

# Property Support

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# Staff

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# Resources

- [www.toronto.anglican.ca/parish-administration/real-estate/](http://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](http://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](http://www.novalis.ca))
- Canadian Council of Christian Charities ([www.cccc.org](http://www.cccc.org))



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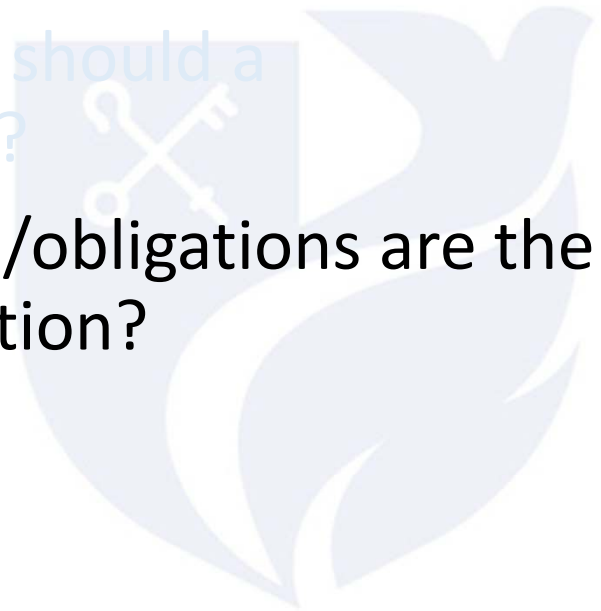
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4. What real property responsibilities/obligations are the most challenging to your congregation?



# 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/](http://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 (ie. 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/](http://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](mailto: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

