


<p>Property Management</p>	
	<p>Rob Saffrey Executive Director</p>

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	<p>Team</p> 
	<p>Wendy Pearson Interim Property Resources Specialist</p> <p>Dianne McIntyre Property Resources Assistant</p>

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Growing in Christ

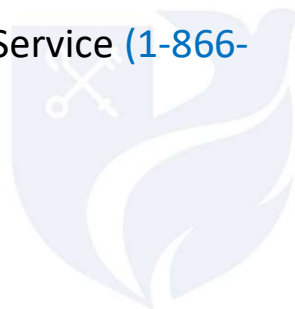
- Governance model (Canon 6)
- Rectories – what is their future?
 - Property & compensation/HR issue; analysis is ongoing
 - Diocesan Council has paused sales in the meantime



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Resources

- www.toronto.anglican.ca/parish-administration/real-estate/
- Parish Leaders' Manual
- Archives Department (@ the Diocesan Centre)
- Ecclesiastical LegalConnex Service ([1-866-263-0256](tel:1-866-263-0256))



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Resources

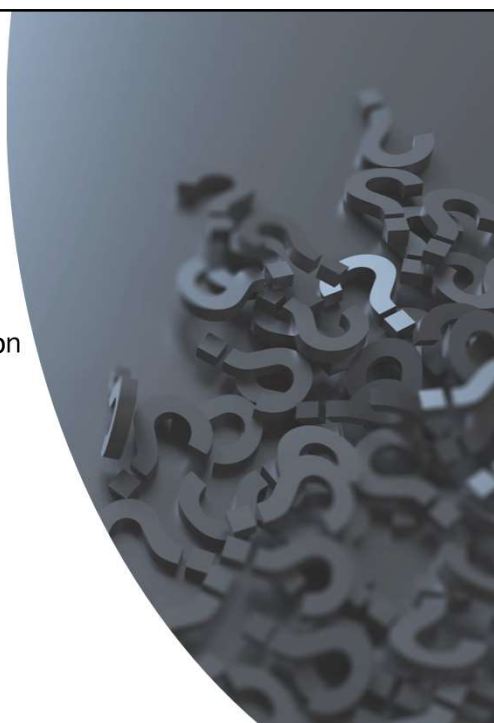
- Landlord & Tenant Board
(www.LTB.gov.on.ca)
- Aon Reed Stenhouse Inc. (insurance broker)
- Canada Revenue Agency (“CRA”)
- The Legal Guide for Canadian Churches,
Blaikie & Ginn - Novalis 2006
(www.novalis.ca)



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Questions

1. Who has corporate signing authority in 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?



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Questions

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?

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Current Legal Framework

- *“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”*
- *Anglican Church of Canada Act* (Ontario) S.O. (1979) c.46



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Current Legal Framework

- *Religious Organizations' Lands Act* (Ontario) R.S.O. (1990) c. R.23
- *The Constitution & Canons* (i.e. 'by-laws')
www.toronto.anglican.ca/about-the-diocese/constitution-and-canons/



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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.



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Anglican Church of Canada Act (Ontario) S.O.(1979) c. 46

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.



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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**



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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

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'Procedure Pursuant to Canon 6'

- **Executive Board (Canon 3) and Trusts Committee (Canon 5):**
 - Each make a recommendation to Diocesan Council (Canon 2) (*monthly meeting cycle*)



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‘Procedure Pursuant to Canon 6’

- **Licenses, Leases, Purchases, Sales, and Loans:**

- Area Bishop support (*s.1*)
- Vestry support (*s.2; see templates*)
- Materials to be sent to the Secretary of Synod (*s.5*)
Documentation must be received at least 2 weeks in advance of the meeting date



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‘Procedure Pursuant to Canon 6’

- **Building OR Structural Alterations (s. 5.3):**

- 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.

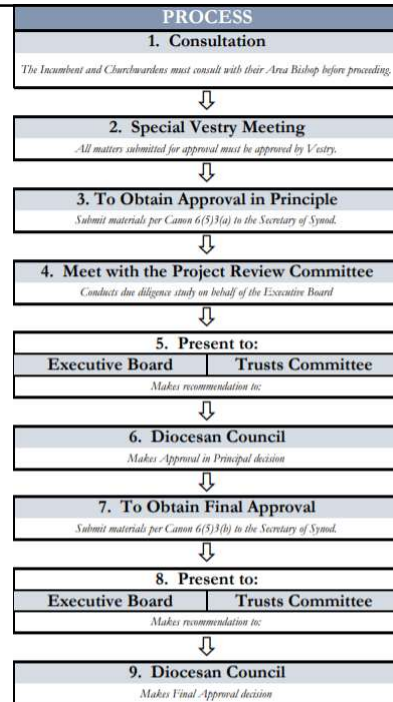


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Canon 6 Flowchart

- For large projects requiring building permits

<https://www.toronto.anglican.ca/p parish-administration/real-estate/church-property/renovationscapital-improvements-2/>



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Executive Board & Trusts Committee

Items that go before both bodies:

- Purchases and Sales
- Building or Structural Alterations
- Mortgages and/or Encumbrances
- Loans/Financial Obligations (not expected to be liquidated within 1 yr)



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Executive Board vs. Trusts Committee

Executive Board

- Allotment Appeals
- Debt Forgiveness
- Appointments of Administrator
- Ministry Allocation Fund Grant requests

Trusts Committee

- Lease Agreements
- License Agreements
- Certain Grants
 - Baker Fund, Carleton Fund, Ferguson Trust



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Introduction to Revised Canon 6 Approval Procedure

CANON 6 – REVISED APPROVALS PROCEDURE

Instructions:

- Using the chart below, first identify the **Type** of property matter that you are pursuing (ex. License Agreement).
- Within the Type, identify the applicable **Category** (ex. Low Risk [License Agreement]).
- Based on the Type & Category, identify whether the matter is eligible for the **Simplified Canon 6 Procedure** **OR** whether the request must follow the **Full Canon 6 Procedure**.
- If eligible for the **Simplified Canon 6 Procedure**, then,
 - Print a copy of the applicable Checklist & Attestation (there are 3 different color-coded forms: (i) Licenses - **Green** (ii) Leases - **Yellow** (iii) Renovations (costing less than \$75,000) - **Blue**).
 - Complete all the due diligence items by marking (✓) next to each item.
 - The Incumbent or Priest-in-Charge, and both Churchwardens, must **all** sign the Checklist & Attestation.
 - E-mail a copy of the completed and signed Checklist & Attestation to: canon6@toronto.anglican.ca.
 - Once submitted you may proceed; requests are reported for approval to the Trusts Committee & Diocesan Council on a quarterly basis (ie. March, June, September, December).
 - Please e-mail copies of all fully signed License & Lease Agreements, Certificates of Insurance, and renovation documentation to: gc@toronto.anglican.ca.
- If the **Full Canon 6 Procedure** applies, please refer to the relevant section of the *Procedure Pursuant to Canon 6 as Prescribed by the Diocesan Council*. For these items, **approval must be granted by Diocesan Council before signature, occupancy, or project commencement**.

Type	Category	Examples	Simplified Canon 6 Procedure applies (Checklist & Attestation)	Full Canon 6 Procedure applies (Procedure section in brackets below)	Minimum Commercial General Liability ("CGL") Insurance Requirements	
License Agreements	Low Risk	No minors or vulnerable adults on church property; (Ex. Alcoholics Anonymous, Narcotics Anonymous, Book Clubs, Meeting Groups etc.)	✓ - complete Checklist: Yes	n/a	CGL Per Occurrence	\$2 million
	High Risk	Any group or activity that will bring minors or vulnerable adults on to church property; ex.	n/a	✓	Tenant's Legal Liability (TLL)	\$250,000
					Additional Insureds	"The Incumbent and Churchwardens of... (insert parish name)," and "The Incorporated Synod of the Diocese of Toronto"
					CGL Per Occurrence	\$5 million
					Tenant's Legal Liability (TLL)	\$250,000
					Additional Insureds	"The Incumbent and Churchwardens of... (insert parish name)"

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Revised Canon 6 Approval Procedure

Building Permit and hard construction cost
GREATER than \$75,000:

- Requests must receive “Approval in Principle” and/or “Final Approval” as per the Procedure Pursuant to Canon 6 before project start.



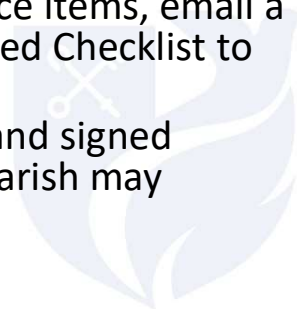
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Revised Canon 6 Approval Procedure

Simplified Canon 6 procedure for certain low-risk items.

Building Permit and hard construction cost
LESS than \$75,000:

- Simplified Canon 6 Procedure applies - **GREEN** Checklist & Attestation.
 - Complete all due diligence items, email a fully completed and signed Checklist to Diocesan Centre.
 - Once a fully completed and signed Checklist is submitted, parish may proceed with project.



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Introduction to Revised Canon 6 Approval Procedure

Loans “not expected to be liquidated in one (1) year” must still be approved in advance by Diocesan Council, per the Procedure Pursuant to Canon 6



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Introduction to Revised Canon 6 Approval Procedure

Simplified Canon 6 procedure for certain low-risk items:

License Agreements and parking space rentals
- **RED** Checklist & Attestation

- Complete all due diligence items, email a fully completed and signed Checklist to the Diocesan Centre.



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Introduction to Revised Canon 6 Approval Procedure

Simplified Canon 6 procedure for certain low-risk items:

Lease Agreements (Residential Tenancies) -
YELLOW Checklist & Attestation

- Complete all due diligence items, email a fully completed and signed Checklist to the Diocesan Centre.



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Questions



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