

CANON 24
DIOCESAN ADMINISTRATION OF PARISHES

1. Appointment of Administrator

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

- (1) a request by the parish or organization involved, either in the form of a vestry resolution or request in writing from the Incumbent and Churchwardens, or a resolution of the Board or other governing body of the organization, or
- (2) a recommendation of a Bishop's Commission, or
- (3) a situation determined by the Diocesan Council to require it,

that an administrator should be appointed to carry on the function of receiver and manager of the affairs of such parish or other organization; the Diocesan Council, if satisfied that no other reasonable action is available, may by resolution with the approval of the Bishop appoint an administrator to act as trustee, receiver and manager of any parish or other organization existing under the authority of the Incorporated Synod of the Diocese of Toronto or the Diocesan Council. A copy of such resolution certified by the Secretary of Synod of the Diocese under the seal of the Diocese shall be evidence for all purposes of such appointment.

2. Powers of Administrator

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

3. Reports

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

4. Term of Appointment

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

5. Expenses

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

6. Board of Management

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

7. Suspension of Parish Powers

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

8. Interpretation

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

9. Separate Books

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

10. Conflict with Other Canons

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

11. Additional Powers of the Diocesan Council

If it appears that proceedings should be taken under Canon 13 or Canon 10 or any other canon the Diocesan Council may recall the administrator or may continue the administration or take whatever other action it deems necessary.

12. Synod

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

13. Termination of Administration

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

14. Indemnity

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

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

15. Report to Synod

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

16. Rehearing

Any person who is a member at the time the action is taken, of a parish or organization existing under the authority of the Diocese of Toronto, or of the Diocese, and who is affected by the appointment of an administrator pursuant to this Canon may appeal the decision to the Diocesan Council by letter addressed to the Secretary of Synod and delivered within 15 days of the date of the appointment. Upon receipt of such notice the Secretary of Synod shall place the matter on the agenda of the next meeting of the Diocesan Council at which time the question of the appointment will be reheard with all persons interested having an opportunity to attend and make representations. The decision of the Diocesan Council on a rehearing shall be final apart from the provisions of paragraph 9 of this Canon.