

Property Support

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Staff

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Resources

- www.toronto.anglican.ca/parish-administration/real-estate/
- *Parish Leaders' Manual* ("PLM")
- Archives Department (@ the Diocesan Centre)
- Ecclesiastical *LegalConnex* Service ([1-866-263-0256](tel:1-866-263-0256))
- Landlord & Tenant Board (www.LTB.gov.on.ca)
- Marsh Canada Ltd. ([1-866-236-6128](tel:1-866-236-6128))
- Canada Revenue Agency ("CRA")
- *The Legal Guide for Canadian Churches*,
Blaikie & Ginn - Novalis 2006 (www.novalis.ca)
- Canadian Council of Christian Charities (www.cccc.org)



Questions

1. Who has corporate signing authority at your congregation for real property matters?
2. Who is the registered owner of parish property?
3. What property-related documents should a congregation always have on hand?
4. What real property responsibilities/obligations are the most challenging to your congregation?
 - a) How would you suggest that those be addressed?
 - b) Ideally, what additional support, would be most helpful?



Current Legal Framework

- ❖ *Religious Organizations' Lands Act* (Ontario) R.S.O. (1990) c. R.23
- ❖ *Anglican Church of Canada Act* (Ontario) S.O. (1979) c.46
- ❖ “*The Church Temporalities Act*”, given Royal Assent on December 3, 1841, and as later enacted pursuant to “*An Act respecting Churchwardens in the Diocese of Toronto*”
- ❖ *The Constitution & Canons* (ie. ‘by-laws’)
www.toronto.anglican.ca/about-the-diocese/constitution-and-canons/



Anglican Church of Canada Act (Ontario)

S.O.(1979) c. 46

- ❖ 1.-(2) The parson or other incumbent of the church for the time being and the churchwardens thereof shall, for the purposes of *The Religious Organizations' Lands Act, 1979* be deemed to be **trustees** within the meaning thereof.
- ❖ 2.-(1) Land shall not be sold or leased, mortgaged or otherwise encumbered under the powers conferred by *The Religious Organizations' Lands Act, 1979* except with the **consent of the vestry** of the church or congregation interested therein **and of the bishop** of the diocese **and the executive committee of the synod of the diocese**, and the consent of the vestry given in accordance with the rules and canons of the church shall be deemed to be the consent of the congregation.



Canon 6

The following **ALL** require permission from Diocesan Council:

1. Purchases & Transfers (i.e. sale, severance)
2. Building or Structural Alterations (requiring a *Building Permit*)
3. Mortgages &/or encumbrances



Canon 6 *(cont'd)*

The following **ALL** require permission from Diocesan Council:

4. Loans/financial obligations (“not expected to be liquidated within one (1) year”)
5. License Agreements*
6. Lease Agreements (both Residential* & Commercial)

* Templates provided for use



‘Procedure Pursuant to Canon 6’



Executive Board (Canon 3) & Trusts Committee (Canon 5):

- each make a recommendation to Diocesan Council (Canon 2) (*monthly meeting cycle*)



‘Procedure Pursuant to Canon 6’



Licenses, Leases, Purchases, Sales, Loans:

- Area Bishop support (*s.1: “Consultation”*)
- Vestry support (*s. 2; please see templates*)
- Materials to be sent to the Secretary of Synod (*s. 5*)



‘Procedure Pursuant to Canon 6’



Building OR Structural Alterations (s. 5.3):

www.toronto.anglican.ca/parish-administration/real-estate/church-property/renovationscapital-improvements-2/

- ✓ * Project Review Committee (“PRC”) – due diligence report to Executive Board
- ✓ * Two-phased approval (*‘in principle’* & *‘final approval’*)

* For significant capital improvement projects requiring Building Permits.



Group Insurance Program

- ❖ Broker: Marsh Canada Ltd.

Brenda Cook - Client Representative

(416) 349-3580; 1-866-236-6128

brenda.cook@marsh.com

- ❖ Insurer: Ecclesiastical

Typical contact is for claims reporting only.

- ❖ Commercial General Liability (“CGL”), Boiler & Machinery, Property, Directors & Officers (“D&O”), Crime, Abuse, Cyber

- ❖ *All Sport* (user-group insurance)

New products/premiums (as of Jan. 1/17); one time & recurring events

