

Proposed Changes to The Constitution and Canons re: Mandatory Retirement (Showing Changes)

THE CONSTITUTION

There are no proposed changes prior to this point.

3. Lay Members of Synod

(13) Resignation

Any Lay Member of Synod may resign, **personally or by their attorney**, by giving notice to that effect to the Secretary of Synod who shall forthwith communicate such resignation to the Incumbent of the Parish in order that a new election may be held as herein prescribed. **Any Lay Member declared to be mentally incapable to manage their property or personal care by an Ontario Superior Court shall be deemed to have resigned.**

9. Vacancy in See

- (1) If a vacancy occurs in the See, and there be no Coadjutor Bishop, the Suffragan Bishop(s) in order of seniority, the Dean, or the Senior Archdeacon present and able to act, shall summon a meeting of the Clergy and Lay Members in Synod to elect a successor in the See; such meeting shall be held on a day to be fixed by the Diocesan Council of the Synod, not earlier than one (1) week nor later than four (4) weeks after the occurrence of such vacancy.
- (2) The summons shall be issued as soon as conveniently possible after the announcement, by the Metropolitan of the Ecclesiastical Province, of the date of the occurrence of the vacancy, but not later than three (3) weeks prior to the date fixed for such meeting.
- (3) **Not less than six (6) months prior to attaining the full age of seventy years, the Bishop, the Coadjutor Bishop or a Suffragan Bishop, shall tender a resignation to the Metropolitan, pursuant to Canon 3(4) of the Provincial Synod of Ontario, to take effect not later than the end of the month in which the age of seventy is attained and shall inform the Diocesan Council of such action. Upon retirement, the Bishop, the Coadjutor Bishop or a Suffragan Bishop, shall tender a resignation to the Metropolitan, pursuant to Canon 3(4) of the Provincial Synod of Ontario, and shall inform the Diocesan Council of such action.**
- (4) A Bishop having attained the full age of sixty-five (65) years may, if such Bishop so desires, resign and receive a pension in accordance with Section 13(6) of the Constitution.

There are no proposed changes beyond this point.

CANON 10
CLERICAL APPOINTMENTS, EXCHANGES, RETIREMENTS AND TERMINATIONS

No proposed changes prior to this point.

6. Deemed Resignation at Age 70

~~A cleric on attaining the full age of seventy (70) years shall be deemed to have submitted a resignation to the Bishop. The Bishop shall accept such resignation forthwith, or, upon agreement with such cleric, shall fix a date which shall be earlier than the seventy-first (71st) birthday of such cleric upon which date such resignation shall be effective.~~

7. Resignation of Clerics Clerical Resignations

a) ~~Any Cleric may resign, personally or by their attorney, by giving written notice to the Bishop. The Bishop may accept the written resignation of any such cleric under the Bishop's jurisdiction. If the Bishop declines to accept such resignation, the applicant may demand a Commission of three, consisting of a cleric of the Diocese appointed by the Bishop, a cleric of the Diocese named by the applicant, and a lay member of the Synod, not a representative of such parish, named by the other two members of the Commission. If this Commission within one (1) month of its appointment, unanimously recommends the acceptance of such resignation, the Bishop shall comply therewith.~~

b) ~~Any Cleric declared to be mentally incapable to manage their property or personal care by an Ontario Superior Court shall be deemed to have resigned.~~

8. Appointment of Clerics who are 70 years of age

~~Any appointment by the Bishop of a cleric who has attained the age of seventy (70), to any position within the power of the Bishop, shall normally be for a term of not more than one (1) year at a time.~~

No proposed changes beyond this point.

Note to Draft:

The Committee is of the view that section 7(a), as it relates to the Bishop refusing to accept a resignation can be removed as it is not clear what situation it is meant to address.

CANON 19
ARCHDEACONS

1. Office

1. Archdeacons may be appointed by the Bishop to or for such jurisdictions as the Bishop may determine and shall hold office at the Bishop's pleasure;
2. Archdeacons shall be installed in the Cathedral by the Dean under the mandate of the Bishop;
3. Upon the resignation of an Archdeacon from a charge or other employment in the Diocese such Archdeacon shall also forthwith tender a resignation to the Bishop as Archdeacon;
4. An Archdeacon, on the death or retirement of the Bishop, shall tender a resignation of the office to the successor in the See; and
- ~~5. An Archdeacon shall retire from office on attaining the age of seventy years and shall thereafter be entitled to be known as "Archdeacon Emeritus"; and~~
5. An Archdeacon retiring from office on pension before attaining the age of seventy years shall may thereafter, if so authorized by the Bishop at the time of the Archdeacon's retirement be entitled to be known as "Archdeacon Emeritus".

No proposed changes beyond this point.

CANON 28
SECRETARY OF SYNOD

There are no proposed changes prior to this point.

4. Deemed Resignation of Office

Upon the earlier of:

- a. attaining the age of sixty-five (65) years, or
- b. termination of an employment relationship with the Diocese, or
- c. resignation, personally or by their attorney, in writing to the Bishop, or
- d. declaration that the Secretary be mentally incapable to manage their property or personal care by an Ontario Superior Court.

the Secretary shall be deemed to have resigned the office of Secretary.

CANON 48
THE REGISTRAR

1. **Office**

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

2. **Qualification**

The Registrar shall be a member of the Bar of the Province of Ontario of at least 10 years standing and shall be a member in full Communion of the Church of the Diocese.

3. **Duties**

It shall be the duty of the Registrar to see that the following records are kept at the Offices of the Synod.

- (a) Such official acts of the Bishop or of the Synod as require record or registration.
- (b) A list of the Clergy of the Diocese from time to time, with their academic standing and the respective duties of their admission as deacons and priests, and of their licences on admission to the Diocese, and a record of the different parishes, missions, or stations in which they have served or of any Diocesan position which they have filled.
- (c) The election or appointment of clergy or laymen to any office of the Diocese.
- (d) All letters of orders, licences, institution, induction and other official instruments issued by the Bishop from time to time.
- (e) A record of consecration of churches, and burial grounds and of the revocation of the Sentence of Consecration.
- (f) A record of all churches, church buildings and memorials dedicated by the Bishop.
- (g) The Registrar shall record the election, confirmation, consecration and installation of the Bishops of the Diocese and shall provide that such records be counter-signed by the responsible witnesses, who have themselves been present at such ceremonies.

4. **Death or Retirement of the Bishop**

On the death or retirement of the Bishop of the Diocese, the Registrar shall tender a resignation of office to the Diocesan **Committee Council**.

5. ~~Upon attaining the age of 70 years, the Registrar shall be deemed to have resigned the office.~~

5. **Deemed Resignation of Office**

Upon the:

- a. **resignation, personally or by their attorney, in writing to the Bishop, or**
 - b. **declaration that the Registrar be mentally incapable to manage their property or personal care by an Ontario Superior Court,**
- the Registrar shall be deemed to have resigned the office of Registrar.**

CANON 49
THE CHANCELLOR

No proposed changes prior to this point.

7. Deemed Resignation at Age 70

~~Upon attaining the age of 70 years the Chancellor shall be deemed to have resigned the office.~~

7. Deemed Resignation of Office

Upon the:

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