

Parish Leadership Workshop 2018

Property Resources

Presented by

David Badian

Director of Property Resources



Diocese of Toronto
Anglican Church of Canada

Staff

- **David Badian** – Director of Property Resources

Extension: 245

dbadian@toronto.anglican.ca

- **Wendy Pearson** – Property Resources Assistant

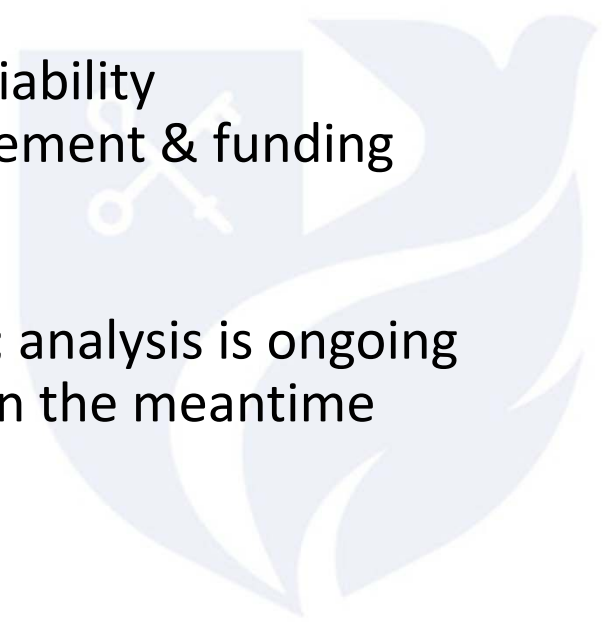
Extension: 280

wpearson@toronto.anglican.ca



Growing in Christ

- Six (6) member Property Working Group
- N. Barry Lyon Consultants Ltd.
 - Property inventory, database, portfolio analysis
- Governance model (Canon 6)
- Building Condition Assessment Program
 - Request for Proposal
 - Reserve Fund Forecasts; unfunded liability
 - Bulk procurement, property management & funding models etc.
- Rectories – what is their future?
 - Property & compensation/HR issue; analysis is ongoing
 - Diocesan Council has paused sales in the meantime



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)
- Aon Reed Stenhouse Inc. (insurance broker)
- Canada Revenue Agency ("CRA")
- *The Legal Guide for Canadian Churches*,
Blaikie & Ginn - Novalis 2006 (www.novalis.ca)



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

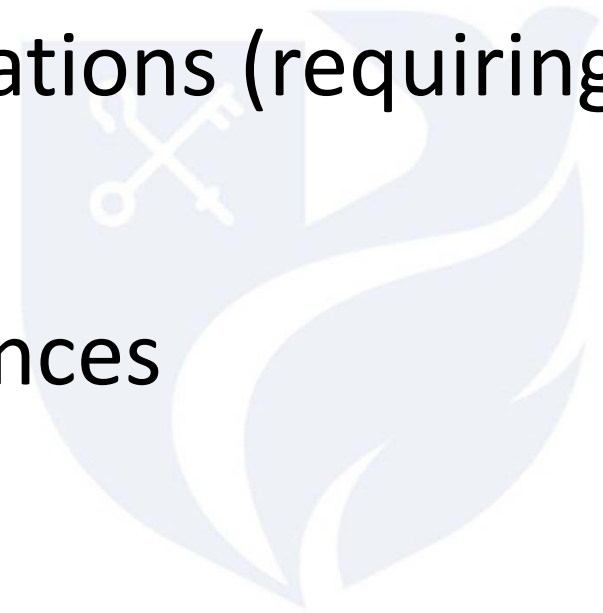
- ❖ 1.-(2) The parson or other incumbent of the church for the time being and the churchwardens thereof shall, for the purposes of *The Religious Organizations' Lands Act, 1979* be deemed to be **trustees** within the meaning thereof.
- ❖ 2.-(1) Land shall not be sold or leased, mortgaged or otherwise 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: Aon Reed Stenhouse Inc.

Contacts: Dennis Fitzgerald (Account Executive)

Dennis Hinh (Account Coordinator)

- ❖ Insurer: Ecclesiastical

Typical contact is for claims reporting only.

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

- ❖ Aon user-group insurance program

One-time & recurring events

