardens represent and to comply with the Constitution and Canons;
- (j) upon the relinquishment, death, retirement, permanent disability, resignation or removal of a cleric appointment, the Churchwardens will assume responsibility for all Parish registers in their possession containing records of baptisms, confirmations, marriages and burials and also a complete list of parishioners. Such cleric shall receive a receipt for the delivered records, and their successor shall be given the items on signing a receipt for the same.

### **DEPUTY CHURCHWARDENS**

15. Subject to the approval of the Incumbent and the Churchwardens, the Vestry may by resolution establish the positions of not more than two Deputy Churchwardens, which resolution shall remain in effect until revoked at a subsequent annual or Special Vestry meeting. Such positions shall be filled annually from amongst the members of the Vestry of the Parish by appointment and election in the same manner as Churchwardens are appointed and elected and any vacancy shall be filled in the same manner. The duties of the Deputy Churchwardens shall be generally to assist the Churchwardens in the performance of their duties and to perform such specific duties as may be assigned to them by the Churchwardens, the



Parish Council, the Vestry or the Incumbent. For greater clarity, the Deputy Churchwardens shall not be within the definition of Churchwardens as such term is used in these Canons.

### **TREASURER**

16. Although the financial accounts of the Parish are the responsibility of the Churchwardens, they may appoint a treasurer to keep the accounts on their behalf.

### **FINANCIAL REVIEW**

17. Financial statements of all Parish and organizational accounts shall be subject to an annual audit or review engagement and presented to the annual Vestry meeting. If the audit or review engagement is not completed in time for the annual Vestry meeting, a special Vestry meeting shall be called to receive the audited or reviewed financial statements once available. Such audits or review engagements may but need not be performed by independent public accountants, but the person(s) doing so shall be able to competently perform the audit or review engagement and further, shall be independent of the Churchwardens, Deputy Churchwardens, Parish Council, Treasurer and the Incumbent.

### **CHEQUES**

18. All cheques or other manner of disbursements on the bank accounts of the Parish shall be signed or authorized by the two Churchwardens or by any one Churchwarden together with one of such other persons as may be designated by resolution of the Parish Council or of the Vestry.

### **ORDERING OF SERVICES**

19. By virtue of their ordination and appointment, the Incumbent has ultimate responsibility to the Bishop for the ordering of services. The Incumbent shall consult with the Churchwardens and with the Parish Council before making any substantial change in the accustomed services.

### **CEMETERIES**

20. The charges payable for burial plots, niches, columbaria, cremations (if applicable), the opening and closing of graves in cemeteries and churchyards belonging to a Parish, the management and maintenance of the cemetery property, and the investment of trust funds, shall be regulated and administered by the Churchwardens on behalf of the Vestry of the Parish, in accordance with all applicable laws and government regulations. The Vestry shall by resolution appoint a committee known as a Cemetery Board to operate the cemetery on behalf of the Vestry, subject to and in accordance with Canon 41. Each Cemetery Board so appointed shall be required to





provide to the annual Vestry meeting of the Parish and to the Diocese, a report fully disclosing the activities of, and actions taken by, the Cemetery Board during each preceding year.

### **SUMMER CHURCHES**

21. Notwithstanding the foregoing, the following special provisions shall apply to Summer Churches in the Diocese:
- (a) As soon as practicable following the opening of each Summer Church, the person appointed by the Bishop to be in charge of the Summer Church shall establish a day and time during the month of July upon which a Vestry meeting shall be held for the purposes of the appointment and election of Churchwardens, the Parish Council and lay representatives to Synod and such other business as may properly come before the meeting. Notice of such meeting and the purpose for which it is called shall be given in the Summer Church at all services held on the two Sundays immediately preceding the meeting.
  - (b) All baptized persons, who have attained the age of 16 years and are identifiably involved with the Parish through worship or fellowship and financial support to the Parish during the year of the Vestry meeting or the immediately preceding year, shall be members of the Vestry of the Summer Church.
  - (c) Churchwardens, members of the Parish Council and lay representatives and substitute lay representatives to Synod shall be appointed or elected as provided in Canon 18 section 8, Canon 19, and the Constitution from among members of the Vestry of the Summer Church to hold office until the next annual meeting of the Vestry of the Summer Church at which their successors are appointed or elected, but any member of the Vestry of the Summer Church shall be eligible for reappointment or re-election without time limitation, subject to the provisions of the immediately following subsection.
  - (d) No person shall be eligible to be a lay representative or substitute lay representative to Synod unless they are not a lay representative or substitute lay representative of any other Parish in the Diocese.





## **Canon 19**

### **Parish Council**

#### **MEMBERSHIP OF COUNCIL**

1. Subject to section 10 of this Canon, in every Parish within the Diocese, there shall be a Parish Council consisting of the Incumbent, Churchwardens, Deputy Churchwardens (if any), Lay Representatives to Synod, substitute Lay Representatives to Synod and not fewer than four nor more than 12 members of the Vestry of the Parish, with the number to be determined by the Vestry and one-half of such number elected by the Vestry and one-half appointed by the Incumbent from amongst members of the Vestry. No person shall be eligible for membership in the Parish Council except a member of such Vestry who has attained the age of 16 years. In the event that the Incumbent is unwilling or unable to make such appointments, any vacancy shall be elected by the members of the Vestry from amongst their number. In the event that the members of the Vestry at the annual meeting are unwilling or unable to complete such election, any vacancy shall be filled by appointment by the Incumbent. The members of the Parish Council shall hold office until the conclusion of the next annual meeting of the Vestry or until their successors have been elected or appointed.

#### **VACANCIES IN COUNCIL**

2. In the event that a vacancy occurs in the Parish Council amongst those persons elected by the Vestry, the Parish Council shall have power to fill such vacancy until the next annual meeting of the Vestry by appointment of another member of the Vestry. In the event that a vacancy occurs in the Parish Council amongst those members appointed by the Incumbent, the Incumbent shall have the power to appoint a member of the Vestry to hold office until the next annual meeting of the Vestry.

#### **QUORUM AND MEETINGS**

3. (a) A majority of the members of the Parish Council present in person or participating by telephone or other means in accordance with this section 3 shall form a quorum for all meetings of the Parish Council. The Parish Council shall meet not less than quarterly at the call of the Incumbent, of a Churchwarden or of any other two members of the Parish Council. If all of the members of Parish Council present at the first meeting after an annual Vestry meeting consent, all meetings of the Parish Council or of any committee or sub-committee of the Parish Council until the next annual meeting of the Vestry may be held by means of such telephone, electronic or other communication facilities as permit all persons participating in the meeting to



communicate with each other simultaneously and instantaneously, and a member of Parish Council participating in such a meeting by such means shall be deemed to be present in person at each such meeting. There shall be no participation by proxy at any meetings of Parish Council or its committees or sub-committees.

(b) Despite paragraph 3(a), the Incumbent (or, in the event that there is no Incumbent, the Bishop's designate), shall have the discretion when they determine that circumstances warrant, to hold a Parish Council meeting in person, by video conference or other electronic means, or a combination thereof, regardless of how the Parish Council determines to hold its meetings at its first meeting after the annual Vestry meeting; provided that participants attending the meeting are able to hear each other and have the opportunity to be heard and when applicable, to vote. Persons participating in meetings which are held partially or completely by electronic means shall be counted for the purposes of quorum at the Parish Council meeting.

#### **CHAIR**

4. The Incumbent or the Incumbent's designate shall be chair of all meetings of the Parish Council, provided that if the Incumbent or the Incumbent's designate is not present, the members present at the meeting shall appoint a chair of the meeting.

#### **SECRETARY AND TREASURER**

5. The Parish Council shall appoint a secretary to record proceedings, who may but need not be the Vestry Clerk. The Treasurer (if any) shall be a non-voting member of the Parish Council unless they are an elected or appointed member of the Parish Council.

#### **CONSULTATION AND REPORTING**

6. The Incumbent and the Churchwardens shall consult the Parish Council with respect to matters relating to the Church and the Parish. They shall make regular reports to the Parish Council on matters under their supervision or care.

#### **VESTRY/PARISH COUNCIL RELATIONSHIP**

7. The Parish Council shall represent the Vestry of the Parish between meetings of the Vestry. It shall report its actions at the annual Vestry meeting and at all other meetings of the Vestry when required and shall use its best efforts to carry out all lawful resolutions of the Vestry of the Parish.



## **CHURCHWARDENS/PARISH COUNCIL RELATIONSHIP**

8. The Churchwardens shall act as the executive officers of the Parish Council and shall use their respective reasonable best efforts to carry out all lawful resolutions of the Parish Council of the Parish. The Incumbent and the Churchwardens may, with the consent of the Parish Council, delegate to the Parish Council, to committees or sub-committees of the Parish Council or to individual members of the Parish Council, matters relating to aspects of the life and administration of the Parish but no such delegation shall remove the responsibility from the Incumbent and/or Churchwardens.

### **REMOVAL OF A PARISH COUNCIL MEMBER**

9. a) In addition to the provisions of Canon 21, a member of Parish Council may be removed from their office in the event they:
- (i) remain unwilling or unable, following written notice setting out the alleged default in adequate detail by the Incumbent of the Parish and the Churchwardens, to perform their duties; or
  - ii) commits any material act or omission or
  - iii) is engaged in any course of conduct that may materially detrimentally affect either:
    - (a) the reputation of the Parish in particular or the Diocese generally, or
    - (b) the ongoing affairs and operations of the Parish or the Diocese.
- b) Subject to section 9 (c), in the event a member of Parish Council has breached any of the provisions in section 9(a) above, the Parish Council of the Parish may, at the request of the Incumbent and Churchwardens, enact a resolution requesting such member of Parish Council to resign their office. Should such a member of Parish Council thereafter refuse to resign their office, the Incumbent, or in the case of a vacancy in the position of Incumbent, the Bishop or the Bishop's designate, shall call a special meeting of the Vestry and the Vestry shall have power to remove such member of Parish Council from office by a majority vote. In the event of a removal of a member of Parish Council, a successor shall be appointed the manner provided in section 2 of this Canon.
- c) For clarity, should the member of Parish Council be accused of committing an Ecclesiastical Offence as enumerated in Canon 21, the rules, procedures, and penalties set out therein shall govern.



For the purposes of this section, the notice calling the special Vestry shall set out in sufficient detail the reasons for the decision of the Parish Council to remove the said member of Parish Council, and the member shall have the opportunity to speak at the special Vestry meeting called for the purpose of removing them.

### **COMMITTEES AND TASK GROUPS**

10. Parish Councils may from time to time appoint standing or temporary committees, subcommittees or task groups to assist the Parish Council in the performance of its duties and responsibilities. Such committees, subcommittees or task groups may carry out the duties or functions which may be assigned to them by Parish Council, subject to any applicable provisions of the Constitution or the Canons, and shall report to, and be subject to the oversight of, Parish Council. Such committees, subcommittees or task groups may be comprised of members who are not members of Parish Council and who shall serve in such capacity at the will of Parish Council. Examples of possible committees, sub-committees or task groups may include finance and audit, nominations, stewardship and fundraising, Christian Life and fellowship, and property and administration.

### **REGIONAL MINISTRY**

11. In the event that there are two or more Parishes functioning as a Regional Ministry, the Parish Council of each Parish shall be known as the Parish Council. The Parish Councils may, at the discretion of Vestry, replace the membership requirements in section 1 of Canon 19 with the following:

The Parish Council shall consist of Incumbent, Churchwardens, Deputy Church Wardens (if any), Lay Representatives to Synod, substitute Lay Representatives to Synod and not fewer than two nor more than four members of the Vestry of each Parish, with the number to be determined by each Vestry and one-half of such number shall be elected by the Vestry and one-half shall be appointed by the Incumbent.

12. A Parish Council shall meet not less than twice a year at the call of the Incumbent, of a Churchwarden, or of any other two members of the Parish Council.

13. The Parish Councils shall act in all matters pertaining to the life of the individual Parish. These matters shall include, but shall not be limited to, the care the buildings and other capital assets belonging to the Parish, the finances of the Parish and any matters of interest to the local Parish.

14. A Regional Ministry shall form a council to be called a Regional Council that has a membership of not more than 20 persons. Membership shall include at least one person from each Parish based on a proportional formula agreed upon by the



Vestries of all Parishes. Should the Vestries of the Parishes fail to agree upon a formula for membership in the Regional Council, then representation shall be in the same proportion as each Parish contributes to the overall Regional Ministry budget. Representative(s) of each Parish at the Regional Council shall be elected at a meeting of each Parish's Vestry and must be from the membership of the Parish Council.

14. The Regional Council shall elect from their number, one person, and the Incumbent, shall appoint one member of the Regional Council, to be Regional Wardens. The Regional Council and the Incumbent may also, at their discretion elect/appoint Deputy Regional Wardens.
15. Regional Wardens shall be subject to the provisions of Canon 18 as applicable, save and except for section 13 thereof. For greater clarity, Regional Wardens shall not act as a corporation as they do not supersede or assume the legal responsibilities of the Churchwardens of each Parish. Their duties include:
  - (a) the development of a budget for the common work of the Regional Ministry;
  - (b) acting as agents for the Churchwardens in the matter of keeping or causing to be kept proper, accurate and current books of account containing details of all financial matters relating specifically to the Regional Ministry and submitting complete financial reports to the member Parishes of the Regional Ministry from time to time;
  - (c) acting as agents for the Churchwardens, in consultation with the Director of Human Resources of the Diocese as a source of information and guidance, in the matter of appointing or dismissing any lay employees of the Regional Ministry;
  - (d) providing leadership to the Regional Council in a manner similar to that of Churchwardens as set out in Canon 18; and
  - (e) conducting all other matters relating to the effective functioning of the Regional Ministry and as directed to do so by the Churchwardens.
16. The Regional Council shall meet no less than quarterly at the call of the Incumbent, or a Regional Warden or of any two members of the Regional Council. The provisions of sub-paragraphs 3(a) and (b) of this canon pertaining to the holding of meetings shall apply to Regional Council meetings except where the context would otherwise require.



17. The Regional Council shall determine the Parish's shared financial responsibility of each Parish within the Regional Ministry as well as other common purposes, goals and opportunities.
18. All provisions of Canon 19 shall also apply to Parish Councils and Regional Councils, except where the context would otherwise not apply.
19. There shall be no participation by proxy at any meetings of Regional Council or Parish Council.

### **VACANCY IN INCUMBENCY**

20. During the duration of any vacancy in the Incumbency of any Parish, the duties and powers of the Incumbent under this Canon including the power to make appointments under this Canon (with the exception of the appointment of a Churchwarden, a deputy Churchwarden (if any) and the members of the Parish Council ordinarily appointed by the Incumbent) shall devolve upon the Priest-in-Charge of the Parish, if one has been appointed, or to the Bishop or the Bishop's designate, if a Priest-in-Charge has not been appointed, who may delegate such duties and powers to a Territorial Archdeacon. Such duties and powers shall be exercised during such vacancy in consultation with the Churchwardens of the Parish. The appointment of a Churchwarden, a deputy Churchwarden (if any) and the members of the Parish Council ordinarily appointed by the Incumbent shall be made by the Priest-in-Charge (if one has been appointed) of the Parish in consultation with the Bishop or the Bishop's designate.



## **Canon 20**

### **Differences Between Clerics and Their Parishes**

1. If dissension or division arises between the Incumbent and their Parish so that the unity of the Parish is endangered, the following corrective course shall be followed:
  - (a) At the request of the Bishop, the Incumbent or the Churchwardens acting on behalf of the Parish, the Territorial Archdeacon shall be invited to mediate the dispute. If the Territorial Archdeacon is personally involved in the dispute, the Bishop shall appoint another senior cleric to act as mediator.
  - (b) If the mediation is not successful, the matter shall be referred to the Bishop.



## **Canon 21**

### **Discipline**

#### ***PREAMBLE***

*As members of the Christian community, within the Anglican Diocese of Huron we recognize that through our baptism we have committed our lives to following the life and teachings of Jesus Christ. In this commitment, we have willingly and knowingly entered into a covenant relationship with God and with each other, part of which covenant is the promise to strive for justice and peace among all people and to respect the dignity of every human being. In order to achieve such a standard, we, as the people of the Diocese of Huron, commit ourselves to be accountable to God, to each other, to ourselves and to the world as we model the Reign of Christ in order to bring people into a relationship with Jesus.*

*As a result, when the Church seeks to do justice, it tries to do so in a manner which would find approval with God.*

*The Canon which follows tries to express a genuine concern and to maintain a balance for all parties to which it is applied. The overall purpose of the Canon is to seek forgiveness and reconciliation and to work towards the restoration of the offender, though that may not necessarily mean restoration to the practice of ministry.*

*It is the earnest hope of the persons drafting this Canon that mediation might take place between the parties, if appropriate, before recourse is made to this Canon.*

*As much as possible, the Diocese of Huron will offer professional assistance which may lead to restoration of the individual, but it must be recognized that effective rehabilitation requires the active participation of the person involved.*

#### **PART I INTERPRETATION**

1. In this Canon:

- (a) “accused” shall mean any person charged with an offence under any Canon on Church discipline;
- (b) “applicant” shall mean any party in the position of plaintiff with respect to any matter referred to the court by the Bishop other than under the Canon on Discipline;





- (c) "Bishop" shall mean the Bishop of the Diocese of Huron and shall include an Administrator of the Diocese or Bishop's Commissary;
- (d) "Canons" shall include the Canons of the Diocese as well as the Canons of the Synod of the Ecclesiastical Province of Ontario and the Canons of the General Synod of the Anglican Church of Canada;
- (e) "cause" shall mean any matter referred to the Court;
- (f) "Chancellor" shall mean the Chancellor of the Diocese of Huron;
- (g) "charge" shall mean an accusation of any breach of discipline under the Canons;
- (h) "cleric" shall mean a person who has been ordained by, or a person who has been received by and whose ordination has been recognized by the Anglican Church of Canada;
- (i) "commenced" for the purposes of sections 18 and 19 of this Canon shall mean the date on which the Court is convened and the charge is read to the accused and a plea thereto is taken;
- (j) "commission" shall mean the commission of the Bishop requiring the court to deal with a cause;
- (k) "complainant" shall mean any person who instigates a charge or complaint;
- (l) "complaint" shall mean the document upon which a charge is based;
- (m) "Court" and "Diocesan Court" shall mean the Diocesan Court established by section 35 of this Canon;
- (n) "Diocese" shall mean The Incorporated Synod of the Diocese of Huron;
- (o) "Diocesan Council" shall mean the Diocesan Council of Synod;
- (p) "Diocesan Sub-Council" shall mean the Diocesan Sub-Council of Synod;
- (q) "party" shall mean any party to the proceedings;
- (r) "President" shall mean the person presiding over the Court;
- (s) "proceeding" shall mean any cause or matter referred to the Court;
- (t) "Provincial Court of Appeal" shall mean the Court of Appeal of the



Ecclesiastical Province of Ontario;

- (u) "Registrar" shall mean the Registrar of the Court;
- (v) "respondent" shall mean any party responding to any other matter referred to the Court by the Bishop;
- (w) "rules" shall mean the rules enacted from time to time by the Court;
- (x) "Supreme Court of Appeal" shall mean the Supreme Court of Appeal for the Anglican Church of Canada;
- (y) "Supreme or Superior Court" shall mean the Superior Court of Justice of the Province of Ontario;
- (z) "Synod" shall mean an assembly of the voting members of The Incorporated Synod of the Diocese of Huron.

All paragraph headings and subparagraph headings have been inserted in this Canon for convenience of reference only, do not form part of the Canon and shall not be used in the interpretation of this Canon.

## **PART II EPISCOPAL JURISDICTION**

### **PRESERVATION OF EPISCOPAL JURISDICTION REGARDING DISCIPLINE**

2. It is hereby acknowledged that the Bishop has by virtue of the office of Bishop, ecclesiastical jurisdiction, authority and power of discipline over all clergy and lay members of the Anglican Church of Canada within the Diocese or otherwise under the jurisdiction of the Bishop.

### **CONTINUING AUTHORITY OF BISHOP OF HURON**

3. Nothing in this Canon shall be interpreted as impairing, diminishing or affecting in any way the pastoral or disciplinary aspects of the authority and jurisdiction of the Bishop with respect to a cleric or a lay person who is a member of the Anglican Church of Canada, except only in relation to:
  - (i) the determination of whether the cleric has committed an ecclesiastical offence established by this Canon;
  - (ii) the determination of whether a lay person who has been appointed, elected or commissioned to an office, appointment or responsibility in a parish/congregation or the Diocese, has committed an ecclesiastical offence established by this Canon; and
  - (iii) the determination of the penalty appropriate for the commission of an



ecclesiastical offence established by this Canon.

### **INITIAL DISCIPLINARY JURISDICTION**

4. (a) Where it has been alleged that a cleric subject to the jurisdiction of the Bishop or a lay person as described in section 6 of this Canon has committed an ecclesiastical offence established by this Canon, 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.
- (b) The Bishop may refer the determination of whether an ecclesiastical offence has been committed or the determination of a penalty to the Diocesan Court having jurisdiction with respect to the discipline of the person charged with the commission of an ecclesiastical offence without exercising the initial jurisdiction described in section 4(a).
- (c) The procedures to be used in the exercise by the Bishop of the initial jurisdiction described in this section shall be determined by the Bishop; however, such procedures shall be subject to the principles set out in Part VI of this Canon.

### **REVIEW BY THE COURT**

5. (a) A person convicted of an ecclesiastical offence by the Bishop may require the determination of the Bishop that an ecclesiastical offence was committed by the person, or the penalty imposed by the Bishop, to be reviewed by the Diocesan Court of the Diocese, which Court may either confirm or overturn the determination of the Bishop and confirm or vary the penalty imposed.
- (b) The Diocesan Council of the Diocese, on its own motion or on the petition of the person or persons who made the allegation of an ecclesiastical offence which was tried by the Bishop alone, may require the determination of the Bishop that an ecclesiastical offence was committed, or the penalty imposed by the Bishop, to be reviewed by the Diocesan Court of the Diocese, which Court may either confirm or overturn the determination of the Bishop and confirm or vary the penalty imposed.
- (c) Where a review by the Court pursuant to this section is of a determination by the Bishop that an ecclesiastical offence has been committed, the review shall be conducted as if it were an original trial held in the Court.
- (d) Where a review by the Court pursuant to this section is of a determination by the Bishop of the penalty appropriate for the commission of an ecclesiastical offence, only evidence relevant to the question of the appropriate penalty shall be considered by the Court.



## **PART III COURT JURISDICTION**

### **JURISDICTION OF DIOCESAN COURT**

6. The Diocesan Court of the Diocese shall have ecclesiastical jurisdiction with respect to the discipline of:
- (a) clerics who carry out their ministry in the Diocese and who hold a licence or permit from the Bishop, for any ecclesiastical offence, wherever committed;
  - (b) subject to section 24, clerics of the Anglican Church of Canada who do not hold a licence or permit from the Bishop, in respect of any ecclesiastical offence committed in the Diocese;
  - (c) lay persons who have been appointed, elected or commissioned to an office, appointment or responsibility in a parish/congregation of the Diocese, for an ecclesiastical offence committed in the Diocese;
  - (d) lay persons who have been appointed, elected or commissioned to an office, appointment or responsibility in the Synod of the Ecclesiastical Province of Ontario, or the General Synod of the Anglican Church of Canada, for an ecclesiastical offence committed in the Diocese; and
  - (e) clerics and lay persons of any other Diocese when a transfer is made pursuant to section 25 of this Canon.

## **PART IV**

### **ECCLESIASTICAL OFFENCES**

#### **DISCIPLINARY ACTION REGARDING OFFENCES**

7. All persons who are subject to ecclesiastical jurisdiction in the Church shall be liable to discipline for any of the following offences:
- (a) conviction of an indictable offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada), or replacement legislation imposing criminal penalties;
  - (b) immorality, including, but not limited to sexual immorality;
  - (c) narcotic, alcohol or other drug or other substance addiction or abuse;
  - (d) wilful disobedience to the Bishop to whom such person has sworn canonical obedience;



- (e) wilful violation of any lawful Constitution or Canon of the Church, whether of the Diocese, the Ecclesiastical Province of Ontario or the General Synod of the Anglican Church of Canada, by which the person is bound;
- (f) wilful or habitual neglect of the exercise of the ministry of the person without cause;
- (g) wilful or habitual neglect of the duties of any office or position of trust to which the person has been appointed or elected;
- (h) teaching or advocating doctrines contrary to those accepted by the Anglican Church of Canada.

## **PART V PENALTIES FOR ECCLESIASTICAL OFFENCES**

### **PENALTIES GENERALLY**

8. Where it has been determined that a person has committed an ecclesiastical offence, the following penalties may be imposed against such person by the Bishop:
- (a) admonition or reprimand;
  - (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 a cleric.

### **ADMONITION OR REPRIMAND**

9. Admonition or reprimand shall be delivered by the Bishop.
10. Admonition or reprimand may be in public or private as the Bishop determines.

### **SUSPENSION**

11. (a) When a penalty of suspension is imposed, the Bishop, after receiving the recommendation (if any) of the Court, shall fix the duration of the suspension and may impose such other conditions on the suspension as the Bishop considers appropriate.
- (b) During the term of a suspension, the person suspended from the exercise of ministry or office shall not exercise the function of their ministry anywhere in Canada.



- (c) If a person suspended from the exercise of ministry exercises their ministry contrary to section 11(b) hereof, or otherwise violates the conditions of the suspension, the Bishop may, after a further hearing, impose the penalty of deprivation of office.
- (d) During the term of a suspension, the Bishop may deprive the suspended person of the whole or part of any stipend, income or emoluments associated with the ministry or office from which the person stands suspended and may authorize the application of the whole or part of such stipend, income or emoluments to the payment of a substitute.

### **DEPRIVATION**

- 12. (a) Upon the penalty of deprivation of office or ministry being pronounced, the connection between the person deprived and their Parish, mission, congregation, Diocese or office is severed and all revenues to which the person was entitled by virtue of the office or ministry shall wholly cease.
- (b) A person who has been deprived of office or ministry shall be ineligible to hold any office or perform any function in any Diocese in the Anglican Church of Canada until restored pursuant to subsections (c) or (d) hereof.
- (c) Any person so deprived shall be and remain deprived until restored by the Bishop or the Bishop's successor in office.
- (d) Restoration pursuant to subsection (c) may be to any office or ministry in the Diocese whether or not it be the specific office from which the person was deprived.

### **DEPOSITION**

- 13. The penalty of deposition shall include all of the consequences of deprivation and at the same time will have the same effect as if the person had relinquished the exercise of the ordained ministry pursuant to the Canons of the Anglican Church of Canada.

### **NOTICES**

- 14. (a) Where the penalty of suspension is imposed, notice thereof shall be given to all clerics of the Diocese and all Bishops of the Anglican Church of Canada.
- (b) Where a penalty of deprivation of office or ministry or of deposition is imposed, notice thereof shall be given to all clerics of the Diocese, all Bishops of the Anglican Church of Canada and all Metropolitans of the Anglican Communion.



## **PART VI**

### **PRINCIPLES AND GENERAL PROCEDURES TO BE OBSERVED IN DISCIPLINE PROCEDURES**

#### **FUNDAMENTAL PRINCIPLES OF NATURAL JUSTICE**

15. All trials of persons charged with the offences under this Canon shall be conducted according to the principles of natural justice.
16. Without limiting the generality of the foregoing section, all persons tried for offences under this Canon are entitled to be:
  - (i) given full and complete written notice of the charge against them, the particulars of the charge and full disclosure of all relevant evidence against them sufficient for them to prepare a defence if they wish to do so;
  - (ii) presumed innocent until the commission of the offence by them is proved beyond a reasonable doubt;
  - (iii) heard in their own defence;
  - (iv) represented in their defence by counsel of their own choice;
  - (v) present, accompanied by their counsel, when any evidence or argument concerning the allegations against them is received by the Bishop or Court inquiring into the charges;
  - (vi) given opportunity to cross-examine, or have their counsel cross-examine, under oath, witnesses who have given evidence against them;
  - (vii) tried by persons who are not biased against them; and
  - (viii) tried within a reasonable time.
17. No person tried for an offence under this Canon is required to give evidence in the proceedings.
18. Disciplinary proceedings arising out of the alleged commission of an offence under this Canon shall be commenced (as that term is defined in this Canon) within:
  - (a) 12 months from the time when the facts giving rise to the charge became known to the general public in the case of an offence under sections 7(b) or 7(c); and
  - (b) subject to section 19 hereof, 12 months from date of the alleged offence in the



case of offences under any other subsection of section 7.

19. No proceedings shall be taken under this Canon in respect of an alleged offence under sections 7(f) or 7(g) unless at least six months' written notice of intent to take proceedings has been given to the individual or individuals against whom it is intended proceedings will be taken. Proceedings taken under this Canon in respect of an alleged commission of an offence under such subsections of section 7 shall be commenced (as that term is defined in this Canon) within 12 months of the date that such notice of intention is given.
20. All persons found to have committed an offence under this Canon are entitled to have the penalty imposed against them within 30 days of the determination that they committed an offence, subject to a stay of the imposition of a penalty in the event of an appeal as provided in section 38(b) hereof.
21. No person who has been acquitted of an offence under this Canon may be tried for the same offence on the same set of facts a second time.
22. No person who has been found guilty of and punished for an offence under this Canon may be tried or punished a second time for the same offence on the same set of facts.

### **INHIBITION**

23.
  - (a) If it appears to the Bishop that great scandal is likely to arise if a cleric or lay person continues to perform the duties of their office while a charge is under investigation or trial and that the person's ministry will be seriously impaired while a charge is pending, the Bishop may by notice in writing to such person inhibit the person charged from performing any or all of the duties of their office, either in the Diocese or elsewhere, pending the completion of such investigation or until the Bishop withdraws the inhibition, or until the end of the trial.
  - (b) During such inhibition imposed pursuant to section 23(a), the person inhibited shall not be deprived by the paying source of the stipend, income or emoluments associated with the person's office.
  - (c) Where it is alleged that a Bishop has committed an ecclesiastical offence, inhibition may be ordered or withdrawn by the Metropolitan of the Ecclesiastical Province of Ontario, or, if the Bishop is the Metropolitan, by the Primate of the Anglican Church of Canada in consultation with the Diocesan Council of the Diocese.





### **CLERICS FROM ANOTHER DIOCESE**

24. (a) In the event of an offence being alleged against a cleric who is not on the register of the Diocese, but who is on the register of another diocese, for an offence alleged to have been committed in the Diocese, proceedings with respect to such an offence shall not be instituted until notice of the allegation has been given to the bishop of the diocese in which the cleric is registered and that bishop has given consent for proceedings to be instituted by the Bishop.
- (b) A bishop of another diocese who refuses consent shall, within six months of receipt of notice pursuant to subsection (a) hereof, institute proceedings with respect to the alleged offence in accordance with the canons of the diocese in which such cleric is registered.

### **TRANSFER OF JURISDICTION**

25. (a) On the application of a person charged with an offence under this Canon to the president of the court having ecclesiastical jurisdiction over that person, that ecclesiastical jurisdiction may be transferred to another court, where it appears to the president of the court to which the application is made that such transfer is necessary to ensure that the fundamental principles of natural justice are respected and where the court to which the transfer is to be made consents to the transfer.
- (b) Where an application under subsection (a) is made to the President of the Court, the transfer may be made to another diocesan court in the Ecclesiastical Province of Ontario.

### **PART VII RIGHTS OF APPEAL IN DISCIPLINARY PROCEEDINGS**

26. An appeal to the Court of Appeal of the Ecclesiastical Province of Ontario may be taken from any judgment or order of the Diocesan Court or the President thereof.
27. All appeals shall be commenced according to the procedure of the Court of Appeal of the Ecclesiastical Province of Ontario within 30 days of the date of pronouncement of the judgment, imposition of penalty or order appealed from.
28. No limit or restriction on the rights of appeal granted by this Canon imposed by a Bishop or the Diocese shall be of any effect.



## **PART VIII GENERAL**

### **PREFERMENT OF CHARGE**

29. A charge may be preferred against any person set forth in section 6 of this Canon for any of the offences mentioned by three members of the Anglican Church of Canada resident in the Diocese, or by any Archdeacon of the Diocese, and such charge shall be in writing and shall be delivered to the Bishop, or the Bishop may prefer such a charge.
30. Upon a charge being preferred, the Bishop shall communicate in writing the contents of the charge to the person accused and after consideration the Bishop may deny the complaint and notify the complainant and the respondent of the decision of the Bishop.

### **ADMISSION OF CHARGE AND SUMMARY HEARING**

31. If any respondent admits the truth of the charges or the complaint and requests the Bishop to deal with the same in a summary way, the Bishop shall thereupon adjudge the party to be guilty, and shall impose such penalty under this Canon as in the Bishop's judgment and discretion may be considered appropriate to the offence and shall attach the Bishop's imposition of penalty and the answer of the respondent against whom the charge or complaint is made, to a memorial, and file the same of record with the Registrar of the Court, who shall forthwith transmit to the complainant(s) and the party charged a copy of such decision or imposition of penalty.

### **INVESTIGATION OF CHARGE**

32. If the Bishop does not deny the complaint pursuant to section 30, the Bishop may request by commission the Chancellor and/or their designee to investigate the charges, in which case such person or persons shall inform the respondent in writing of the nature of the charges and after consideration and investigation shall advise the Bishop either that a *prima facie* case has been established or that no case has been established.

### **SUBMISSION TO COURT**

33. If a *prima facie* case has been established, the Bishop shall submit the complaint to the Court with the Bishop's commission that the Court try the matter and report to the Bishop on its findings, and its recommendations as to penalty.

### **SUBMISSIONS AS TO PENALTY**

34. Upon a plea of guilty, or submission to the Bishop, or after receipt of the decision of the Court and any recommendations that it may make, the Bishop may hear



submissions as to penalty, along with such persons as the Bishop considers proper, and after hearing such submissions may proceed to impose a penalty in accordance with this Canon.

## **PART IX**

### **DIOCESAN COURT**

- 35.
- (a) There shall be a Court for the trial of causes in the Diocese to be known as the “Diocesan Court” and which shall be composed of the President of the Court and two clerics and two Lay members of Synod all of whom shall be appointed by the Bishop annually at the first meeting of Diocesan Council following the annual session of Synod and who shall hold office until their successors have been appointed.
  - (b) No member of the Court may sit on any charge or complaint preferred by such member, or on any charge or complaint in which such member may have an interest.
  - (c) Any vacancy which may occur in the membership of the Court during the year, by death, resignation or otherwise, shall be filled by the Bishop, and the appointment of any new member shall be announced by the Bishop at the next ensuing meeting of Diocesan Council, which shall report the appointment to Synod at its next session.
  - (d) The Court shall be presided over by the President, or in their absence or inability to act, by some other member of the Court commissioned in writing by the Bishop.
  - (e) The Court shall from time to time appoint a Registrar or acting Registrar, and such other officers as may be found necessary.
  - (f) The Court may sit in any place in the Diocese and at such time as the President of the Court may order and direct.
  - (g) No objection shall be effective as to the constitution, or appointment of any members of the Court or any other officers appointed to assist or advise the Bishop in the exercise of the Bishop’s power, authority and jurisdiction.
  - (h) No objection shall be effective in any proceedings under this Canon that the offence, cause, breach or charge arose outside of the Diocese or arose outside Canada.
  - (i) In any trial under this Canon, each member of the Court (including the President) shall have one vote, and a simple majority of the votes cast shall be required for any decision of the Court.



## JURISDICTION

36. (a) The Court shall have jurisdiction and may try any member of the Anglican Church of Canada within the Diocese, clerical or lay, for offences against the provisions of the Constitution or Canons of the Diocese, the Ecclesiastical Province of Ontario, or of the General Synod of Canada of the Anglican Church of Canada.
- (b) The Court shall also determine any question which may be referred to it by the Bishop as to the sufficiency of the Bishop's reasons for refusing a *Bene Decessit* or Letters Dimissory to a cleric on removal from the Diocese.
- (c) The Court shall also have jurisdiction to determine any other question which may be referred to it by the Bishop.

## PROCEDURE

37. (a) Notwithstanding anything in this Canon and unless the Court otherwise directs, any proceedings may be disposed of by:
- (i) agreement;
  - (ii) consent order; or
  - (iii) decision of the Court given,
    - (A) without a hearing, or
    - (B) without compliance with any other requirement of this Canon, where the parties have waived such hearing or compliance.
- (b) It shall be the duty of the President of the Court to see that all of the proceedings of the Court as well as any imposition of penalty, or any action of the Bishop thereon, are duly recorded by the Registrar and retained with all proceedings in the matter, and the decision of the Court and any imposition of penalty of the Bishop shall be in writing.
- (c) All decrees, citations, orders and other instruments under seal, shall be issued by the Registrar of the Court and shall bear date on the day on which they are respectively issued.
- (d) The seal of the Court shall bear the device of the seal of the Diocese.
- (e) No member of the Court shall divulge the penalty recommended by it until such time as the penalty has been approved and confirmed by the Bishop, and further, no member of the Court shall at any time disclose the vote of any



particular member of the Court.

- (f) While the Court may make a recommendation to the Bishop with respect to a penalty to be imposed following a finding by the Court that an ecclesiastical offence has been committed, the sentence or penalty remains in the sole discretion of the Bishop.

### **APPEALS REGARDING HEARINGS**

- 38. (a) The decision of the Court and any sentence imposed in accordance with the provisions of this Canon shall be subject to appeal to the Provincial Court of Appeal of the Ecclesiastical Province of Ontario, or to the Supreme Court of Appeal of the Anglican Church of Canada in accordance with the Canons of the Provincial and General Synods constituting such courts.
- (b) On notice of appeal by an accused person being given and served as provided in the previous subsection from any conviction or sentence, such sentence shall not be enforced against the accused until further order of the Court appealed to.

### **RULES**

- 39. The rules of the Court shall be the rules set out in the schedule to this Canon. The Court may from time to time make such other rules and regulations as to the Court may seem expedient for regulating the practice and procedure of the Court, and every matter deemed expedient for carrying out the objects of this Canon. The Court may from time to time, suspend, repeal, vary or revive any such rules or regulations, but no order made by the Court shall have the effect of altering any matter defined by this Canon. Matters not provided for by the rules of the Court shall be regulated by analogy to the rules of the Superior Court of Justice of the Province of Ontario.

### **COSTS AND EXPENSES**

- 40. All expenses necessarily incurred by the Court or by anyone acting under its direction in any investigation or hearing pursuant to this Canon shall be paid by the Diocese. The costs including counsel fees of and incidental to any proceedings authorized to be dealt with by the Court are in the discretion of the Court. The Court has full power to determine by whom, or to what extent, costs shall be paid including the legitimate costs of any party by the Diocese and in any proceeding the Court may fix the amount of costs awarded or may in its discretion deal with the question of costs separately.



## **SCHEDULE TO CANON 21**

### **RULES OF THE DIOCESAN COURT**

#### **STYLE**

1. Any proceedings in the Court shall be styled "In The Diocesan Court of the Diocese of Huron" with the names of the complainant(s) and the name of the respondent, or a short description of the cause or matter.

#### **FORM OF CHARGE AND HEARING BY COURT**

2. The Court may appoint two of its members to determine the sufficiency or insufficiency of the form in which the charge is presented, and of the answer thereto, and of any matter connected with the practice or procedure of the Court, subject to an appeal to the full Court in all matters in which either party may be dissatisfied; provided, however, that the evidence to be taken on which the Court is to act, and the hearing and adjudication of the subject matter of the complaint, must be given, heard and made before and by the Court.

#### **NOTICE OF HEARING**

3. A notice of hearing by the Court shall include a statement of the time, place and purpose of the hearing and a reference to the authority under which the hearing will be held, and shall also include a statement that if any party notified does not attend at the hearing, the Court may proceed in the absence of such party who will not be entitled to any further notice in the proceedings.

#### **SERVICE OF NOTICE OF HEARING**

4. Notice of hearing shall be served upon the respondent and other parties, or such service may be accepted by any party or his or her counsel or agent and a party shall be given reasonable notice of the hearing, the question of reasonableness in any case to be solely determined by the Court.

#### **PROCEDURE ON FAILURE TO ATTEND AFTER NOTICE**

5. Where notice of hearing has been given to a party and the party does not attend, the Court may proceed in the absence of the party, who shall not be entitled to any further notice of the proceedings.



## **FURNISHING INFORMATION TO PARTY WHERE CHARACTER OR CONDUCT IS IN ISSUE**

6. Where the good character, propriety of conduct or competence of a party is in issue in any proceedings, the party is entitled to be furnished prior to the hearing with particulars of all allegations with respect thereto.

## **REPRESENTATION BY COUNSEL**

7. A party to the proceedings may be represented by counsel or an agent; may call and examine witnesses and present arguments and submissions, and may conduct cross-examinations of witnesses at a hearing reasonably required for full and fair disclosure of the facts, and where any person is not so represented the Court may appoint a representative when the Court determines that such representation may be required in the interest of justice, and where any party is charged with any offence the Chancellor may appoint counsel to prosecute the charge.

## **WITNESS' RIGHTS**

8. A witness at a hearing is entitled to be advised by counsel or agent as to such witness' rights, but such counsel or agent as such may take no other part in the hearing without leave of the Court, and where a hearing is *in camera*, a counsel or agent for a witness is not entitled to be present except when that witness is giving evidence.

## **OPEN HEARINGS**

9. A hearing shall be open to the public except where the Court is of the opinion that matters involving intimate, financial or personal matters may be disclosed at any hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure in any interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public, in which case the Court may hold the hearing *in camera*.

## **OATHS**

10. Any member of the Court and the Registrar of the Court has power to administer oaths and affirmations with respect to any of its proceedings, and the Court may require evidence before it to be given under oath or affirmation.

## **POWER TO SUMMON WITNESSES**

11. The Court may summon and examine witnesses, including any party, *viva voce* and in open Court to give evidence under oath or by affirmation and to produce in evidence documents and things so specified by the Court, and may for sufficient reason order any particular fact or facts to be proved by statutory declaration or



allow the affidavit or statutory declaration of any witness to be read in evidence at the hearing, or may direct any witness to be examined before an examiner or commissioner or the Registrar of the Court or other person authorized by the civil law of the Province of Ontario to examine witnesses or take statutory declarations.

### **SERVICE OF SUMMONS**

12. The summons herein referred to shall be served personally in accordance with the Rules of the Superior Court of Justice. If personal service cannot be reasonably effected, the Court may make such an order for substituted or other service as it deems fit.

### **INFERENCES**

13. The Court shall be entitled to draw inferences from evidence accepted by it whether of fact or law which might have been drawn therefrom if proved at a trial.

### **AFFIDAVIT EVIDENCE**

14. A witness at a hearing shall be examined *viva voce* but the Court may at any time for sufficient reason order or permit particular evidence or facts to be proved by affidavit or permit the affidavit of a witness may be read at the hearing.

### **DEPOSITIONS AND COMMISSION EVIDENCE**

15. The Court may, whenever it appears necessary, make an order for the examination before a member of the Court or any other person at any place and permit such deposition to be given in evidence, or the Court may order the issue of a commission to take such testimony as approved in the form of the Superior Court of Justice, and such testimony may be given in evidence.

### **ADMISSION OF EVIDENCE**

16. The Court may admit as evidence at a hearing, whether or not given or proven under oath or affirmation or admissible as evidence in Court, any oral testimony or document or other thing relevant to the subject matter of the proceedings, but nothing is admissible in evidence that may be inadmissible in a Supreme or Superior Court by reason of any privilege under the law of evidence, or which would be inadmissible by statute.

### **COPIES OF DOCUMENTS**

17. A copy of a document may be admitted as evidence where the Court is satisfied as to its authenticity, and where the document may be filed as evidence the Court may authorize a copy to be filed in evidence when certified to be a true copy by a member of the Court.





### **JUDICIAL NOTICE**

18. The Court may take notice of facts that may be judicially noticed and take notice of any generally recognized scientific or technical facts, information, or opinions within its scientific or specialized knowledge.

### **DECISION IN WRITING**

19. The Court shall give its final decision or order, if any, in writing, and shall give reasons in writing therefor.

### **SERVICE OF DECISION**

20. The Court shall send by first class mail addressed to the parties to any proceedings at their last known address a copy of the Court's final decision or order, together with reasons where reasons have been given, and each party shall be deemed to have received a copy of the decision on the fifth day after the day of mailing unless a party acting in good faith did not receive the decision or order through absence, accident, illness, or other cause beyond the control of such party.

### **FILING OF DECISION WITH SUPERIOR COURT OF JUSTICE**

21. A certified copy of a final decision or order may be filed by the Court or any party in the office of the Registrar of the Superior Court of Justice, and it may be enforced at the instance of the Court, or of such party in the name of the Court, in the same manner as a judgment of the Superior Court of Justice.
22. Where any decision or order is made rescinding or varying a decision or order previously made by the Court that has been filed with the Registrar of the Superior Court of Justice, the decision or order rescinding or varying a former decision or order shall also be filed.

### **RECORD**

23. The Court shall compile a record of any proceeding before it which shall include the complaint, notice of hearing, the answer if any, any intermediate or interlocutory orders, all documentary evidence, transcripts if any of oral evidence, the decision of the Court and the reasons therefor.

### **MAINTENANCE OF ORDER**

24. The Court may make such orders or take such proceedings as it considers necessary for the maintenance of order at the hearing.



### **ABUSE OF PROCESS**

25. The Court may make such orders or give such directions in proceedings before it as it considers proper to prevent abuse of its processes.

### **EXCLUSION OF AGENTS**

26. The Court may exclude any person acting as agent from the hearing other than a barrister and solicitor qualified to practise in the Superior Court of Justice, if it finds that such person is not competent to properly advise or represent a witness or a party.

### **LIMITATION OF CROSS-EXAMINATION**

27. The Court may reasonably limit further cross-examination of a witness where it is satisfied that the cross-examination of a witness has been sufficient to disclose the facts.

### **ADJOURNMENT**

28. Any hearing may be adjourned from time to time by the Court.

### **NOTICE OF ORDER BY PUBLICATION**

29. Where the Court is of the opinion that because the parties to any proceedings are so numerous, or for any other reasons it is impracticable to send its decision and the material to all or any of the parties individually, the Court may cause reasonable notice of the decision or order to be given to such parties by public advertisement, or otherwise as the Court may direct.

### **AMENDMENTS**

30. Amendments to any proceeding or document may be made by order of the Court at any time.

### **ADDING OR DELETING PARTIES**

31. The Court may at any stage of the proceedings order that the name of any complainant or respondent improperly added be struck out and may also order that any persons who ought to have been joined, or whose presence is necessary, be added.



### **APPLICATION TO SUPERIOR COURT OF JUSTICE FOR DIRECTIONS**

32. The Court may apply to the Superior Court of Justice for such directions as it deems necessary or to enforce its orders with respect to evidence or for any other purpose, and the Court may state a case to the Superior Court of Justice, where permitted by law.

### **MATTERS NOT PROVIDED FOR**

33. As to all matters not provided for in these rules, the practice shall be regulated by analogy thereto and to the Rules of Practice of the Superior Court of Justice.



## **Canon 22**

### **Financial Appeals**

1. All financial appeals for any purpose in any Parish of the Diocese for use outside the Parish shall require the prior consent of the Bishop and Diocesan Council.
2. All Parishes in the Diocese are expected to support, to the best of their respective ability, all financial objectives authorized by Diocesan Council, including the appeal for funds at both the Parish and Diocesan level.
3. It is the responsibility of each Parish to maintain its status as a registered charity under the Income Tax Act (Canada).
4. All collections must be properly accounted for and appropriate receipts for tax purposes issued. All funds collected must be applied to the objective for which they were solicited, and all administrative expenses must be kept to a minimum.



## Canon 23

### Episcopal and Archdeacon's Fund and the Sick Benefit Fund

1. The fund established at the time of the incorporation of the Diocese in 1874 consisting of money received from the Church Society of the Diocese of Toronto and the Church Society of the Diocese of Huron and known as the "The Award Provision for Bishop and Archdeacon" shall continue to be held by the Diocese in trust and the income therefrom shall be added to the general revenues of the Diocese to carry out the original purpose of the Award Provision, of assisting to fund the ministry of bishops, in accordance with the present structures of the Diocese.
2. The Sick Benefit Fund shall continue to be held by the Diocese in trust and the income therefrom shall be added to the general revenues of the Diocese to assist in offsetting the costs of providing group benefits for clerics in order to carry out the original purpose of the Sick Benefit Fund in accordance with the present group benefit policies of the Diocese.



## **Canon 24**

### **Diocesan Mission Grants**

1. There shall be a Diocesan Mission Allocation from time to time funded by monies placed in the annual Diocesan Budget.
2. The Diocesan Mission Grants shall be administered by Diocesan Council upon recommendations from the Grants and Loans Subcommittee of the Administration and Finance Committee.
3. The purpose of the Diocesan Mission Grants shall be to augment the funding of Parishes in order to assist them in the maintenance of ministries where local resources are not sufficient.
4. Requests for Diocesan Mission Grants shall be made to Diocesan Council through the Grants and Loans Subcommittee of the Administration and Finance Committee having been approved by the Vestry of the Parish and with the support of the Territorial Archdeacon.



## **Canon 25**

### **Ordination Outfit Grants**

1. An ordination outfit grant to help establish newly ordained persons in their ministries in the Diocese shall be granted to all persons ordained to full-time ministry in the Diocese.
2. The amount of the ordination outfit grant will be proposed annually by the Human Resource Committee and determined by Diocesan Council. Funding for the ordination outfit grant shall be approved by Diocesan Council in the annual Diocesan Budget.
3. Receipt of an ordination outfit grant is conditional upon a recipient's commitment to serve at least three years within the Diocese and shall be repayable to the Diocese on a pro rata basis if that service is not completed.
4. In the case of persons ordained to contractual or part-time ministries or who have previously been ordained ministers in other denominations, the Bishop may grant the ordination outfit grant or a portion thereof.



## **Canon 26**

### **Elections of Members to General and Provincial Synods and of Standing Committees of Synod**

#### **CLERICAL MEMBERS**

1. Clerical members of General and Provincial Synods shall be elected by ballot by the Clerical members of Synod. With regard to the election of clerical members to General and Provincial Synods, all members eligible for election shall be nominated and only those who accept the clerical nomination shall have their name placed on the ballots, alphabetically arranged by Deaneries. Those clerical members who wish to stand for election must indicate their intention to stand in writing to the Secretary-Treasurer no less than 90 days before Synod convenes. The clerics whose names appear on the General and Provincial Synod ballot shall be required to provide a one-page biography to the Secretary-Treasurer by no less than 90 days before Synod convenes to be included in the Convening Circular.

#### **LAY MEMBERS**

2. Lay members to General and Provincial Synods shall be elected by ballot by the lay members from the lay representatives to Synod. With regard to the election of lay members to General and Provincial Synods, all duly elected lay members to Synod shall be nominated and only those who accept the lay nomination shall have their names placed on the ballots, alphabetically arranged by Deaneries. Those lay representatives who wish to stand for election must indicate their intention to stand in writing to the Secretary-Treasurer by no less than 90 days before Synod convenes and shall be required to provide a brief one-page biography to the Secretary-Treasurer by no less than 90 days before Synod convenes to be included in the Convening Circular.

#### **LAIC MEMBERS AND YOUTH MEMBERS**

3. LAIC shall be entitled to appoint one (1) member of the First Nations (either clerical or lay) to General Synod. Should LAIC exercise its option to appoint either a clerical or lay representative to General Synod, then in that event the number of clerical or lay elected representatives shall be reduced by one (either a clerical or lay representative) depending on the appointment made by LAIC. Such appointment shall be forwarded to the Secretary-Treasurer by no less than 90 days before Synod convenes.
4. In addition, one Youth member shall be selected by members of Youth Synod to be





a member of General Synod and one Youth member to be a member of Provincial Synod, who shall be at least 16 years of age at the commencement of General or Provincial Synod, and who shall be under the age of 26 years upon the termination of the next General or Provincial Synod.

### **METHOD OF ELECTION**

5. In those years when elections are required for General or Provincial Synods, prior to the meeting of Synod, the Secretary-Treasurer shall cause a separate election ballot to be printed for the respective clerical and lay orders upon which shall be shown alphabetically by Deaneries:
  - (a) the names of all clerical candidates in the case of the election of clerical representatives nominated as herein before provided; and
  - (b) the names of all lay candidates in the case of the election of lay representatives nominated as herein before provided.
6. One of the Territorial Archdeacons of the Diocese shall be the Chief Scrutineer in a year in which a General or Provincial Synod is to be held. The Territorial Archdeacon so designated shall be named by the Bishop at the preceding Synod, and shall be chosen in the following rotation: Archdeacon of Brant/Norfolk, Archdeacon of Oxford and Delaware, Essex, Huron/Perth, Kent/Lambton, London, The Saugeens and Waterloo. The name of the Chief Scrutineer shall be published in the convening circular of Synod.
7. In the case of an election using paper ballots:
  - (a) The Chief Scrutineer shall present to the Bishop the names of an equal number of clerics and lay persons to act as scrutineers.
  - (b) The voting for election shall take place at a time or times to be determined by Synod at its organizational session in the year in question. Voting shall be by ballot and each ballot shall specify the number to be elected.
  - (c) The method of election shall be by each member who wishes to vote placing opposite the names of persons for whom they vote on the various ballots, a mark that clearly indicates such intent. Any ballot which indicates votes for more than the specified number to be elected shall be invalid.
  - (d) During balloting, ballot boxes shall always be under the supervision of at least two of the scrutineers, or the Honorary Secretaries of Synod. Members may cast their ballots at Synod during periods determined by Synod.
  - (e) Upon the balloting being declared closed by the Bishop, the scrutineers shall retire for the purpose of counting the ballots, and as soon as the count is



concluded, shall report the results to the Bishop, who shall announce to Synod the names of the members elected. For the purposes of a quorum at Synod, the scrutineers, while engaged in their duties, shall be counted as present.

- (f) Other Anglicans or communicant members of a Church which is in full communion with the Anglican Church of Canada may be appointed to act as scrutineers in place of members of Synod, provided always that the chairperson of the scrutineers supervises the procedure.

8. In the case of an election held by electronic means:

- (a) The Synod Organizational Committee shall determine an electronic means of voting which provides for secure anonymous voting which can be verified by the Honorary Secretaries of Synod.(b) The Synod Organizational Committee shall appoint a member of the committee to provide the technical and administrative support for the election. This person shall consult with the Chief Scrutineer so that the Chief Scrutineer can be satisfied with the integrity of the election process.

#### **ELECTIONS OF MEMBERS OF STANDING COMMITTEES OF SYNOD**

9. Diocesan Council shall elect six clerical and six lay members who shall constitute a Nominating Committee to propose:

- (a) the members of standing committees of Synod; and
- (b) the nominees for Honorary Secretaries of Synod (one clerical and one lay), who shall serve during the current year at and between sessions of Synod.



## **Canon 27**

### **Bishop's Fund for Professional Assistance of Clerics**

1. A fund, which was established in 1985 with a capital of \$200,000.00, shall be administered by the Bishop.
2. All income of the fund may be used to make grants or loans to clerics of the Diocese to assist them in their professional development using the following criteria:
  - (a) to enrich and give further needed training to existing ministries (for example, clinical pastoral training, cross-cultural education, medical evaluation or further theological education). It is not intended as a subsidy for general continuing education;
  - (b) to redirect clerics into other forms of employment (for example, assessment of skills and payment of fees for courses to enable them to find suitable employment outside the professional ministry);
  - (c) to provide necessary assistance to clerics in transition;
  - (d) to provide other professional assistance to clerics and their families.



## Canon 28

### The Diocesan Budget and Its Apportionment

1. A budget for the ministries and operations of the Diocese shall be prepared annually. The total amounts thereof shall be apportioned among all Parishes of the Diocese as hereinafter provided and all apportionment remittances from Parishes shall be applied in support of the Diocesan budget.
2. The Diocesan budget shall be approved each year by Diocesan Council on the recommendations of the Administration and Finance Committee on the following basis:
  - (a) a Budget, which shall provide for the actual necessities of the present work of the Church in the Diocese and beyond;
  - (b) an “Extra Mile Budget,” which shall be the Budget plus 10% of the Budget to encourage Parishes to go the “extra mile” and to provide for new and expanded work which ought to be undertaken in the Diocese.
3. The Budget shall be apportioned among the Parishes of the Diocese on the following basis:
  - (a) Each Parish in the Diocese shall report annually to the Synod office by March 31<sup>st</sup> its operating expenses as defined below for the preceding year, submitted on the Financial Return supplied by the Synod office. It shall also submit at the same time its annual Vestry report. The Vestry’s financial report shall be independently reviewed or audited and differences (if any) between the Vestry financial report and the Financial Return explained.
  - (b) The following items of ordinary expenditure shall be listed on the Financial Return and included in the total of operating expenses:
    - (i) salaries, including bonuses, pension and employee benefits, travel reimbursements and all other allowances paid to clerics and all lay employees of the Parish;
    - (ii) church school and youth expenses, choir and music expenses, and all church office expenses incurred, including supplies, printing and advertising costs;
    - (iii) all expenses of providing heat and utilities to and the cleaning and ordinary maintenance of the church, parish hall and Rectory;



- (iv) all taxes, rentals and insurance premiums;
  - (v) any operating expenses paid directly by any individual, group, organization, society or fund on behalf of the Parish and not otherwise included in the operating expenses.
- (c) The following items of expenditure shall be listed on the Financial Return and deducted (without duplication) from the total of subsection (b) above, to obtain the Adjusted Operating Expense (defined below) for the year:
- (i) 50% of money expended upon housing allowance paid to clerics and the rental costs of buildings for church or other parochial purposes including Rectory;
  - (ii) 25% of money expended for interest on, or for repayment of principal of loans or mortgages originally incurred to finance capital expenditures;
  - (iii) 100% of the stipend, travel and other costs of one or more licensed curates for the first two years of their ministry and paid summer internships.
- (d) The following items of expenditure shall be listed on the Financial Return but excluded from the Adjusted Operating Expense:
- (i) capital expenditures, including purchase of land, purchase or erection of buildings, additions or extensions or repairs to buildings or equipment, payments on principal and interest on mortgages or other debt;
  - (ii) money expended on any retiring allowance to a former Incumbent no longer in active service or to the widow or children of a former Incumbent;
  - (iii) all salary and benefit settlements, allowances and payments provided by the Parish to an Incumbent upon resignation or termination from a Parish;
  - (iv) expenditures for work outside the Parish, Diocesan Apportionment and other payments to outside funds or organizations, including any outreach and appeal expenses, which would include all expenditures incurred as a direct result of a Parish acting as the host church to a new mission congregation that meets in a place other than their present buildings, when the intent of these actions is to eventually create a new independent congregation. These deductions would not include any



portion of the host church’s present operating expenses. A full accounting of the mission congregation expenses must be presented to the annual Vestry of the host church and submitted to the Diocese at the same time as all other financial records are submitted. This exemption would be in effect for a period of five years from the start of the project, after which apportionment would be calculated on expenses in the usual manner.

- (e) The Financial Return for the preceding year shall be signed by the Churchwardens and the Incumbent, and shall be submitted by March 31<sup>st</sup> of the following year. The form may be submitted in electronic form and such a submission indicates acceptance by the wardens and Incumbent of the accuracy of the submission.
- (f) Should any Parish fail to report on the form supplied by the Synod office, its operating expenses for any year before the first day of the following June, the operating expenses of that Parish for that year shall be deemed to have been the operating expenses for the previous year, increased by ten per cent. For the second consecutive year of failure to report, the percentage shall be 20%, and the percentage shall continue to increase by ten per cent for each subsequent consecutive year of failure to report.
- (g) The Basis of Apportionment for the ensuing year shall be the proportion of the Adjusted Operating Expense as defined above that is obtained by the application of the following table:

<b>Adjusted Operating Expense</b>	<b>Basis of Apportionment</b>
Up to \$3,000	\$800 plus 60% of Adjusted Operating Expense.
Between \$3,000 and \$4,000	\$1,400 plus 80% of Adjusted Operating Expense in excess of \$3,000.
Over \$4,000	\$2,200 plus 90% of Adjusted Operating Expense in excess of \$4,000.

Notwithstanding this formula,

- (a) if a Parish has been formally designated as a “Supported Parish”, or
- (b) in the event of a reorganization, the apportionment for the subsequent two years shall be negotiated by the Bishop or the Bishop’s designate.



- (h) The Basis of Apportionment for each Parish having been calculated as provided above, the Secretary-Treasurer shall take the Budget and shall divide it by the aggregate of the Basis of Apportionment for all the Parishes in the Diocese to determine the Percentage Rate of Apportionment. The Percentage Rate of Apportionment shall then be applied to the Basis of Apportionment of each Parish to allot each Parish's share of the Diocesan Budget and the Diocesan Extra Mile Budget.
4. The Basis of Apportionment, the Apportionment based on this Canon for the Budget and the Extra Mile Budget, and the total amount paid towards the Budget by each Parish shall be published annually in the Synod Journal.
5. Every Parish in the Diocese shall have the right of appeal (on the basis of an error in calculation or reporting) for a correction in its Basis of Apportionment. Any such appeal must be in writing, signed by the Incumbent and the Churchwardens, and sent to the Secretary-Treasurer before the first day of December.
6. Every Parish shall:
  - (a) include its Diocesan Apportionment in its parochial budget to be presented to its annual Vestry meeting;
  - (b) take adequate steps by means of an every-member canvass, or otherwise, to raise its parochial budget in full;
  - (c) regard its Diocesan Apportionment of the Parish as an obligation equal to parochial expenses; and
  - (d) be expected to pay one-twelfth of its Diocesan Apportionment every month, by utilizing all financial measures at its disposal to do so.
7. Apportionment that is unpaid is to be considered as a debt of the Parish and, upon reorganization or disestablishment of a Parish, unpaid apportionment for the past five years shall be paid from the net assets of the Parish.



## Canon 29

### Administration and Finance Committee

1. There shall be an Administration and Finance Committee, which shall be responsible to Diocesan Council of Synod for all matters relating to the business administration and financial affairs of the Diocese and all properties under the direct control of Synod. Without limiting the generality of the foregoing, the Administration and Finance Committee shall be responsible to Diocesan Council for the following matters:
  - (a) budget;
  - (b) lands and property;
  - (c) investment;
  - (d) grants and loans;
  - (e) all matters pertaining to insurance; and
  - (f) such other matters as may be assigned to it by Diocesan Council.
2. The Administration and Finance Committee shall consist of the following persons:
  - (a) the Bishop or the Bishop's designate;
  - (b) the bishop(s) suffragan and coadjutor (if any);
  - (c) the Secretary-Treasurer;
  - (d) seven members (who may, but need not, be members of Synod) elected annually as required by Synod on the Nomination Ballot for up to a four-year term;
  - (e) up to seven additional members (who may, but need not, be members of Synod and who shall be those persons having special skills, knowledge, or experience useful to the Committee) appointed by the Bishop or the Bishop's designate in consultation with the chair of the Administration and Finance Committee for up to a four-year term.
  - (f) the chair of any sub-committee established under section 4 (if not already under 2(d) or 2(e) (non-voting))
  - (g) the Director of Finance, non-voting
3.        The Territorial Archdeacons shall receive copies of all meeting agendas and may





attend any meeting as an observer. The election and appointment of members pursuant to sections 2(d) and 2(e) shall be subject to the following provisions:

- (i) Members may be re-elected or reappointed for additional terms,
  - (ii) The Bishop or Bishop's designate shall recommend annually from the members a chair and vice-chair to the members of the Administration and Finance Committee for ratification at their first meeting following Synod each year.
  - (iii) The chair shall normally serve in that role for a maximum of three years.
  - (iv) The chair, vice-chair and members of the Administration and Finance Committee may be lay or clerical.
4. The Administration and Finance Committee shall establish such sub-committees and task forces as may be required to fulfill its duties and shall establish their terms of reference.
5. The membership of the sub-committees shall consist of:
  - (a) members (who may, but need not, be members of the Administration and Finance Committee) who shall be appointed annually as required by the Bishop or the Bishop's designate, in consultation with the chair of the Administration and Finance Committee, for a four-year term and who may be reappointed for additional terms;
  - (b) at least one member of the Administration and Finance Committee shall be a member of each sub-committee, and may, but need not be, the chair;
  - (c) the Bishop or the Bishop's designate shall recommend annually the chair of each sub-committee to the Administration and Finance Committee membership for ratification;
  - (d) the chair and the members of sub-committee may be lay or clerical.
6. Meetings of the Administration and Finance Committee and its sub-committees shall be held as follows:
  - (a) The annual inaugural meeting of the Administration and Finance Committee shall be called by the Secretary-Treasurer as soon as practicable following the annual meeting of Synod. At such meeting, the members of the Administration and Finance Committee shall ratify the appointment of the chair and the vice-chair designated under 3(ii).
  - (b) The chair of the Administration and Finance Committee and the chairs of the



sub-committees shall consult with the Secretary-Treasurer as to the scheduling of the meetings and planning of the agendas.

- (c) If practicable, the Administration and Finance Committee shall meet not less than ten days prior to each regular Diocesan Council meeting.
  - (d) The material from the Administration and Finance Committee for Diocesan Council shall be distributed in advance to all Diocesan Council members.
  - (e) All sub-committees shall ordinarily report through the Administration and Finance Committee to Diocesan Council.
7. Without limiting the generality of the foregoing, the Administration and Finance Committee shall:
- (a) make recommendations to Diocesan Council for plans for the orderly financial development of the Diocese;
  - (b) make recommendations to Diocesan Council with respect to expenditures from the capital funds of the Diocese;
  - (c) make recommendations concerning the Diocesan budget to Diocesan Council and recommendations for the raising of the necessary funds;
  - (d) make recommendations to Diocesan Council regarding the appointment of auditors and their remuneration;
  - (e) make recommendations to Diocesan Council regarding banking and Parish billing and payroll arrangements, systems of bookkeeping and accounting, the care of securities, investments, land, property and other matters relating to the finances of the Diocese and such other matters as the Administration and Finance Committee deems advisable;
  - (f) consider all applications for payment out of the Revolving Loan Fund or the Huron Development Fund and make recommendations to Diocesan Council thereon;
  - (g) consider and advise generally Diocesan Council on all matters relating to administration and finances of the Diocese.
8. The Administration and Finance Committee may assign any of its duties and responsibilities to a sub-committee or task force thereof for consideration and report to Diocesan Council.
9. The Secretary-Treasurer shall be the secretary of the Administration and Finance Committee and may, but need not, be the secretary of the sub-committees or task forces thereof.



## **Canon 30**

### **Archdeaconries and Regional Deaneries**

1. For the purposes of administration, the Diocese shall be divided into Archdeaconries and Regional Deaneries, the names, number and member Parishes of which shall be established and varied by resolution of Diocesan Council from time to time.
2. The Archdeaconries shall consist of such Regional Deaneries as shall be established and varied by resolution of Diocesan Council from time to time.



## **Canon 31**

### **Deanery Councils**

1. There shall be in each Regional Deanery a Deanery Council which shall be composed of the following members from each Parish in the Deanery: all clerics, all Churchwardens, all deputy Churchwardens, all treasurers, all lay representatives to Synod, all substitute lay representatives, and all Youth members.
2. Each Parish may elect or appoint one Youth member to the Deanery Council. Such person shall be a communicant of at least one year's standing and of the full age of 16 years of age at the time of the election or appointment and not more than 23 years of age at the time of the election or appointment and shall be elected or appointed annually by the Vestry of each Parish at a duly held Vestry meeting. Such member shall continue in office until their successor is elected or appointed at the next annual Vestry meeting. In the event of a vacancy during the term, such vacancy may be filled by the Parish Council of the Parish for the balance of the term.
3. Each Deanery Council shall, annually not less than 90 days before Synod convenes, elect at least one and not more than two Youth members to be Youth members of Synod to hold office until the first meeting of the Deanery Council in the next calendar year. Should the Deanery Council fail to elect a Youth member, not fewer than one nor more than two Youth members shall be appointed by the chair and vice-chair of the Deanery Council from amongst the Youth members elected or appointed from Parishes in the Deanery. The expenses of the Youth members shall be borne by their Deanery Council.

### **PURPOSES OF THE DEANERY COUNCIL**

4. The purposes of the Deanery Council shall be as follows:
  - (a) to strengthen the Church community within the Regional Deanery and to assist the Bishop, Diocesan Council and the Synod in their responsibilities;
  - (b) to maintain an effective communication link between Parishes and Synod and between Synod and Parishes;
  - (c) to educate lay representatives, their substitutes and clerics in synodical procedures and responsibilities;
  - (d) to encourage its Parishes to develop and maintain frequent inter-Parish communication and to work as partners-in-mission with the other



Parishes in the Regional Deanery.

### **DUTIES OF THE DEANERY COUNCIL**

5. (a) The Deanery Council shall meet at least three times yearly at which the Regional Dean or the lay co-chairperson shall preside:
  - (i) once as soon as conveniently possible after Parish annual Vestry meetings to elect members as provided in subsection 5(e);
  - (ii) once prior to the annual Synod to discuss matters raised in the Convening Circular; and
  - (iii) once in the autumn to receive, review and make recommendations on the proposed Diocesan Budget.
- (b) The Deanery Council shall welcome new members in the Regional Deanery and gather for the welcoming of a new cleric at the time of their induction.
- (c) The Deanery Council shall place on its agenda matters submitted to it by the Bishop, Diocesan Council or Synod for discussion and recommendations to the Bishop, Diocesan Council or Synod, respectively. It shall be the duty of the Deanery Council through its Regional Dean to ensure that:
  - (i) such recommendations are sent to the Bishop, Diocesan Council or Synod, respectively, within two calendar weeks following the date of the Deanery Council Meeting at which the recommendations were made; and
  - (ii) directions from Synod or Diocesan Council to the Deanery Council are implemented;

Deanery Councils wishing to bring motions to Synod or Diocesan Council should do so through their representatives to those bodies.

- (d) The Deanery Council, through its Regional Dean, shall send an invitation to all Parishes of the Regional Deanery to submit in writing, topics to be placed on the agenda of forthcoming meetings of the Deanery Council for enquiry, discussion and recommendation.
- (e) At the first meeting of the Deanery Council in each year, the Regional Dean presiding, the assembled laity shall elect a lay person as co-chair of the Deanery Council. There may also be elected at the same time a cleric or a lay member who shall act as secretary-treasurer of the Deanery Council. In addition, there shall be elected, by orders, up to three clerics and three lay members, who with the Regional Dean, the lay co-chair and the secretary-



treasurer, shall be the Executive Committee of the Deanery Council.

- (f) The Deanery Council, through its Regional Dean, may arrange for an annual seminar to be held no less than 30 days before Synod convenes for the training of lay representatives, their substitutes, and clerics in synodical procedures.



## **Canon 32**

### **Revolving Loan Fund**

1. There shall be a Diocesan Revolving Loan Fund to assist Parishes of the Diocese by loans granted at a low rate of interest for the financing of:
  - (a) the erection, purchase and/or repair of church buildings and major furnishings, including organs; and
  - (b) improvements to church property generally.

### **CAPITAL**

2. The capital of the Fund shall be as established by Synod, and shall consist of:
  - (a) the residue of the Jonathan Jackson Estate;
  - (b) the residue of the R.B. Hillmer Estate;
  - (c) such bequests and gifts as may in future be received for this purpose; and
  - (d) interest earned on investments and loans.

### **INVESTMENTS**

3. The Fund shall be invested in loans to Parishes of the Diocese as provided in section 1 above. Any remaining capital not required for loans shall be invested in the investment portfolio managed by the Diocese.

### **INCOME**

4. Income earned on the invested capital of the Revolving Loan Fund may be used at the discretion of Diocesan Council or Diocesan Sub-Council as revenue for the Diocesan budget.

### **LOANS TO PARISHES**

5. When a Parish has exhausted all other financial sources:
  - (a) revolving loans may be requested by Parishes only after all other reasonable means of financing have proven to be beyond the ability of the Parish to obtain;



- (b) applications for loans from the Fund shall be considered by the Grants and Loans Sub-Committee of the Administration and Finance Committee, which shall make its recommendations thereon to Diocesan Council, or Diocesan Sub-Council. Applications shall be considered by the Grants and Loans Sub-Committee in the order of precedence relating to the dates on which the applications are received by the Secretary-Treasurer;
- (c) preference for funds to be loaned shall be given to the Parishes with the greatest need and in accordance with the strategic priorities of the Diocese;
- (d) each application for a loan shall be submitted to the Secretary-Treasurer together with the recommendation of the Territorial Archdeacon;
- (e) all applications for loans shall be submitted by the Incumbent and the Churchwardens of the Parish, in accordance with specific direction given to the Parish from a duly constituted meeting of the Vestry;
- (f) written requests for loans shall be accompanied by complete details of the proposed undertaking, a firm bid or a reliable estimate satisfactory to Diocesan Council or Diocesan Sub-Council, and a complete detailed plan in writing of the proposed financing; and
- (g) all applications for loans shall be considered and approved or rejected by either Diocesan Council or Diocesan Sub-Council.

### **TERMS AND CONDITIONS**

6. Terms and conditions governing loans shall include:
- (a) except as otherwise authorized by Diocesan Council or Diocesan Sub-Council, all loans shall be repaid to the Diocese in monthly instalments, on the basis of a minimum repayment of 10% of the original amount of the loan in each year, and interest hereinafter provided;
  - (b) the maximum term of any loan shall be ten years, unless changed and approved by Diocesan Council or Diocesan Sub-Council;
  - (c) the interest rate for all loans and the repayment Schedule shall be as determined by resolution of Diocesan Council;
  - (d) if there is any default in the terms of the loan agreement for a period of three consecutive months, the Churchwardens and the Incumbent shall be required to meet with the Territorial Archdeacon to discuss the reasons for the default. A written report, including recommendations, shall be provided to Diocesan Council by the Territorial Archdeacon;





- (e) such other terms and conditions as may be approved by Diocesan Council;
- (f) a form of agreement in accordance with the above provisions shall be entered into between the Diocese and the Parishes receiving the loan; and
- (g) Parishes shall be encouraged to repay their loans as soon as possible in order that the funds repaid may be available for loans to other Parishes.



## Canon 33

### Diocese of Huron Pension Plan

#### INTERPRETATION

1. This Canon shall be interpreted in its plain and literal sense, provided always that words of an ecclesiastical meaning shall have their proper ecclesiastical meaning and words of a financial meaning shall be construed in their special context as shall other words having any technical meaning.

Without limiting the generality of the foregoing, in this Canon and in all Regulations made pursuant to this Canon, save as otherwise specifically provided:

- (a) "Actuary" means a Fellow of the Canadian Institute of Actuaries appointed from time to time by the Administrator for the purposes of the Plan;
- (b) "Administrator" means the Committee;
- (c) "Applicable Legislation" means the Pension Benefits Act (Ontario) and the Income Tax Act (Canada) and Regulations thereunder and any other similar legislation applicable to the Plan;
- (d) "Bishop" means the Bishop of the Diocese;
- (e) "Committee" means the Human Resources Committee of the Diocese;
- (f) "Diocese" means the The Incorporated of the Diocese of Huron;
- (g) "Fund" means the Diocese of Huron Pension Fund;
- (h) "Plan" means the Diocese of Huron Pension Plan as set out in this Canon 33;
- (i) "Plan Member" means a Member of the Plan as defined in the Regulations;
- (j) "Regulations" means regulations enacted by the Committee pursuant to section 4 hereof;
- (k) "Synod" means the voting membership of The Incorporated Synod of the Diocese of Huron.
- (l) "Trustees" refers to the seven individuals, including the Bishop and the Secretary-Treasurer, responsible for the operation of the Plan under the trust agreement as detailed in section 3 hereof.



## PURPOSE

2. The Diocese of Huron has established a pension plan to provide pension benefits for Plan Members and for their dependants.

## TRUSTEES AND THEIR DUTIES

3. (a) The Plan shall be funded through a written trust agreement pursuant to Applicable Legislation; and, as required therein, responsibility for the operation of the Plan is assigned to the Trustees of the trust agreement. The Trustees shall operate as a standing sub-committee of the Human Resources Committee and shall consist of the Bishop, the Secretary-Treasurer, and five other persons appointed by the Committee in consultation with the Bishop, all of whom shall be residents of Canada and who shall serve without remuneration for their services as Trustees.

(b) The Trustees shall elect from among themselves a chair and such officers as they may require as soon as possible following the enactment of this Canon. Such officers shall hold office during the pleasure of the Trustees so long as they remain Trustees. Meetings of Trustees shall be held on not less than five days' notice at the call of the chair, or upon the request of any two other Trustees.

(c) The Trustees shall receive, hold, and administer all monies received by them in the Fund as a separate trust fund, in accordance with the following provisions:

- (i) The Trustees shall receive all contributions paid to them under the Plan in cash.
- (ii) The Trustees shall invest, or cause to be invested, to the best advantage of the Fund, all assets of the Fund provided that such investments shall at all times conform in all respects with the Applicable Legislation.
- (iii) The Trustees shall, from time to time, on the written request of the Administrator of the Plan, which request shall be in accordance with the terms of the Plan, and the Regulations enacted pursuant to this Canon, make payments out of the Fund to such persons and in such manner, in such amount, and for such purposes as may be specified in such written request.
- (iv) The actions of the Trustees and the provisions of the Plan shall at all times be construed and enforced according to the laws of Ontario.



- (v) The Trustees shall not loan any portion of the Fund to any Plan Member or any contributor thereto.
- (vi) The Trustees shall have the right to employ such agents, solicitors, accountants, actuaries, and other persons as may be selected by the Trustees. The Trustees shall supervise these persons to the extent that is prudent and reasonable, carry out such supervision, and may pay out of the Fund their reasonable expenses and compensation and may rely and act on information and advice furnished by such persons, or may refrain from acting thereon.
- (vii) The Trustees shall, as of December 31st in each year, and from time to time as requested, render reports of their transactions, together with the financial statements of the Fund and the certificate of the auditor, to the Committee in writing, and in a form acceptable to the Committee.
- (viii) The Trustees shall be fully protected in acting upon any certificates of the Administrator of the Plan, or the direction of any two members of the Committee.
- (ix) The Trustees shall not be liable under the terms of this Canon, except for their own negligence or wilful misconduct.
- (x) A Trustee may resign at any time by written notice to the Committee. It shall be the responsibility of the Committee to appoint a successor Trustee promptly in accordance with this Canon.
- (xi) To conduct the business of the Trustees, a quorum shall be four of its members.
- (xii) Notwithstanding any other provisions of this Canon, or of any other Canon, or of any Regulation made thereunder, the Trustees in the management of the Fund shall not at any time act inconsistently with Applicable Legislation.
- (xiii) No part of the Fund, other than such part as is required to pay taxes, fees, administration costs, and other reasonable expenses, shall be used or diverted to purposes other than for the exclusive benefit of Plan Members, their beneficiaries, or estates.
- (xiv) The Trustees shall at all times exercise the care, diligence and skill in the administration and investment of the Fund that a person of



ordinary prudence would exercise in dealing with the property of another person.

#### REGULATIONS

4. The Committee shall have the power to make Regulations not inconsistent herewith for the proper administration of the Plan and the power to amend or repeal such Regulations. All Regulations made by the Committee shall be published in such manner as the Committee may determine. All Regulations made by the Committee shall take effect immediately or as otherwise determined by the Committee but shall be considered at the next meeting of Diocesan Council following their enactment by the Committee, and, unless confirmed by Diocesan Council, shall lapse.

#### EXAMINATION

5. The Committee shall from time to time, but at intervals of not more than three years, or any longer period available under the Applicable Legislation, have an examination of the Fund made by the Actuary. In doing so, the Actuary shall report on the solvency of the Fund with respect to the obligations incurred or to be incurred under the Plan and make such recommendations as deemed fit by the Actuary. Upon receipt of such actuarial report, the Committee shall submit its recommendations thereon to the next meeting of Diocesan Council to which shall be appended the recommendations (if any) of the Actuary and a copy of the periodic report of the Actuary shall be available to any member of the Diocese upon written request.

#### AMENDMENT

6. Except as proposed by the Committee, no amendment to this Canon or to the Regulations enacted by the Committee pursuant hereto relating to increased benefits to Plan Members shall be proposed, voted upon or enacted by Diocesan Council or Synod unless:
  - (a) six months' prior written notice thereof shall have been given to the Committee; and
  - (b) the Committee certifies that the monies required to implement such proposed increased benefits are available in the Fund, or, in the alternative, some other source of such monies sufficient for such purpose is specified in such motion.

#### EFFECTIVE DATE OF CANON

7. This Canon shall be deemed to have come into force on July 1, 2015.



**DIOCESE OF HURON PENSION PLAN REGULATIONS  
TABLE OF CONTENTS**

REGULATION		PAGE
Article 1	Definitions	33-6
Article 2	Eligibility	33-8
Article 3	Membership	33-8
Article 4	Contributions by Members	33-8
Article 5	Contributions by Diocese	33-8
Article 6	Leave of Absence	33-8
Article 7	Retirement	33-9
Article 8	Amount of Pension	33-9
Article 9	Disability	33-11
Article 10	Designation of Beneficiary	33-12
Article 11	Termination of Service	33-12
Article 12	Death Before Retirement	33-12
Article 13	Payment of Benefits	33-13
Article 14	Re-entry into Diocese	33-14
Article 15	Miscellaneous Provisions	33-14



## **DIOCESE OF HURON PENSION PLAN REGULATIONS**

### Article 1 – Definitions

In these Regulations, the terms defined in section 1 of Canon 33 shall have the meanings ascribed therein, and:

1. “Actuarially Equivalent” means having an equal present value computed at the rate of interest and using the actuarial tables adopted by the Committee in consultation with the Actuary;
2. “Approved Leave” means the period of job-protected temporary absence available under Part XIV of the Employment Standards Act, 2000 (Ontario) or the period of a temporary absence of a Member from duty in the Diocese with the approval of the Bishop under section (1) of Article 6, and ceases at the end of the term of such absence or approval;
3. “Cleric” means a bishop, priest or deacon, who has been ordained in the Anglican Communion or a church which is in full communion with the Anglican Church of Canada, who is receiving a stipend from a Parish or is employed directly by the Diocese, and who has been duly licensed by the Bishop to a Parish, or performing work in the Diocese with the sanction of the Bishop, or on Approved Leave;
4. “Commutated Value” means the value of a Member’s accrued pension on the basis recommended by the Actuary in accordance with accepted actuarial practice and Applicable Legislation;
5. “Credited Interest” means interest commencing January 1, 1987 in an amount based on a rate determined by the Administrator using the average yields of five year personal fixed-term chartered bank deposit rates, as reported over a reasonably recent period, the averaging period not to exceed 12 months, or an amount based on such other rate prescribed by Applicable Legislation;
6. “Credited Service” means, in respect of a Member, the number of years during which he or she is a Cleric or Lay Staff. For Lay Staff, this includes applicable periods before July 1, 2015. For periods of part-time employment, Credited Service will be prorated to reflect the proportion that the Member’s actual employment bears to normal full-time employment. Credited Service does not include a period when a Member is in receipt of a pension from the Plan;
7. “Lay Staff” means a person who is not a Cleric and is employed directly by the Diocese on or after July 1, 2015;



8. "Member" at any time means a person who has fulfilled the eligibility requirements set out in Article 2, has joined the Plan, and is entitled at that time to some benefit under the Plan;
9. "Normal Retirement Date" means, in respect of a Member, the first day of the month coincident with or immediately following the earlier of the Member's 65th birthday or completion of a total of 40 years of Credited Service in the Diocese;
10. "Parish" means any charge, mission, congregation or office in the Diocese;
11. "Qualified Member of Another Plan" means a person who is employed by an employer (other than the Diocese) which has a pension plan (other than the Canada Pension Plan and the General Synod Pension Plan of the Anglican Church of Canada) for the benefit of its employees, and who is qualified for fully participating membership in such a plan;
12. "Spouse" means, in respect of a Member, a person who on the relevant date is not living separate and apart from the Member and:
  - (a) is married to the Member, or
  - (b) is not married to the Member but has been living with the Member in a conjugal relationship either:
    - (i) continuously for a period of not less than three years; or
    - (ii) in a relationship of some permanence, if they are the natural or adoptive parents of a child, both as defined in the Family Law Act (Ontario).

The relevant date for purposes of the foregoing is the earlier of the date of the Member's death or the date of commencement of the Member's pension.

In no circumstances will more than one person be considered to be a Member's Spouse at one time. The Administrator shall resolve any claims in accordance with the Plan and Applicable Legislation;

13. "Unreduced Retirement Date", with respect to a retiring Member, means the earlier of:
  - (a) the Member's Normal Retirement Date; and
  - (b) the date on which the Member completed, or would have completed, a total of 35 years of Credited Service, had the Member's service in the Diocese continued until that date;





14. "YMPE" for any year means the Year's Maximum Pensionable Earnings established under the Canada Pension Plan, as applicable to the Member, as at the first day of that year.

#### Article 2 - Eligibility

1. Clerics and Lay Staff who are not Qualified Members of Another Plan are eligible to join the Plan, subject to the provisions of section (2) of this Article and subject to Article 3 hereof.
2. Part-time Clerics and Lay Staff satisfying the requirements of section (1) of this Article are eligible to join the Plan if, in each of the two immediately preceding consecutive calendar years, one of the following has been met:
  - (a) The Cleric or Lay Staff has earned in respect of their employment with the Diocese and/or a Parish 35% of the YMPE or more; or
  - (b) The Cleric or Lay Staff has 700 hours or more of paid employment with the Diocese and/or a Parish.

#### Article 3 - Membership

All Clerics and Lay Staff entering or re-entering the service of the Diocese shall be required to join the Plan as a condition of appointment, after satisfying the conditions in Article 2, as applicable.

#### Article 4 - Contributions by Members

Members are neither required nor permitted to make contributions to the Plan.

#### Article 5 - Contributions by Diocese

The Diocese shall make contributions to the Fund in addition to other income of the Fund. Such annual contributions shall be 8.75% of the aggregate of the Parish Apportionment Receipts for all of the Parishes of the Diocese for the preceding year. The contributions shall not exceed the maximum allowable contribution limits under the Income Tax Act (Canada) and Regulations thereunder and shall be remitted in a manner in accordance with Applicable Legislation.

#### Article 6 - Leave of Absence

1. The Bishop may grant a Member an Approved Leave for a period of up to two years, in order to permit such Member to perform a specific task at the request of the Bishop. The Member shall continue to accrue Credited Service during the period of



- such a leave, subject to the period of Credited Service granted not exceeding the maximum permitted by the Income Tax Act (Canada) and Regulations thereunder.
2. When a Member is granted a leave of absence pursuant to Part XIV of the Employments Standards Act, 2000 (Ontario), is absent from work for a maximum of twelve months due to an injury that is compensable under the Workplace Safety and Insurance Act, 1997 (Ontario), or in accordance with Applicable Legislation:
    - (a) except as provided in subsection (b) below, the Member shall continue to accrue Credited Service during the period of the leave;
    - (b) notwithstanding subsection (a) above, the aggregate of such periods of leave that may be counted as Credited Service shall be limited to five years, or such other period as may be allowed under Applicable Legislation;
  3. A Member who has a break in service that is not an Approved Leave or a leave of absence pursuant to Part XIV of the Employment Standards Act, 2000 (Ontario), or a Member who becomes a Qualified Member of Another Plan shall cease to accrue Credited Service as of the start of the break and the Member shall be deemed:
    - (a) if a Cleric, to have been issued Letters Dimissory by the Bishop;
    - (b) if a Lay Staff, to have terminated employment with the Diocese; and
    - (c) to be subject to the provisions of Article 11.

#### Article 7 - Retirement

A Member may choose to receive a pension starting on one of the following dates:

- (a) the Member's Normal Retirement Date;
- (b) a Late Retirement Date, which shall be on the first day of any month following the Member's Normal Retirement Date, but not later than the December 1 of the year in which the Member attains the age of 71 years; or
- (c) an Early Retirement Date, which shall be on the first day of any month preceding the Member's Normal Retirement Date, and coincident with or following the date which is ten years prior to the Member's Normal Retirement Date;

provided always that if the Member also participates in the General Synod Pension Plan of the Anglican Church of Canada, then the Member must start his or her pension under the Plan on the same date as under the General Synod Pension Plan.



### Article 8 - Amount of Pension

1. In respect of a Member who joined the Plan after December 31, 1979 and who retires from the service of the Diocese on or after the Member's Normal Retirement Date, the yearly amount of pension shall be the product of \$160.00 times the Member's Credited Service.
2. In respect of a Member who joined the Plan prior to January 1, 1980 and who retires from the service of the Diocese on or after Member's Normal Retirement Date, the yearly amount of pension shall be the greater of:
  - (a) \$400.00 plus the product of \$147.00 times the Member's Credited Service; and
  - (b) the amount specified in section (1) of this Article.
3. In respect of a Member who retires from the service of the Diocese on an Early Retirement Date, the yearly amount of pension shall be the amount specified in section (1) or section (2) of this Article reduced by the sum of:
  - (a) 0.25% for each month or part of a month not exceeding sixty months by which the actual date of retirement precedes the Member's Unreduced Retirement Date; and
  - (b) 0.5% for each month or part of a month in excess of sixty months by which the actual date of retirement precedes the Member's Unreduced Retirement Date.

Notwithstanding the foregoing, if a Member has terminated service in the Diocese prior to retirement, has elected to receive a deferred pension in accordance with subsection (1)(a) of Article 11, has not returned to active service in the Diocese and retires on an Early Retirement Date, the total amount of the pension otherwise payable shall be reduced by 0.5% for each month or part of a month by which the actual date of retirement precedes such Member's Normal Retirement Date.

4. Except as otherwise provided in section (5) of this Article, on the death of a Member who is in receipt of a pension under this Article, and who has a Spouse at the Member's retirement date, the Spouse shall receive a pension under the provisions of this Plan equal to two thirds of the pension being paid to the Member at date of death. The pension to the Spouse shall commence on the first day of the month next following the date of death of the Member. The pension shall be payable to the Spouse for the remainder of his or her lifetime.
5. At the time of retirement, a Member may elect in writing to receive a reduced retirement pension in order that the pension payable to the Spouse pursuant to



- section (4) of this Article shall be increased to 100% of the pension being paid to the Member at the time of death. This option may only be exercised at the time the Member applies for a pension and before any benefits have been paid. The election is irrevocable. The amount of the reduced pension shall be on an Actuarially Equivalent basis.
6. If, upon retirement, termination or death of a Member, the value of the Member's contributions, with Credited Interest, made on or after January 1, 1987 if any, exceeds one half of the Commuted Value of the Member's pension benefits accrued on or after January 1, 1987, such excess will be refunded to the Member, Spouse, beneficiary, or estate as applicable.
  7. Notwithstanding the previous provisions of this Article, the total annual amount of the pension payable under this Plan and under the General Synod Pension Plan of the Anglican Church of Canada shall not, for the year in which the pension commences to be paid, exceed the following:
    - (a) If a Member retires on or after the Member's Normal Retirement Date, the product of:
      - (i) the lesser of the maximum pension benefit per year of service in the year of retirement, as provided by the Canada Revenue Agency, and 2% of the Member's best three years average earnings; and
      - (ii) the Member's Credited Service in years;
      - (iii) the pension payable will be limited to the amounts specified in this Article or such greater benefit as may be permitted under Applicable Legislation.
    - (b) If a Member retires before the Member's Normal Retirement Date, the benefit calculated in accordance with subsection (7)(a) of this Article reduced by 0.25% for each month by which the commencement of payments precedes the earliest of the dates on which the Member:
      - (i) will attain age 60;
      - (ii) will complete 30 continuous years of service with the Diocese; and
      - (iii) will attain 80 points determined as the sum of the Member's age and continuous years of service with the Diocese.
  8. Synod may, from time to time, make ad hoc increases in the amounts of pension being paid under the Plan. Notwithstanding the forgoing, such increases shall not exceed the maximum increase permitted by Applicable Legislation.



9. In no event shall the benefit accrued in a calendar year result in a pension adjustment, as defined under Applicable Legislation, in excess of the limits as prescribed therein.

#### Article 9 – Disability

1. A Member who is in receipt of disability income benefits under the group long-term disability insurance plan sponsored by the Diocese and who qualifies as “disabled” under Income Tax Act (Canada) shall continue to accrue Credited Service under this Plan while in receipt of such benefits.
2. If such a Member attains their Normal Retirement Date, Credited Service will cease to accrue and the Member will receive a pension starting on the Member’s Normal Retirement Date, determined in accordance with Article 8.

#### Article 10 - Designation of Beneficiary

1. A Member may appoint a beneficiary or revoke such appointment by notice in writing filed with the Administrator. Such appointment shall lapse upon the death of the person so appointed. If no appointment has been made, or if an appointment has been revoked or lapsed and no further appointment made, any amounts payable on the death of the Member shall be paid to the Member’s estate or personal representative.
2. The appointment of a beneficiary does not create any right not established under this Plan. Any person appointed shall not, by reason of being so designated, be entitled to or receive the pension payable to the surviving Spouse of a Member.

#### Article 11 - Termination of Service

1. A Member who is issued Letters Dimissory by the Bishop or no longer satisfies the definition of Cleric or of Lay Staff shall have the option of receiving:
  - (a) the Member’s accrued pension of an amount determined as of the date of the Member’s termination in accordance with Articles 7 and 8; or
  - (b) the Commuted Value of the Member's accrued pension transferred to a Life Income Fund or a locked-in retirement account, to the pension plan of another employer (if that pension plan will accept the transfer) or to a life insurance company for the purchase of a deferred life annuity, subject to compliance with Applicable Legislation.
2. Except as described above or in satisfaction of a support order or in compliance with a court order or domestic contract under the Family Law Act (Ontario), under no



circumstances may the pension and other benefits provided by the Plan be commuted, alienated or assigned by the Member, a surviving Spouse of a Member or a beneficiary.

3. Notwithstanding the above, a Member whose yearly pension or Commuted Value is less than the minimum amounts specified in the Applicable Legislation in the year of termination of service may receive, at the decision of the administrator, a lump sum payment equal to the Commuted Value of the Member's pension benefits.

#### Article 12 - Death Before Retirement

1. On the death prior to retirement of a Member who is accruing Credited Service, there shall be paid to the Spouse, if any, a pension, in accordance with the provisions of section (4) of Article 8, calculated on the assumption that the Member had attained their Normal Retirement Date.
2. On the death prior to retirement of a Member who is accruing Credited Service who does not have a Spouse, or of a Member entitled to a deferred pension in accordance with subsection (1)(a) of Article 11, an amount equal to the greater of:
  - (a) the Member's total contributions, if any, with Credited Interest; or
  - (b) the Commuted Value of the Member's accrued pension.

shall be paid to the surviving Spouse of the Member or, in the absence of a surviving Spouse:

- (i) to the beneficiary designated in writing by the Member; or
  - (ii) if no such beneficiary has been designated, to the Member's estate.
3. A surviving Spouse entitled to receive a pension under section (1) of this Article may elect to commute a part of that pension whose Commuted Value is equal to the amount referred to in section (2) of this Article. The surviving Spouse may receive the Commuted Value either as a lump sum or in the form of an immediate or deferred pension having a Commuted Value equal to that amount, in which event the pension otherwise payable to the Spouse shall be reduced by an amount having a Commuted Value equal to that amount.

#### Article 13 - Payment of Benefits

1. All benefits payable under the provisions of this Plan shall be paid by the Fund.
2. Pensions shall be paid monthly. Payments shall commence on the first day of the month coincident with or immediately following the date on which the Member or



the surviving Spouse become entitled thereto. Payments shall terminate with the last payment prior to the death of the Member or, in the case of a surviving Spouse, the last payment prior to the surviving Spouse's death.

3. All cheques shall be sent to the last known address of the recipient. In case of change of address, if the Administrator is not notified in writing of the new address, it shall not incur any liability by reason of failure of the person entitled thereto to receive such payment.
4. If the Administrator receives evidence that:
  - (a) a person entitled to receive any payments under the Plan is physically or mentally incompetent to receive such payment and to give a valid release;
  - (b) another person or institution is maintaining or has custody of such persons; and
  - (c) no guardian, committee or other representative of such person has been duly appointed by a court of competent jurisdiction;

then the payments may be made to such other person or institution. Such payment shall be valid and constitute a complete discharge of all liability of the Plan to make such a payment.

#### Article 14 - Re-entry into the Plan

1. A Member who has elected to receive a deferred pension in accordance with subsection (1)(a) of Article 11 and who subsequently re-enters the Diocese and qualifies for membership in and joins the Plan shall be immediately entitled to Credited Service and contribution credits based on the Member's previous service and contributions. Such Member shall be entitled on retirement to a pension benefit in accordance with Articles 7 and 8 in respect of all such periods of Credited Service.
2. A Member who has transferred the Commuted Value out of the Fund in accordance with subsection (1)(b) of Article 11, shall forfeit all pension privileges, and in the event of subsequent re-entry into employment with the Diocese shall, upon qualifying for membership in and joining the Plan, be classified as a new Member in the Plan without previous Credited Service.
3. A Cleric who has waived membership in the Plan and who is issued Letters Dimissory by the Bishop shall, in the event of re-entry into employment with the Diocese, upon qualifying for membership in and joining the Plan, be classified as a new Member in the Plan without previous Credited Service.



4. A former Member who re-enters the service of the Diocese and on re-entry does not qualify for membership in and join the Plan, and, if applicable, the surviving Spouse of such former Member, shall be entitled only to the benefits established under this Plan at the time the Member received Letters Dimissory from the Bishop or ceased to be employed by the Diocese.

#### Article 15 - Miscellaneous Provisions

1. Except in satisfaction of a support order or in compliance with a court order or domestic contract under the Family Law Act (Ontario), a person entitled to receive a pension under this Plan shall not alienate, anticipate, prejudice, encumber or assign any payment or payments the Member may expect to receive contingently or otherwise. Prior to payment, the pension payment shall be free from attachment, garnishment or other legal or equitable process available to any creditor to the fullest extent permitted by law.
2. A Member shall furnish to the Administrator the following information:
  - (a) date of birth;
  - (b) date of marriage;
  - (c) name of Spouse;
  - (d) date of birth of Spouse;
  - (e) Social Insurance Number; and
  - (f) such further and other information as the Administrator may reasonably request.

If the Administrator is not satisfied with the evidence supporting any of the above information, it may in its absolute discretion withhold payment of the pension or determine the amount of pension on the basis of the best evidence available to it. If proof of any fact is subsequently submitted, the amount of pension shall be adjusted accordingly.

3. Nothing in these Regulations shall be construed or operated to create a right to employment or interfere with the enforcement of other Canons of the Diocese.
4. Notwithstanding any other provisions of this Canon or of any Regulation made thereunder, should the Parliament of Canada or the Legislature of Ontario pass any law which is at variance with these Regulations, the said law shall take precedence and until such time as these Regulations have been amended, the relevant requirements of the Applicable Legislation shall apply to these Regulations, and the





- Administrator shall administer the Plan and Fund as if the said requirements of the Applicable Legislation were incorporated into these Regulations.
5. Nothing in these Regulations shall reduce a pension paid or payable under the prior Regulations at the effective date of these Regulations.
  6. Contributions under the prior Regulations, or applicable legislation, shall not constitute any right, title or interest in the assets of the Diocese, except as specifically provided by Applicable Legislation.
  7. If any provision of the Plan is held to be invalid or unenforceable by a court of competent jurisdiction, its invalidity or unenforceability shall not affect any other provision of the Plan and the Plan shall be construed and enforced as if such provision had not been included in the Plan.
  8. The Plan is intended to constitute an employee's pension plan qualified for registration under Applicable Legislation. Any provision of any related documents that is inconsistent with the terms of the Plan shall, to the extent of the inconsistency, be of no force or effect.
  9. The Administrator shall provide each Member, former Member, and Spouse with such information and in such a manner as may be prescribed by Applicable Legislation.
  10. In the event that the specified contributions in Article 5 are insufficient to fund the Plan's benefits in accordance with the requirements of Applicable Legislation, the Plan will be amended as necessary to bring the Plan into compliance with Applicable Legislation.
  11. The Administrator is authorized to delegate any administrative duties to any person or organization.
  12. Any surplus funds disclosed in an actuarial report pursuant to section 5 of Canon 33 may either:
    - (a) be retained as part of the Fund;
    - (b) be applied to increase plan benefits, as determined by the Administrator;
    - (c) be paid to the Diocese in a manner determined by the Administrator, subject to the approval of Synod; or
    - (d) be applied to reduce contributions otherwise payable pursuant to Article 5 in a manner determined by the Administrator, subject to the approval of Synod;



subject to compliance with Applicable Legislation.

13. On termination of the Plan, the assets of the Plan shall be allocated to provide, to the extent of said assets and subject to Applicable Legislation, for pension benefits accrued under the Plan, prior to the effective date of its termination, by Members, their Spouses and any other persons entitled to benefits under the Plan. Such allocation shall be made in accordance with an allocation schedule then established by the Diocese in consultation with the Actuary and filed with and approved by the appropriate authorities in accordance with Applicable Pension Laws. Any surplus monies remaining after providing for these benefits may either:
  - (a) be applied to increase pension and other benefits payable under the Plan in a manner determined by the Administrator, subject to the approval of Synod, provided however that no Member shall receive benefits exceeding the amount determined pursuant to section (7) of Article 8; or
  - (b) be paid to the Diocese in a manner determined by the Administrator, subject to the approval of Synod, subject to compliance with Applicable Legislation.



## Canon 34

### Retiring Gratuity and Group Life Insurance

1. The following definitions apply for the purpose of this Canon:
  - (a) “Diocese” shall mean the Incorporated Synod of the Diocese of Huron;
  - (b) “Committee” shall mean the Human Resources Committee of the Diocese;
  - (c) “Fund” shall mean the Retiring Gratuity Fund;
  - (d) “Lay Permanent Employees” shall mean persons who are not clerics of the Anglican Church of Canada or a church which is in full communion with the Anglican Church of Canada and who are not licensed by the Bishop and who are employed (other than on a specific contract basis) by the Diocese to perform clerical or administrative duties for the Diocese;
  - (e) “Member” shall mean a cleric or Lay Permanent Employee who is eligible for a retiring gratuity according to this Canon;
  - (f) “Retirement” shall mean the earlier of:
    - (i) the date of the voluntary permanent cessation of permanent employment by a person, or “early retirement”; and
    - (ii) the date on which such person would be entitled to a normal retirement pension under the Regulations of the General Synod of the Anglican Church of Canada Pension Plan, if such person were a member of such Pension Plan. This is a Member's normal retirement date or NRD.
  - (g) “Salary” shall mean an amount calculated solely by reference to those amounts considered income from employment or office under section 5 (1) of the Income Tax Act (Canada) as amended or replaced from time to time, but excluding any honoraria and/or other amounts payable such as those defined under section 6 (1) of that Act as amended or replaced from time to time;
  - (h) “Service in the Diocese” for a Lay Permanent Employee shall mean a period during which they were paid a Salary by the Diocese. For a cleric it shall mean a period during which they held a licence from the Bishop and their principal salary-paying source was the Diocese and/or a parish/congregation within



the Diocese, and includes a leave of absence approved by the Bishop for a cleric:

- (i) for pension service credit under the Diocese of Huron Pension Plan;
- (ii) for illness;
- (iii) for a temporary exchange with a cleric from outside of the Diocese for a period of less than six months; or
- (iv) for a period of job-protected temporary absence available pursuant to Part XIV of the Employment Standards Act, 2000 (Ontario).

The term also includes a period of up to two years during which a lay person held an appointment from the Bishop as the Lay Pastor in charge of a parish/congregation in the Diocese and their principal Salary-paying source was the Diocese and/or a parish/congregation within the Diocese, provided that such period was immediately followed by the ordination of such lay person as a cleric of the Anglican Church of Canada and such person immediately following ordination held a licence from the Bishop.

Service as a non-stipendiary cleric is ineligible for the Retiring Gratuity regardless of income source.

- (i) "Unit Amount" shall mean the amount payable for each month of service in the Diocese as a cleric or a Lay Permanent Employee up to the date of Retirement.
2. The "Fund" is hereby continued for the purpose of providing Members upon Retirement or on death or as a result of a permanent disability with a lump sum benefit.
  3. The Retiring Gratuity Fund shall be administered on behalf of the Diocese by the Committee as a separate account in its pooled investment funds.
  4. The Fund shall be increased by:
    - (a) an annual contribution from the Diocesan budget of 8.75% of the aggregate of the parish apportionment receipts for all of the Parishes of the Diocese for the year preceding the previous year, provided that the Committee in its discretion may, at the request of Diocesan Council, return any part of this amount to the Diocese as a contribution towards the cost of providing health care benefits for retired clerics, retired Lay Permanent Employees of Synod and their respective dependants;



- (b) all donations or contributions to the Fund;
- (c) all additional amounts authorized by Synod;
- (d) all interest and other income of the Fund;

and the Fund shall be decreased by:

- (a) any benefits paid to those entitled to them; and
- (b) any expenses of management charged to the Fund.

5. If in any year the amount of the Fund should be insufficient to meet the benefits payable from the Fund for that year, the extra amount required shall be paid by the Diocese, and the Committee shall report to the next Synod as to the state of the Fund, with recommendations.
6. Effective January 1, 2022, every Member shall, upon Retirement, be entitled, upon application, to receive a Retiring Gratuity from the Fund equal to the Unit Amount for every completed month of service in the Diocese, up to the date of retirement. The gratuity is awarded only once. Service past Retirement does not make the cleric eligible for any further award.
7. The Unit Amount shall be \$150.00 per month, effective December 2, 2021.
8. Each recipient of a Retiring Gratuity may choose to take it using any payment schedule that is acceptable to the Secretary-Treasurer of the Diocese in consultation with the recipient.

If the recipient dies before the payment schedule is complete, the unpaid balance shall be payable to the beneficiaries named in their Group Life certificate, or if no beneficiaries are so named, to their estate.

9. Each Member entering the active service of the Diocese, as a condition of service in the Diocese, shall be required to purchase group life insurance coverage on their own life in such amounts and from such insurer as may be determined by resolution of Diocesan Council from time to time.
10. Any changes made to this Canon do not apply to Members who retire or are due to retire before the effective date of such changes.. All payments under this Canon shall be made only upon application to the Synod Office and, while the Diocese shall incur no liability in respect of any person who fails to make application for benefits payable hereunder, the Committee shall use its reasonable best efforts to provide information about the changes in this Canon to Members who would be affected.



11. In the event that a Member is awarded a permanent disability pension under the provisions of the Long-Term Disability Plan of the General Synod of the Anglican Church of Canada, they shall be entitled to receive a Retiring Gratuity payable on their NRD. The amount of such benefit, payable under the provisions of this Canon, shall be calculated on the same basis as if such permanently disabled Member had continued to serve in the Diocese until they reached their NRD.
12. In the event of the death of a Member before becoming entitled to a Retiring Gratuity under this Canon, a Retiring Gratuity shall be payable to the beneficiary named in their Group Life certificate, or if no beneficiary is so named, to their estate. For the purpose of calculating the amount of the Retiring Gratuity, the Member shall be deemed to have retired on the date of death.
13. The Committee shall have the power to increase, by resolution of the Committee, the benefits to Members payable pursuant to this Canon. Such resolution shall take effect immediately or as otherwise determined by the Committee but shall be considered at the next non-electoral meeting of Synod following its enactment by the Committee. If Synod fails to ratify the amendment of this Canon in accordance with such resolution of the Committee, the resolution shall lapse with effect from the first day of the calendar quarter next following the Synod's conclusion. In the event of such lapse, no recipient shall be required to repay to the Diocese any extra money received by them as a result of such resolution of the Committee increasing a Retiring Gratuity.
14. The Committee shall from time to time, but at intervals of not more than three years, or any longer period available under the applicable legislation, determine the amount of contribution necessary to cover any deficit in the Fund, by comparing the market value of its assets against the total liability for retiring gratuities to be paid in the future. The latter figure is the sum of the values calculated for each Member as follows: Multiply the Unit Amount times the number of months they have served in the Diocese, up to the valuation date. This is the "accrued" or "past service" benefit. For Members who are still serving, multiply the Unit Amount times the number of months from the valuation date to their NRD. This is their "future service" benefit (will be zero for Members no longer serving). Their "projected" benefit is the sum of these two numbers. The liability value for each is the present value of their projected benefit as of the valuation date, assuming it will be paid on their NRD. The interest rate used to 'discount' the benefit from the NRD back to the valuation date is  $\frac{3}{4}$  of the investment income payout rate declared by the Diocese in the valuation year.



## Canon 35 Insurance

1. It shall be the duty of the Churchwardens of each Parish to cause all insurable property owned by, held for, or used or occupied by such Parish to be at all times covered by adequate insurance against fire, damage, loss, and public liability.
2. Buildings of the Parish shall be insured to an amount equal to their replacement cost thereof as is determined by the insurer through an appraisal or other valuation. If the Parish determines that an alternate value and level of insurance is desired for financial operating reasons, upon the approval of their vestry, such alternate insurance may be secured as supported by the broker and, the Territorial Archdeacon and approved by the Bishop. Such an alternate value and level of desired insurance must be of a functional nature for ministry and be approved by Vestry and Diocesan Council as to its function with supported, rendered architectural drawings which will be suitable to the insurance carrier and approved by the Bishop.
3. Such insurance shall be placed by the Churchwardens through the Diocesan insurance plan broker, who shall be designated by the Diocesan Council from time to time. The insurance policy(s) for all insured property in the Diocese shall be obtained from a carrier or carriers approved by Diocesan Council on the recommendation of the Administration and Finance Committee of the Diocese. Notwithstanding the foregoing, the parish may seek their own individual insurance equal to or better than diocesan insurance coverage and as approved by the Bishop or Bishop's designate.
4. In the event there is no real or personal property owned by, or held for, the Parish, all other appropriate insurance shall be maintained by the Churchwardens, which shall include liability insurance.
5. Insurance coverage with respect to Chapels of Ease, supported by a Parish, may also be adjusted with the Bishop's approval, in accordance with Paragraph 2 hereof. In such cases, insurance coverage of a functional nature might include the possibility of wreckage value coverage only, in the event of a loss and a future decision not to rebuild in such an event. Such a decision will require the approval of the Churchwardens of the supporting Parish's vestry and the Bishop.



## **Canon 36**

### **Other Committees**

1. Synod, the Bishop or Diocesan Council may establish such committees as are from time to time deemed desirable to promote the mission and service of the Diocese.
2. Synod, the Bishop or Diocesan Council shall establish terms of reference, including the composition, responsibility, and operation, of each such committee.
3. A quorum for meetings of each committee shall consist of a clear majority of its members.





## Canon 37

### Archives and Archives Committee

1. The Diocese shall provide a secure place of deposit for the archival records of the Diocese.
2. There shall be a committee of Synod known as “The Archives Committee” (hereinafter called the “Committee”).
3. Membership of the Committee shall consist of:
  - (a) the Principal and the Librarian of Huron College.
  - (b) seven additional persons, of which five shall be elected by Synod, and two appointed by the Bishop. They do not need to be members of Synod.
4. The persons elected and appointed shall serve for terms of three years each. Elected and appointed members of the Committee whose terms of office have expired shall be eligible for re-election or reappointment.
5. The purpose of the Committee shall be:
  - (a) to establish policies for a continuing program for the management of current records of the Diocese, its officers, committees and Parishes in order to provide for the archival retention of those items of enduring research and historical value;
  - (b) to unify and develop the archival activities of the Anglican Church in the Diocese;
  - (c) to oversee the archival needs, both physical and operational, of the Diocese and to recommend such measures as may be deemed advisable to advance the preservation and use of the records of enduring value; and
  - (d) to prepare an annual budget for the Committee’s needs which shall be submitted to the Budget Sub-Committee of the Administration and Finance Committee for consideration for inclusion in the Diocesan budget.
6. There shall be an Archivist of the Diocese who shall be appointed by the Bishop following consultation with the Committee.



7. The Archivist shall advise the Committee on policies regarding access to archival records, accession of records, and shall be responsible for implementing such policies as are established by the Committee



## Canon 38

### Indemnification

1. Subject to the provisions of applicable legislation, the Diocese shall indemnify every Bishop, coadjutor bishop, suffragan bishop (hereinafter collectively called a “bishop”), every former or retired bishop, every cleric, officer, dignitary (as that term is defined in Canon 3), Administrator and employee of the Diocese and every person who is elected or appointed to any committee or sub-committee of the Diocese or who acts 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, every cleric, Administrator, employees, committee members, sub-committee members and trustees), and their respective heirs or legal representatives, from and against all costs, charges and expenses, including any amount paid to settle an action (subject to the standard policy exclusions) or to satisfy a judgment, reasonably incurred by them in respect of any civil or administrative action or proceeding to which they are made a party by reason of being or having been a bishop, officer, cleric, Administrator, dignitary or employee of the Diocese, committee member or trustee if they acted honestly and in good faith with a view to the best interests of the Diocese, its Clergy and laity and the advancement of the Kingdom of God.
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 may also purchase insurance (to the limit of the terms of such policy) for the benefit of all persons intended to be indemnified hereunder.



## Canon 39

### Human Resources Committee

1. There shall be a Human Resources Committee, which shall be responsible to the Diocesan Council of Synod for all matters relating to the human resources affairs of the Diocese. Without limiting the generality of the foregoing, the Human Resources Committee shall be responsible to the Diocesan Council of Synod for the following matters:
  - (a) pension;
  - (b) retiring gratuity;
  - (c) life insurance;
  - (d) dental insurance;
  - (e) health insurance;
  - (f) disability plans;
  - (g) compensation (including travel expense reimbursement);
  - (h) reimbursement for moving expenses at retirement;
  - (i) health and safety;
  - (j) any other fringe benefits pertaining to the Diocese; and
  - (k) such other matters as may be assigned to it by Synod or Diocesan Council.
2. The Human Resources Committee shall consist of the following members:
  - (a) ex-officio members, who shall be:
    - (i) the Bishop;
    - (ii) the coadjutor bishop (if any);
    - (iii) the suffragan bishops (if any);
    - (iv) the Chancellor;
    - (v) the Director of Human Resources, who shall be Secretary of the Committee;



- (vi) the Secretary-Treasurer;
  - (b) elected members, who shall be:
    - (i) four clerics elected by Synod, one of whom shall be elected annually for a four-year period; and
    - (ii) four members of the laity elected by Synod, one of whom shall be elected annually for a four-year period and at least one of whom shall be a lay representative to Synod at the date of election;
  - (c) not more than seven co-opted members, who shall be those persons having special skill, knowledge, or experience useful to the Committee who are appointed by the Committee in consultation with the Bishop to serve until the next annual session of Synod.
3. (a) The following provisions shall apply to elected members of the Committee:
- (i) Any elected member failing to attend three duly called consecutive meetings of the Committee shall automatically cease to be a member of the Committee and the Committee shall so notify such delinquent member, provided that the Committee may, in its sole discretion, on explanation, waive the default.
  - (ii) In the event of the resignation, death, or retirement of an elected member of the Committee, or in the event that an elected member of the Committee vacates their office by non-attendance, the vacancy or vacancies shall be filled by appointment by the Committee until the next annual session of the Synod when the replacement member or members shall be elected by Synod in accordance with the foregoing to complete the term of office of the vacating member or members.
- (b) Each of the ex-officio, elected and co-opted members of the Committee shall have one vote at all meetings of the Committee. A quorum of the Committee shall consist of a majority of the members thereof.
4. The Committee shall have power to appoint from among its members an executive committee of the Committee consisting of the chair and three or more members of the Committee, who shall have authority to act on behalf of the Committee and to whom the Committee may delegate such matters as the Committee shall consider proper.
5. The Human Resources Committee may establish such sub-committees and task forces as may be required to fulfill its duties and shall establish their terms of reference.



6. The membership of such sub-committees shall consist of:
  - (a) members (who may, but need not, be members of the Human Resources Committee) who shall be appointed annually by the Bishop or the Bishop's designate in consultation with the chair of the Human Resources Committee;
  - (b) at least one member of the Human Resources Committee shall be a member of each sub-committee, and may, but need not, be the chair.
7. The Bishop or the Bishop's designate shall recommend annually the chair of each sub-committee to the Human Resources Committee membership for ratification.
8. The chair and the members of sub-committees may be lay or ordained.
9. Meetings of the Human Resources Committee and its sub-committees shall be held as follows:
  - (a) the inaugural meeting of the Committee each year to be held as soon as practicable following the annual meeting of Synod shall be called by the Director of Human Resources, who shall act as convener, for the purpose of electing a chairperson and such other officers as the Committee may require to hold office for the ensuing year;
  - (b) subsequent meetings shall be held as required at such times and places as the Committee shall determine;
  - (c) meetings shall be held on not less than five days notice at the call of the chairperson, or upon the request of any two members of the Committee;
  - (d) the chair of the Human Resources Committee and the chairs of the sub-committees shall consult with the Director of Human Resources as to the scheduling of meetings and the planning of agendas; and
  - (e) ordinarily all sub-committees shall report through the Human Resources Committee to Diocesan Council or Synod.



## Canon 40

### Screening In Faith

1. (a) Every Parish that runs programmes or services for children, youth, or vulnerable adults shall implement a screening programme; and  
(b) Diocesan and Deanery organizations which sponsor programmes or services for children, youth or vulnerable adults shall implement a screening programme.
2. Special consideration must be taken in high-risk ministry situations where volunteers or paid staff have direct care of, or direct access to children, youth or vulnerable adults or church assets.
3. Persons can be considered vulnerable when they have difficulty protecting themselves for any number of reasons, including age, disability, or temporary personal crisis.
4. In the development of a screening programme, the following elements shall be considered:
  - (a) compliance with Diocesan guidelines;
  - (b) the discerned level of risk;
  - (c) volunteer ministry description;
  - (d) recruitment process;
  - (e) application form;
  - (f) interview;
  - (g) reference checks;
  - (h) police records checks;
  - (i) orientation and training;
  - (j) supervision and evaluation;
  - (k) participant follow-up.
5. The Incumbent and Churchwardens of every Parish shall together complete a Screening Participation Report, in a format approved by Diocesan Council. This Report



shall be published annually in the Vestry Reports. The Report shall also be submitted annually to the Human Resources Department of the Diocese and the Territorial Archdeacons by March 31<sup>st</sup> of the following year.

6. All Diocesan and Deanery organizations sponsoring activities or events under section 2 shall submit the Screening Participation Report to the Human Resources Department of the Diocese annually by March 31<sup>st</sup> of the following year.
7. Failure to comply with these provisions may result in the cancellation of liability insurance for the sponsoring organization.





## Canon 41

### Cemeteries

1. A Cemetery Committee of the Diocese shall be established as a sub-committee of the Administration and Finance Committee and shall be responsible for ensuring compliance with this Canon and applicable laws governing cemetery operations.
2. The establishment of a cemetery, scattering ground or columbarium (hereinafter referred to as "Cemetery") shall require the prior approval of the Vestry of the Parish. The Territorial Archdeacon shall forward a report on such proposed Cemetery to Diocesan Council or Diocesan Sub-Council, and to the Bishop. Only after approval of Diocesan Council or Diocesan Sub-Council, and the Bishop has been obtained, may a Cemetery be established, and such establishment shall be made in accordance with the applicable Ontario legislation.
3. Real property used as a Cemetery or held by any Parish in the Diocese shall be registered in the name of The Incorporated Synod of the Diocese of Huron, which shall hold such property in trust for the benefit of the Parish.
4. A Parish that owns or operates a Cemetery must have an established Cemetery Board in place, with appointed trustees, who shall be responsible for the care and maintenance of the Cemetery. The Cemetery Board shall report to the Churchwardens of the Parish and shall ensure strict compliance with all laws governing cemeteries.
5. When Parishes realign or reorganize, existing Cemeteries of such Parishes shall continue to have in place an established Cemetery Board with appointed trustees. The Cemetery shall be attached to a Parish and the trustees shall report to the Churchwardens of the Parish, as determined by Diocesan Council or the Bishop.
6. Upon the disestablishment of a Parish that owns and operates a Cemetery, the final Vestry meeting shall ensure that a Cemetery Board and trustees remain appointed as a separate entity, as required by applicable laws. The Territorial Archdeacon, in consultation with the Bishop, shall ensure that the Cemetery Board is assigned to an Incumbent for reporting and ministry purposes.
7. The Cemetery Board of the Parish shall submit an annual financial statement and copy of its provincial filing return of the operations of the Cemetery to the Cemetery Committee annually by March 31<sup>st</sup> through the Secretary-Treasurer. Where a Cemetery is attached to a Parish, the Cemetery Board shall report to the Vestry of such Parish.



In the event that there is no reporting relationship of an existing Cemetery to a Parish, the Cemetery Board and its trustees shall report to the Cemetery Committee of the Diocese through the Secretary-Treasurer.



## Canon 42

### Huron Development Fund

1. There shall be a Huron Development Fund (the "Fund") to assist the Diocese and the Parishes by giving grants and/or loans for the purpose of:
  - (a) promoting new ministry initiatives in Parishes or the Diocese;
  - (b) funding major capital improvements/additions to buildings which will further mission and ministry in Parishes of the Diocese;
  - (c) encouraging the development of new congregations;
  - (d) acquiring land in areas of potential future Parishes;
  - (e) supporting, at the request of the Bishop, costs of clerics; and/or
  - (f) satisfying special needs of the Diocese.
2. The Fund shall receive money for the above purposes from the following sources:
  - (a) the net proceeds, as determined by Canon 12, of property from disestablished Parishes, Chapels of Ease, cemetery chapels or summer churches;
  - (b) the remaining trust funds from disestablished Parishes or Chapels of Ease, unless Diocesan Council directs otherwise, subject to the terms of any applicable trust;
  - (c) the net proceeds, as determined by Canon 12, of the sale of property of reorganized Parishes that have been determined to be surplus to the needs of the Parishes;
  - (d) any other money directed to the Fund by Diocesan Council;
  - (e) bequests and gifts directed to the Fund; and/or
  - (f) income earned on investments and loans made by the Fund.
3. The Fund shall be invested in the investment portfolio managed by the Diocese.
4. Income earned on the invested capital of the Fund may be used at the discretion of Diocesan Council or Diocesan Sub-Council as revenue for the Diocesan Budget.



5. Applications for grants/loans from the Fund shall be considered by the Administration and Finance Committee through the Grants and Loans Sub-Committee, which shall make its recommendation thereon to Diocesan Council or Diocesan Sub-Council, based on the merits and viability of the project and in accordance with the strategic priorities of the Diocese.
6. Terms governing grants/loans shall be as follows:
  - (a) each application shall be submitted to the Secretary-Treasurer and, if it is a request coming from a Parish, with the recommendation of its Territorial Archdeacon;
  - (b) if the request comes from a Parish, it shall be submitted by the Incumbent and the Churchwardens of the Parish, in accordance with specific direction given to them from a duly constituted meeting of the Vestry;
  - (c) all applications to the Fund for Diocesan needs shall be approved by the Bishop;
  - (d) written requests for grants/loans shall be accompanied by complete details of the proposed undertaking, a firm bid or a reliable estimate satisfactory to Diocesan Council or Diocesan Sub-Council, and a complete detailed plan in writing of the proposed financing; and
  - (e) all applications for grants/loans shall be considered and approved or rejected by either Diocesan Council or Diocesan Sub-Council.



### **Canon 43**

#### **Chapels of Ease, Cemetery Chapels and Summer Churches**

1. The Bishop may establish, reorganize, or close chapels of ease, cemetery chapels and summer churches as required by the needs of the Diocese from time to time.

#### **Chapels of Ease**

2. Before a Parish requests permission of the Bishop and Diocesan Council that its church building become a chapel of ease, it must identify a clear mission purpose for the contribution of the building as an Anglican place of worship and prepare a Ministry Plan and Financial Plan in accordance with Part C of Canon 12.
3. A church may be designated as a chapel of ease only if there are six (6) or fewer services (excluding weddings or funerals) in a calendar year. If more than six services are offered annually, the church shall be considered active and this Canon 43 shall not be applicable. A chapel of ease must hold a minimum of two (2) services in a calendar year.
4. A chapel of ease shall be connected with a Parish whose Vestry, Churchwardens and the Incumbent shall be responsible for the management of the Chapel of Ease. A chapel of ease shall be listed as part of a Parish and shall be so indicated on the licence of the Bishop issued to the Incumbent. The Incumbent shall be responsible for leadership of any services which are held. Clergy leading services shall be remunerated for such according to the scale of fees for occasional services.
5. The request to the Bishop and Diocesan Council to approve the change of their church to a chapel of ease shall be authorized by special resolution of Vestry, which resolution shall include the approval of the disestablishment of the Parish in accordance with Canon 12 effective upon the Parish's request to become a chapel of ease being accepted by the Bishop and Diocesan Council. A written commitment by the parish which will oversee the Chapel of Ease shall accompany the request submitted to the Bishop and Diocesan Council.

The provisions pertaining to disestablishment set out in Part H of Canon 12 shall be modified as required with respect to the disposition of the disestablished Parish to give effect to the provisions of this Canon 43.

6. Prior to the disestablishment of a Parish and re-designation as a chapel of ease, the then Parish Council, Incumbent and Territorial Archdeacon shall appoint no fewer than two (2) trustees to oversee the day-to-day operations and financial matters relating to the Chapel of Ease. The appointment of Trustees shall be reviewed



annually by the Incumbent and the Territorial Archdeacon. Upon the resignation, retirement, death or removal of a Trustee, the Incumbent under whose license the Chapel of Ease is assigned, together with the Territorial Archdeacon shall appoint a replacement.

7. In fulfilling their responsibilities as Trustees, said Trustees shall report on the operations and finances to the Incumbent and Churchwardens of the Parish having oversight of the Chapel of Ease and the Territorial Archdeacon on a regular basis, a minimum of once during each calendar year. It shall be the responsibility of the Incumbent/ and Territorial Archdeacon to ensure that these regular reports are provided.
8. All funds and assets held by the Parish at the time it ceases to function as a Parish shall be invested with the Diocese of Huron. Only those funds required for the day-to-day operations and regular maintenance of the Chapel of Ease and property as identified in the Financial Plan shall be managed by the Trustees and the remaining surplus assets shall be dealt with in accordance with Paragraph 5 of Part C of Canon 12. The Trustees shall keep records of revenues and expenses in accordance with acceptable accounting practices.
9. Should the supporting Parish responsible for a chapel of ease itself become disestablished or its status otherwise changed as contemplated in Canon 12, the building and the remaining assets of the Chapel of Ease shall be dealt with in accordance with Canon 12 together with the supporting Parish's assets unless another Parish agrees to assume oversight over the Chapel of Ease.
10. The church building(s) must be insured under the Diocesan insurance plan at replacement cost.

### **Cemetery Chapels**

11. A Cemetery Chapel is a building which functions as a funeral chapel only. No other services shall be held. Insurance and maintenance of the building shall be the responsibility of the Cemetery Board. The building and land shall be owned by the Diocese. Two members of the Cemetery Board shall be appointed as trustees of the property to represent the interests of the Diocese and to report to the Territorial Archdeacon. The Cemetery Board shall submit an annual financial report to the Secretary-Treasurer and attach a copy of the applicable charitable return to the Canada Revenue Agency.



### **Summer Churches**

12. A Summer Church is a church which is used only during the summer months and is usually located in a resort/park area. A student or lay person may be appointed, usually under the supervision of the Incumbent of the Parish where the summer church is located. The Summer Church must submit an annual financial report to the Secretary-Treasurer and attach a copy of the applicable charitable return to the Canada Revenue Agency. Churchwardens and four board members shall be appointed at a Vestry meeting to be held at the beginning of each summer season and shall serve until the Vestry meeting of the following year.

### **General Provisions**

13. Except as expressly stated in this Canon or as specified by the Bishop, chapels of ease, cemetery chapels and summer churches shall be governed by the terms and conditions approved by the Bishop in each case and shall not be subject to the provisions of the other Canons of the Diocese.



## **Canon 44**

### **Litigation**

1. Under the Act of Incorporation of the Diocese, the Churchwardens shall be “as a corporation”, with the power to sue and be sued in a representative capacity.
2. Any Parish or other ecclesiastical entity in the Diocese that is contemplating commencing litigation against anyone for any reason shall consult with the Incumbent, the Bishop and the Chancellor before commencing such litigation.
3. In the event that any legal proceedings of any kind are initiated against the Churchwardens in a representative capacity or against any other ecclesiastical entity in the Diocese, they or it shall provide full particulars to the Incumbent, the Bishop and the Chancellor as soon as practicable, even if the matter is covered by insurance.
4. In the event that any Parish or other ecclesiastical entity in the Diocese is alleged to have committed an offence under any federal or provincial statute or regulation or under any municipal by-law, the Churchwardens shall provide full particulars to the Incumbent, the Bishop and the Chancellor as soon as practicable.
5. In the event that the Bishop commences litigation in the name of the Diocese against anyone, or in the event that any legal proceedings of any kind are commenced against the Diocese, the Bishop and the Chancellor shall provide full particulars to Diocesan Council or Diocesan Sub-Council as soon as practicable.