

## **THE CONSTITUTION**

### **1. Composition of Synod**

Whereas by "An act to incorporate the Synod of the Diocese of Toronto, and to unite the Church Society of the Diocese of Toronto therewith" (being 32 Victoria Cap 51; as amended by 62 Victoria Cap. III) it is enacted that:-

The said Synod shall consist of the Bishop of the said Diocese, who shall be the head of the said Synod, and any Suffragan or Coadjutor Bishop thereof, and of such Clergy and Lay Representatives of Parishes and Missions as possess the qualifications prescribed by the Synod.

The Synod may from time to time prescribe the qualifications of the Clergy and Lay Representatives of Parishes and Missions necessary to the right to sit and vote in Synod, and may exclude from the Synod those who do not possess or are declared by the Synod not to possess the prescribed qualifications.

It is hereby declared that as hereinafter defined, such of the Clergy on the Clergy List of said Diocese, and all Lay Persons elected as hereinafter provided possess the qualifications necessary to the right to sit and vote in said Synod subject nevertheless to the disqualifications if any under the provisions of sections of this Constitution.

### **2. Clerical Members of the Synod**

Clergy on the Clergy List of the Diocese are those Clergy of the Anglican Church of Canada who are under the jurisdiction of the Bishop of the Diocese of Toronto. All such Clergy are entitled to sit and speak in the Synod. Those of such Clergy who are entitled to sit and vote in the Synod are those:-

- (1) who are appointed by the Bishop of the Diocese of Toronto to a regular parochial or missionary charge as rector, or incumbent, or missionary, or associate rector or incumbent, or vicar, or assistant cleric, or priest-in-charge, or to an official position under Synod arrangement or control,
- (2) who hold the Bishop's license as Chaplains to Institutions in the Diocese, or
- (3) who hold any of the following offices:-
  - Provost of Trinity College.
  - Principal of Wycliffe College.
  - Professor or Member of the staff of Trinity College, Wycliffe College or the Toronto School of Theology.
  - Head or Chaplain of a Residential School.
  - Member of the Staff of General Synod or its Boards.
  - Member of the Staff of the Canadian Council of Churches.
  - Chaplains in the Armed Forces.
- (4) Clergy on the retired list who regularly attend Synod, until such time as they miss two (2) consecutive meetings of the Synod, without showing cause, or a total of four (4) meetings of the Synod, whatever the cause.

### **3. Lay Members of the Synod**

#### **(1) Qualifications**

A person to qualify as a Lay Member of the Synod shall:

- (a) be not less than sixteen (16) years of age;
- (b) be a Lay Member of the Vestry of that person's Church or a Lay Member of a Designated Ministry established under Canon 29;
- (c) be a member in full Communion of the Anglican Church of Canada and shall have received the sacrament of Holy Communion at least three (3) times during the previous year;
- (d) not have been a Lay Member of the Synod for more than the previous three (3) consecutive Regular Sessions.

(2) Duties

It shall be the duty of a Lay Member of the Synod:

- (a) To attend the Sessions of the Synod.
- (b) To serve on committees to which such member may be elected or to which such member has accepted appointment.
- (c) To communicate the decisions of Synod as may be requested by the Incumbent.
- (d) To assist, when requested by the Incumbent, in the discharge of the duties of the Incumbent as set forth in Canon 9, Sections 11 and 12.

(3) Election

Lay Members shall be elected at the annual meeting of the Vestry or Designated Ministry, or at a special meeting thereof, respectively, called for the purpose as hereinafter provided.

(4) Appointment

In addition to the Lay Members elected in accordance with s. 3(3) and appointed in accordance with s. 3(17) of the Constitution, the Bishop may, after consultation with the ~~Diocesan Council~~ Synod Council, appoint not more than twenty (20) Lay Members of the Synod qualified as required by s. 3(1), save and except that the qualification in s. 3(1)(d) shall not apply.

(5) Term of Office

Except in cases of death, resignation, or removal from the Diocese, the term of office of an elected Lay Member shall commence on that member's election at an annual or special meeting of the Vestry or Designated Ministry and shall continue until that member's successor is elected or until that member has served for three (3) consecutive Regular Sessions, whichever ever comes first. Membership in any committee of the Synod shall continue until the next Regular Session of Synod or until the term of office has been completed, whichever period is longer.

(6) Basis of Membership

The number of Lay Members that a Vestry of a Congregation or Designated Ministry is entitled to elect shall be determined by average weekly attendance in accordance with Section 3 (7). The following certification to be signed by the Incumbent or Priest-in-Charge shall form part of the statistical return required from the Incumbent by Synod:-

"I hereby certify that in ..... there was an Average Weekly Attendance of ..... which allows this vestry or Designated Ministry to elect ..... Lay Member(s) of the Synod."

(7) Number of Lay Members

The number of Lay Members of the Synod of the Diocese that each Vestry or Designated Ministry is entitled to elect, shall be determined based on the following:-

- Average weekly attendance from one (1) to one hundred (100)—One (1) Member
- Average weekly attendance from one hundred and one (101) to two hundred (200)—Two (2) Members
- Average weekly attendance from two hundred and one (201) to three hundred (300)—Three (3) Members
- Average weekly attendance from three hundred and one (301) to four hundred (400)—Four (4) Members
- Average weekly attendance above four hundred (400) – Five (5) Members

This would include all church services held during the week, with the exception of weddings and funerals.

Synod encourages all parishes who elect two (2) or more Lay Members of the Synod to elect at least one (1) member who shall not have attained the age of thirty (30) when elected.

(8) Substitute Lay Members

- (a) Substitute Lay Members may be elected by a Vestry or Designated Ministry, and such substitutes shall, in the order of their election, take the place of regular members who from any cause are unable to attend the session or sessions of the Synod during the period for which they are elected.
- (b) A substitute Lay Member shall serve only during the Session of the Synod for which such Lay Member is reported to the Synod to act ~~and shall not be eligible for election to any Standing Committee of the Synod.~~
- (c) It shall be the duty of the Incumbent to notify the Secretary of Synod of the appointment of a substitute to act as member not later than the day preceding the first day of the Session of Synod for which such Lay Member is appointed, giving name and address of the substitute and also the name and address of the member in whose place the substitute is acting. The Incumbent shall certify also that such substitute was elected at a meeting of the Vestry or Designated Ministry in the regular way, and fulfills the requirements of a lay member.
- (d) Where a sitting Synod is adjourned to another sitting date more than one (1) week later, the rules respecting substitute Lay Members shall apply mutatis mutandis to that adjourned sitting to provide for substitution of Lay Members for that adjourned sitting.

(9) Lay Membership Return

- (a) Within ten (10) days after the election of the Lay Members the Incumbent or in the absence of an Incumbent the Chairperson of the meeting shall send to the Secretary of Synod a certificate of such election in the form following:-
 

“This is to certify that at a meeting of the Vestry or Designated Ministry of .....Church, in the Parish of ..... held on the ..... day of ..... 20.... the following who is (are), a Communicant (Communicants) of at least one year’s standing, of the full age of sixteen (16) years, not in Holy Orders, and who has (have) Communicated at least three (3) times during the twelve (12) months preceding such election, was (were) elected a Lay Member (Members) of the Session of Synod by those entitled to vote at such election.”
- (b) The Secretary of Synod shall forward the names of the Lay Members contained in these certificates to the Honorary Secretaries to be included in the Convening Circular of the Session of Synod, a copy of which shall be made available to be accessed by each member of the Synod.
- (c) A list of the Lay Members shall also be prepared for the Committee on Credentials and for the Court on Contested Seats.

(10) Certificates re: Communion

- (a) In the event of the inability or refusal of the Chairperson of a Vestry or Designated Ministry to certify that any Lay Member is a member of the Anglican Church of Canada in full Communion of at least one (1) year’s standing, and has Communicated at least three (3) times during the year previous to the election of such Lay Member, the Chairperson shall forthwith require such Lay Member to furnish a certificate or certificates within ten (10) days from any cleric who is able to certify thereto in the form or to the effect following:-
 

“This is to certify that .....of ..... is a Communicant of at least one year’s standing, and has Communicated at least three (3) times during the year previous to being elected..... 20.....”
- (b) Should such Lay Member or Members default in furnishing such Certificate within ten (10) days after it has been required, the said Chairperson shall forward the certificate of election to the Secretary of Synod omitting the words which cannot be certified. If there be any question as to the qualification of such member the matter shall be raised before the Court on Contested Seats whose determination shall be final.

(11) Inability to Communicate

In the event of no opportunity being afforded to a Lay Member to Communicate the number of times required, the Chairperson shall certify accordingly and shall vary the certificate to the furnished, adding the following words:-

“This is to further certify that owing to a lack of opportunity for receiving the Holy Communion during the year preceding the said election, the said ..... communicated only .....times.”

(12) Certificate Necessary

The Chairperson of the meeting shall furnish each Lay Member with a certificate similar to that to be forwarded to the Secretary of Synod. Any person requesting registration as a Lay Member at a Session of the Synod without such certificate may be required, before such registration is permitted, to afford sufficient proof of identity and may be refused a seat at Synod in the discretion of the Court on Contested Seats.

(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.

(14) Members Elected by more than one Vestry or Designated Ministry

- (a) If a member be elected by more than one (1) Vestry or Designated Ministry, such member shall be notified thereof forthwith by the Secretary of Synod. Such member shall within thirty (30) days of the sending of such notice by mail or courier advise the Secretary of Synod in writing which congregation or Designated Ministry that member wishes to represent, and the Secretary of Synod shall in turn inform the Incumbent of the Parish where the vacancy occurs, of such vacancy, in order that a new election may be held.
- (b) In case such Lay Member fails to make a selection and to signify it as required, all the elections of such member shall be void, and the Secretary of Synod shall forthwith notify the Incumbent of each of the Parishes or Designated Ministry concerned to proceed to hold a new election.

(15) New Election

In case a Lay Member dies, resigns or removes from the Diocese, or is in any way disqualified, the seat of such member shall be vacated thereby and the first named Substitute Lay Member, if one has been elected, shall automatically become a fully qualified Lay Member. If no Substitute Lay Member has been elected, a special meeting of the Vestry of the Congregation or Designated Ministry which such Lay Member represented may be called to elect a successor.

(16) Ex Officio

If qualified as required by s. 3(1), except that the qualification in s. 3(1)(d) shall not apply, the following, if otherwise qualified, shall be Lay Members ex-officio:

- (a) the Chancellor, any Vice Chancellor, the Registrar, the Secretary of Synod, any Chancellor Emeritus, the President of Diocesan Anglican Church Women, and the Mother Superior of the Sisters of St. John the Divine and,
- (b) the Provost of Trinity College and the Principal of Wycliffe College if they are not clerical members pursuant to s. 2(2).

(17) Youth and Young Adult Members

In addition to the Lay Members elected and appointed in accordance with this section, the Bishop may appoint as a Lay Member of Synod for each Area, nominated by each Area Council, five (5) members between the ages of sixteen (16) and twenty-one (21), and five (5) members between the ages of twenty-two (22) and thirty (30). For the purpose of this section these shall be additional qualifications to those set out in s. 3(1) such members must not have attained the age of 30 years at the time of appointment.

**(18) Lay Canons of the Diocese**

A lay canon of the Diocese is a member of the laity who has been named a lay canon of the Cathedral Church by the Bishop. All lay canons of the Diocese are entitled to sit and speak in the Synod.

**4. List of Members**

- (1) At least (1) one month before a Session of Synod the Bishop shall furnish to the Honorary Secretaries of the Session of Synod for publication in the Convening Circular and Synod Journal, a complete list of the Clergy on the Clergy List of the Diocese, indicating into which of the categories set forth in s. 2 of The Constitution each such Cleric should be placed, and the Secretary of Synod shall furnish to the Honorary Secretaries of the Session of Synod for the same purpose the list of the Lay Members as given in the Certificates of Election received, together with a list of those Parishes and Congregations:-
  - (a) for which no Certificates of Election of Lay Members have been received,
  - (b) in which there has been default in the matter of return required to be made to Synod.
- (2) The last-mentioned list shall be subject to revision from time to time by the Secretary of Synod.
- (3) Honorary Secretaries shall print in the Convening Circular, and also in the Synod Journal, the names of the said Clergy, and also the names of the Lay Members which appear in the Certificates of Election.
- (4) The Honorary Secretaries shall indicate the Parishes and Congregations in default and the names of the Clergy and Lay Members whose seats in the Session of Synod and the right of election to Committees of the Session of Synod are affected by such default, in such manner as they see fit in order to draw attention to the default and the disability attaching thereto.

**5. Disqualification**

- (1) No Cleric shall be entitled to take a seat in a Session of Synod if such Cleric has failed to comply with the provisions of Canon 9, s. 11 and 12, if applicable.
- (2) No Lay Member shall be entitled to take a seat in a Session of Synod if the Churchwardens of the congregation represented by such member have failed to comply with the provision of Canon 15, Section 4(9).

**6. Committee on Credentials**

The Chancellor and the Secretary of Synod shall examine certificates and statistical and other returns, and shall prepare and submit to the Synod on the first day of its Session the list of Clergy and Lay Members entitled by the provisions of The Constitution and Canons to sit and vote in Synod. They shall report to the Court on Contested Seats, upon any irregularities in connection with these or other matters that may affect the right of any Clerical or Lay Member to a seat in the Session of Synod.

**7. Court on Contested Seats**

- (1) There shall be a Court to be known as the Court on Contested Seats composed of the Chancellor of the Diocese, or in the absence of the Chancellor, the Registrar of the Diocese, together with two (2) Clerical and four (4) Lay Members appointed by the Bishop under the Bishop's hand and seal prior to the first day of a Session of Synod. This Court shall consider all protests as to the right of persons to sit and speak, or to sit and vote in the Session of Synod, and adjudicate thereon. The judgment of the Court shall be announced to the Session of Synod on the first day thereof, and shall be final.
- (2) The members of the court on Contested Seats who are appointed by the Bishop shall be persons against whose right to sit and vote in a Session of Synod no protests have been received for that particular session. In case neither the Chancellor nor the Registrar is able, from any cause, to act, the Bishop shall appoint another member of the court but the right of such temporary appointee to act as a member of the Court shall cease when either the Chancellor or the Registrar is again able to act.
- (3) The Chancellor, or in the absence of the Chancellor, the Registrar, shall be Chairperson of the Court, and the Secretary of Synod, or other Synod official, shall be the Clerk of the Court. In case of the absence of both the Chancellor and the Registrar, the Court shall elect a Chairperson.
- (4) The Court shall meet at the call of the Chairperson, after the receipt of the report of the Committee on Credentials.
- (5) Members of the Court shall hold office until their successors are appointed.

**8. Right of Protest**

- (1) Any member of the Church may object to the right of any person whose name appears in the list of Lay Members of a Session of Synod, elected by a Vestry or Designated Ministry, to take a seat in a session of Synod, provided that such objector is a member of the Vestry or Designated Ministry which such person claims to represent, and makes the objection together with the grounds thereof, in writing to the Secretary of Synod within twenty days after the election of such Lay Member.
- (2) On receipt of the objection, the Secretary of Synod shall forthwith send notice thereof by registered letter to the person whose right to a seat in the Session of is contested. The Secretary of Synod shall also enter the name of such person and particulars of the objection in a list of protests, for the use of the Court on Contested Seats.
- (3) If such objection is withdrawn prior to its consideration by the Court on Contested Seats, the Secretary of Synod shall thereupon send notice by registered letter to the person whose right to a seat in the a Session of Synod is contested, such notice to be sent to the address given in the return.
- (4) Objection may be taken at any time during a Session of Synod to any person sitting and speaking or sitting and voting in the same who is not entitled thereto.

**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~~ **Synod Council**, not earlier than one (1) week nor later than six (6) months 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) 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~~ **Synod 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.

**10. Election of a Bishop****(1) Nominations**

- (a) A Nominations Committee, consisting of three (3) Clerical Members of a Session of Synod and three (3) Lay Members of a Session of Synod, shall be appointed by the Chancellor.
- (b) One (1) written nomination for the office of Bishop may be made by any Member of a Session of Synod, who may submit the same to the Nominations Committee at least twenty-one (21) days before the date of Synod. Any individual receiving ten (10) or more nominations will be placed on the ballot.
- (c) All nominations shall be circulated to all Members of a Session of Synod at least fourteen (14) days before the date of the said Synod, together with biographical material on each nominee, including age, academic background, date of ordination, all ecclesiastical appointments, and other relevant qualifications and experience.
- (d) Further nominations may be made to the Nominations Committee at any time until an election is completed. Any individual receiving ten (10) or more nominations will be placed on the ballot. Biographical material will be furnished at the discretion of the Nominations Committee where possible.

**(2) Election**

A Bishop shall be elected from those nominated, by voting by Orders by ballot in the following manner:

- (a) A majority of the total votes validly cast in each Order shall determine the choice, provided at least one-half of the Clergy and at least one-half of the Lay Members of Synod, entitled to vote are present and vote.
- (b) If fewer than one-half of the Clergy or fewer than one-half of the Lay Members of the Synod entitled to vote are present and vote, a cleric must secure two-thirds of the votes validly cast of each such group that is deficient, in order to be elected.

- (c) If, after twelve (12) successive ballots have been conducted at any one election, and no cleric has been elected as provided in subsection (a) and (b) herein, a further ballot shall be taken and the percentage of the Clergy voting thereat for each Cleric shall be added to the percentage of the Lay Members voting thereat for the same cleric, and the cleric who obtains the highest total of percentages shall be declared elected.

#### **11. Coadjutor or Suffragan Bishop**

- (1) Whenever the Bishop of the Diocese, shall, in writing, signify to the ~~Diocesan Council of the Synod Synod Council~~ that the Bishop is desirous of having the assistance of a Coadjutor Bishop, the ~~Diocesan Council Synod Council~~ shall give notice of such request at the next Session of Synod. If the Synod concurs with the Bishop's request, the election of such Coadjutor Bishop shall be proceeded with at such time and place as shall be determined by the Bishop after consultation with the ~~Diocesan Council Synod Council~~.
- (2) Whenever the Bishop of the Diocese, shall, in writing, signify to the ~~Diocesan Council of the Synod Synod Council~~ that the Bishop is desirous of having the assistance of a Suffragan Bishop or Bishops, the ~~Diocesan Council Synod Council~~ shall consider the request and, if approved, the election shall be proceeded with at such time and place as shall be determined by the Bishop after consultation with the ~~Diocesan Council Synod Council~~.
- (3) An election of a Coadjutor and/or Suffragan Bishop or Bishops shall be conducted in the same manner as in the case of election of a Bishop of the Diocese.
- (4) A Coadjutor Bishop shall without further election become and be the Bishop of the Diocese whenever any vacancy occurs in the See.
- (5) A Suffragan Bishop, on a vacancy occurring in the See shall not become Bishop of the Diocese unless thereto duly elected.
- (6) When a Coadjutor Bishop or a Suffragan Bishop is elected and consecrated, such Bishop shall exercise all powers, privileges and authority in subordination to the Bishop of the Diocese.

#### **12. Administrator of the Diocese**

- (1) In the event of a vacancy in the See caused by the death or resignation of the Bishop, or in the event of the Bishop's mental incapacity, whether temporary or permanent, certified by two qualified medical practitioners, the ~~Diocesan Council Synod Council~~ shall, by resolution passed at a meeting called forthwith for such purpose, appoint an Administrator of the Diocese. Such Administrator shall hold office until the Bishop has recovered from such incapacity, as certified by two qualified medical practitioners, or until a successor to the Bishop has been duly elected and installed. The Administrator shall have all the powers regarding the administration of the Diocese, including the execution of deeds and documents, as are generally possessed by a Bishop's Commissary. Certified copies of the medical certificates shall be forwarded to the Metropolitan of the Province, or in the case of a vacancy in the office of the Metropolitan, to the Senior Bishop of the Province.
- (2) The production of a copy of the resolution of the ~~Diocesan Council Synod Council~~ appointing the Administrator, certified by the Chancellor of the Diocese and by the Secretary of Synod shall be sufficient evidence of power to execute deeds and documents of the Synod, and to perform such other duties as may be required.

#### **13. Episcopal Stipends**

- (1) The stipends of the Bishops shall be determined by the ~~Diocesan Council of the Synod Synod Council~~ from time to time.
- (2) The income for these stipends shall be derived from the following sources:
  - (a) Interest on the capital of the Episcopal Endowment Fund.
  - (b) Grants for this purpose from any other fund or funds.
  - (c) The diocesan budget.
- (3) The Bishop of the Diocese shall have the free use and occupation of the See House, and all proper charges there against for taxes, local improvement rates, insurance and necessary repairs shall be paid out of the diocesan budget ~~unless other arrangements are agreed between the Bishop and Synod Council~~.

- (4) All necessary travelling expenses incurred by the Bishops in the performance of their official duties, within the Diocese, shall be paid out of the diocesan budget. Policies with respect to other necessary expenses by any of the Bishops shall be fixed from time to time by the **Diocesan Council of the Synod Synod Council**.
- (5) The income of the Episcopal Endowment Fund shall be administered by the **Diocesan Council of the Synod through the Executive Board Synod Council**.
- (6) Upon the resignation of the Bishop or the Coadjutor Bishop or a Suffragan Bishop becoming effective, such Bishop shall thereafter be paid for the balance of the Bishop's life such amount, if any, in each year as shall, when added to the pension received by such Bishop from the Pension Fund of the Anglican Church of Canada and from any other comparable source (as determined by the Pension Committee), provide a total annual pension in an amount equal to thirty percent of the annual stipend of such Bishop at the time of resignation plus an amount equal to one percent thereof for each completed year of episcopal service in the Diocese of Toronto.  
Upon the death of any such Bishop leaving a spouse, such spouse shall thereafter be paid so long as that spouse shall live and so long as that spouse does not remarry, a total annual pension of sixty percent of the amount of pension which the Bishop was receiving, or would have been entitled to receive, had such Bishop resigned as of the date of the Bishop's death. Each such pension shall be paid in the first instance from the Pension Fund of the Anglican Church of Canada and any balance of such pension shall be paid out of the Diocesan budget. This shall apply retrospectively, not only to the present Bishops of the Diocese of Toronto, but also to all retired Bishops of the Diocese of Toronto and to the widows of all retired Bishops of the Diocese of Toronto.

#### **14. Common Seal**

The Synod shall have a Common Seal of which the Secretary of Synod shall have the care and custody.

#### **15. Execution of Documents**

- (1) All documents requiring execution under the Common Seal of the Synod, except such documents where the manner of execution is prescribed by Act of the Legislature of the Province of Ontario, shall be executed by the Bishop of the Diocese as President of Synod causing the Common Seal to be affixed and attesting thereto by the Bishop's signature and by the signature of the Secretary of Synod attesting thereto.
- (2) In the absence of the Bishop of the Diocese (no Administrator having been appointed under s. 12 of The Constitution), the Coadjutor Bishop, if any, or the Suffragan Bishops, in order of seniority shall have power to sign for the President and affix the Common Seal.
- (3) In the absence of all of the Bishops mentioned in s. 15(2) above, a Bishop's Commissary appointed by the Bishop of the Diocese under Seal shall have power to sign for the President and affix the Common Seal.
- (4) In the absence of the Secretary of Synod the documents referred to in s. 15(1) above shall be signed by the Treasurer and Director of Finance of the Diocese or by each of the Honorary Clerical Secretary and the Honorary Lay Secretary.
- (5) Documents sealed and attested in accordance with the provisions of the foregoing subsections shall be deemed for all purposes to have been executed by The Incorporated Synod of the Diocese of Toronto, and the signature of any of the persons referred to in s. 15(2) to 15(4) inclusive on any document shall be conclusive evidence of the authority of such person to affix the Common Seal to and attest such document.
- (6) All deeds, leases, mortgages and other assurances of land shall be approved by the Solicitor of the Synod, or such other Barrister or Solicitor, licensed to practice law in the Province of Ontario, as designated by the Bishop, **Diocesan Council Synod Council** or Secretary of Synod for such purpose, in writing before they are executed by the Bishop and Officers of a Session of Synod, and no covenant for payment by the Synod shall be inserted in any mortgage without the consent of the **Diocesan Council of the Synod Synod Council**.

#### **16. Consent of Bishop**

- (1) No act or resolution of the Synod shall be valid without the assent of the Bishop, or of the Coadjutor Bishop or of a Suffragan Bishop when presiding, and a majority of the votes of the members present.



Such majority to be a majority of the Clerical and Lay Members of a Session of Synod voting collectively unless a vote by Orders is demanded (see s. 38(13)). If a difference should be found to exist between the Orders after a vote by Orders is taken the subject under consideration shall stand over to the next Regular Session of Synod. This section, so far as it requires the assent of the Bishop, shall not apply to the Election of a Bishop.

- (2) In case of dissent by the Bishop, or of the Coadjutor Bishop, or a Suffragan Bishop when presiding, the matter shall stand over to the next Regular Session of Synod when, if the act or resolution is concurred in by not less than two-thirds (2/3) of the total membership of the Synod, voting collectively, it shall become effective.

### **OFFICERS AND COMMITTEES OF A SESSION OF SYNOD**

#### **17. Honorary Secretaries of a Session of Synod**

- (1) There shall be two (2) Honorary Secretaries of each Session of Synod; one of each Order, both Members of the Synod; the Honorary Clerical Secretary shall be elected by Clerical members of the Synod entitled to sit and vote therein, and the Honorary Lay Secretary by Lay Members of Synod. They shall hold office until the Regular Session of Synod following that at which they were elected, or until their successors are elected.
- (2) It shall be the duty of the Honorary Secretaries to keep regular minutes of the proceedings of the Sessions of Synod; to preserve all papers, memorials and documents pertaining to the session; to conduct the correspondence and attest the public acts of the sessions; to furnish daily during the session, as may be necessary, a summary of the unfinished business, and to deliver all records and documents to the Registrar of the Diocese.
- (3) The Honorary Secretaries shall be responsible for the printing of all notices, reports, minutes of proceedings, and other matters relating to a Session of Synod. Arrangements for such printing shall be subject to the approval of the **Executive Board Synod Council**.
- (4) The Honorary Secretaries so elected shall be the Honorary Secretaries of the Synod for the purposes set forth in 52 Vict., Cap 97.
- (5) When deemed advisable, an assistant Honorary Secretary of each order may be elected in accordance with the procedure outline in s. 1 above. The Honorary Secretaries may delegate to the Assistant Honorary Secretaries any of the duties enumerated in this section.

#### **18. Scrutineers**

Prior to each Session of Synod, the **Diocesan Council of the Synod Synod Council** shall elect from among the Members of Synod, a Clerical Member of the Session of Synod and a Lay Member of the Session of Synod to act as Scrutineers. It shall be the duty of the Scrutineers to appoint suitable persons to assist them with the tasks of monitoring the registration of the members; the balloting; and the counting of the ballots.

#### **19. Agenda Committee**

At the first meeting of the **Diocesan Council Synod Council** following a Regular Session of Synod, it shall **appoint delegate to the Risk and Governance Committee the responsibility of appointing** an Agenda Committee, consisting of the Honorary Secretaries and not less than three other members. All Lay Members must be members of a Vestry as prescribed by Canon 14(4), or a member of a church in full communion with the Anglican Church of Canada, and at least one member must be a Member of a Session of Synod. The Committee shall prepare an agenda for the succeeding Session of Synod and submit the same to the **Diocesan Council of the Synod Risk and Governance Committee**.

#### **20. Reception Committee**

On the first day of each Regular Session of Synod, the Synod shall appoint a Reception Committee. It shall be the duty of the Reception Committee to make the necessary arrangement for the introducing of visitors to the Synod.

## 21. Nominating Committee

- (1) At the first meeting of the Diocesan Council Synod Council following a Regular Session of Synod, it shall delegate to the Risk and Governance Committee the responsibility of appoint appointing a Nominating Committee consisting of eight (8) members, four (4) from each Order. Members must be members of a Vestry as prescribed by Canon 14(4), or a member of a church in full communion with the Anglican Church of Canada, and at least half of the members must be Members of a Session of Synod. It shall be the duty of this committee:-
  - (a) To receive nominations for all Standing Committees Committees of Synod Council from such committees and from Members of Synod.
  - (b) To review such nominations and to prepare ballots for those committees whose membership is to be elected by the Diocesan Council Synod Council and a list of nominations for the committees whose members are to be elected by Synod.
  - (c) The list of such nominations shall be reviewed by the Diocesan Council Synod Council and the names of nominees who have not been canonically disqualified shall be included in the Convening Circular for the next Regular Session of Synod.
- (2) For those committees, the members of which are to be elected by the Diocesan Council Synod Council, balloting shall take place at the meeting of the Diocesan Council Synod Council next following the Regular Session of Synod.
- (3) Members of Synod may make written nominations at any time of the year for any Standing Committee of Synod Committee of Synod Council provided that each nomination shall be accompanied by the written consent of the nominee. Nominations shall be delivered to the Secretary of Synod not later than 2:30 p.m. of that day which is seven (7) days prior to the opening day of Synod, at such other time or times as may be determined by the Diocesan Council Synod Council, at which time nominations shall close.
- (4) Any nominee wishing to withdraw from any election shall notify the Secretary of Synod not later than the times set forth in s. 21(3) above for the close of nominations.

## 22. Elections of Synod

- (1) Ballot papers shall be given to Members of Synod at the time of registration.
- (2) Completed ballots may be placed in the ballot boxes at any time during the first day of Synod - 9a.m. to 5 p.m., or at such other time or times as may be determined by the Diocesan Council Synod Council.
- (3) Ballot boxes shall be conveniently located and announcements made as to their locations.
- (4) Ballot papers shall be prepared under the direction of the Honorary Secretaries and only such ballots shall be accepted and counted by the Scrutineers. On the ballots for all committees, nominees shall be listed in alphabetical order followed by the name of the parish or special category as shown in The Constitution, s. 2 and s. 3(16).
- (5) The Scrutineers shall hand over the ballot papers to the Honorary Secretaries, whose duty is shall be to preserve them until the close of the Session of Synod, and to see that they are then destroyed.
- (6) The above instructions shall not apply to Episcopal Elections.
- (7) Instructions to Voters:-
  - (a) Members of Synod shall be entitled to vote for the number of Clerical and Lay Members of the Diocesan Council Synod Council in the manner prescribed by the Canons.
  - (b) General and Provincial Synod:- The Clerical Members of a Session of Synod are entitled to vote for the prescribed number of Clerical Members of General Synod, and the Lay Members of a Session of Synod for the prescribed number of Lay Members of General Synod.
  - (c) Voters shall place a cross (thus: X) opposite the name of each nominee for whom they desire to vote.
  - (d) Ballot papers with crosses opposite the names of more nominees than the number required to be elected, shall be regarded as spoiled and shall not be counted.

**Note: The above instructions (c) and (d) shall be printed on the front of each ballot, and the other instructions on the ballots to which they apply.**

**23. Registration**

- (1) Each Member of Synod, before taking a seat in a Session shall register and receive an identity card. Lay Members shall produce their Certificates of Election which will be exchanged for identity cards by the Scrutineers. Clergy will receive identity cards on presentation of a written registration card.
- (2) Registration hours for the regular session of Synod shall be the first day of Synod - 9 a.m. to 2 p.m., or such other time or times as may be determined by the ~~Diocesan Council~~ **Synod Council**. No further registrations may be made after registration has closed without permission of either the Secretary of Synod or the Court on Contested Seats.
- (3) At a special session of Synod, registration hours shall be set by the ~~Diocesan Council~~ **Synod Council**.

**24. Time, Place, Etc. of Session**

- (1) A regular session of the Synod ('Regular Session') shall be held every two years at a time or times appointed by the Bishop after consultation with the ~~Diocesan Council~~ **Synod Council**. The Bishop shall likewise appoint the place of meeting.
- (2) A special session may be called by the Bishop, or in the absence of the Bishop by the Commissary, or by the Administrator of the Diocese, at such time and place as the Bishop, or Commissary, or Administrator, after consultation with the ~~Diocesan Council~~ **Synod Council**, shall appoint, subject to the provision of Section 9 (1).

**25. Quorum**

A quorum of a Session of Synod shall consist of not less than one-fifth (1/5) of the Clerical Members of the Session of Synod entitled to sit and vote in the Synod and not less than one-fifth (1/5) of the Lay Members of the Session of Synod who registered in accordance with s. 23 of The Constitution.

**26. Presiding Officer**

The Bishop shall be Chairperson of a Session of the Synod. If the Bishop be absent, and has not named a Deputy Chairperson, the Synod shall elect one.

**27. Synod Services**

The order of proceedings after the assembly of Synod for business shall be as follows, unless varied by the Agenda Committee with the consent of the Bishop:-

- (1) Election of Honorary Secretaries
- (2) Reading, correcting and approving of minutes of previous sessions
- (3) Appointing sessional Committees
- (4) Delivery by the Bishop of the Bishop's Charge
- (5) Presenting, reading and referring of memorials, petitions and correspondence
- (6) Presenting reports
- (7) Giving notices of motion
- (8) Reading and consideration of the ~~reports of Standing Committees~~ **report of Synod Council**
- (9) Reading and consideration of nominations
- (10) Reading and consideration of Reports of the General Synod as required by Canon of the General Synod
- (11) The consideration of reports of Committees, and of all motions which in the judgment of the ~~Diocesan Council~~ **Synod Council** are of special importance, shall take precedence over all other motions, provided that motions of which notice have been given in the Convening Circular shall have precedence over all other business on the last day of the sessions.

**28. Order of Business**

On the first day of a Session of Synod there shall be held a Service of Holy Communion for the Members of Synod and during the session there shall be held such other services as the Bishop may direct.

**29. Hours of Meeting**

The Synod shall meet for business at a time to be established by ~~Diocesan Council~~ **Synod Council**, on the recommendation of the Agenda Committee, no less than sixty (60) days before a Regular Session of Synod and no less than one (1) week before an Electoral Session of Synod. In default of the establishment of

such a time, the Session of Synod shall commence at 9:30 a.m. and each sitting shall be opened with prayers chosen for the occasion by the Bishop.

### **30. Evening Sitting**

Should an evening sitting of the Synod be necessary, notice thereof shall be given by the Bishop, or other person presiding, not later than 5:00 p.m. (five o'clock) of the same day, or shall be given in the Convening Circular.

### **31. Minutes of a Session of Synod**

- (1) At each Session of Synod, the Honorary Secretaries, (or one of them), of the last preceding session, or someone on their behalf, shall submit for adoption three printed copies of the Minutes of the proceedings of the last preceding session. On the adoption of the Minutes so printed, with such corrections as may be made thereto, the said copies shall be authenticated by affixing thereto the Common Seal attested by the signatures of the Bishop (as President of the Synod) and of the Honorary Secretaries for the time being.
- (2) One of the above copies shall be deposited with the Bishop, one with the Registrar of the Diocese, and one with the Secretary of Synod and any one of these copies shall constitute and be received as the authentic and official record of the proceedings of such session.
- (3) There shall be appended to the printed Minutes of a session a list of amendments, and resolutions adopted by the Synod, together with an Index or Table of Contents.
- (4) The number of votes received by each elected member of the General or Provincial Synod, and each substitute member shall be printed in the Minutes.

### **32. Election of Members to General Synod**

- (1) At the Regular Session of Synod immediately preceding a Session of General Synod, the Synod shall elect the prescribed number of Clerical Members and Lay Members to the General Synod. These shall be elected by ballot.
- (2) Only Members of Synod of the Diocese possessing a vote therein are eligible for election as members of the General Synod. They shall be:-
  - (a) A Cleric licensed to and residing in a parish outside the Municipality of Metropolitan Toronto, and a Lay Member representing and residing in a Parish outside the Municipality of Toronto, who receive a greater number of votes than any other such Cleric or Lay person respectively.
  - (b) The remaining number of Clergy and Lay Members respectively who receive the highest number of votes.
- (3) A similar number of each Order arranged in a list according to the number of votes received, beginning with the highest, shall be Substitute Members whenever for any cause a regularly elected member is unable to attend a Session of General Synod.
- (4) In addition to the persons elected under s. 33(2), the Bishop shall appoint one (1) Member or call for the election of one (1) Member who will be at least sixteen (16) years of age upon the opening of the tri-annual session of General Synod and under the age of twenty-six (26) years upon the termination of General Synod, who shall be a communicant member of The Anglican Church of Canada.
- (5) The Secretary of Synod shall enquire of the Members at least three (3) weeks prior to a Session of General Synod whether they can attend or not. In case a member is unable to attend, a notice shall be sent to a Substitute Member in the order in which the names of such substitutes appear in the list, notifying such substitute of that person's right to attend the Session of General Synod.

### **33. Term of Office of Members of General Synod**

The members of the General Synod from the Diocese of Toronto shall hold office until their successors are elected, provided that they continue to be members of this Synod.

### **34. Election of Members to Provincial Synod**

The Members of the Synod of the Ecclesiastical Province of Ontario from the Diocese of Toronto shall be elected at a Regular Session of Synod immediately preceding a Session of Provincial Synod. Such election shall be held under the regulations governing the election of members of General Synod.

**35. Vacancies**

The Bishop shall fill all vacancies occurring between Sessions of Synod November 8, 2019 until the next Regular Session of Synod in the membership of the Diocesan Council Synod Council and Committees of Synod Council, Standing and other Committees of Synod, in a manner consistent with the Pilot Plan of the Governance and Decision Making Working Group, and shall make appointments to fill vacancies in the representation of this Diocese on the General Synod, the Provincial Synod of Ontario, where a sufficient number of elected substitutes are unable to attend.

**36. Division of the Diocese**

In the event of a division of the Diocese, the portion of the territory intended to form the new Diocese shall be subject to The Constitution of the Synod of the Diocese of Toronto until its Synod has been organized, and its Bishop has been elected and consecrated.

**37. Rules of Order**

- (1) When the Bishop, or other person presiding, take the Chair, all members shall immediately come to order.
- (2) The Bishop or other person presiding shall preserve order and decorum and shall decide questions of order subject to an appeal to the Synod.
- (3) When the Bishop, or other person presiding, rises for the purpose of calling order or deciding any point of order or otherwise, no member shall remain standing.
- (4) Any member desiring to speak shall rise and address the Chair.
- (5) When two or more members rise to speak at the same time, the Bishop, or other person presiding, shall decide which member is entitled to the floor.
- (6) (a) All motions and amendments shall be in writing and seconded, with the names of the mover and seconder thereon, and shall be read from the Chair before being debated.  
(b) Only one amendment shall be considered until disposed of, but an amendment to the amendment may be proposed at any time, but so that only one such amendment shall be before the Synod at one time. Nevertheless, a substitute to the whole matter may be proposed and received, provided it deals with the subject matter in hand.
- (6) A member who has made a motion or moved an amendment, may withdraw the same with the consent of the seconder and the unanimous leave of the Synod.
- (7) No member shall speak more than once on the same motion, nor more than once on an amendment, except the mover of the original motion who shall have the right of reply.
- (8) (a) When a question is under consideration, no other motion shall be received, except to adjourn, to lay it on the table, to postpone it to a certain time, to postpone it indefinitely, to commit it, to amend it, or, with the consent of the Bishop, or other person presiding, to move that the question be now put; and motions for any of these purposes shall have precedence in order here named.  
(b) The motion "that the question be now put" shall be understood to have the following effect:-  
It shall be put to the vote forthwith, and if decided in the affirmative, a vote must be taken at once on the motion before the Synod and without debate. If it be decided in the negative, the motion that "the question be now put" cannot again be proposed until a vote has been taken on the motion before the Synod.  
In taking a vote on a motion as above, it is understood that any amendments thereto then before the House are to be first disposed of in accordance with s. 38(12).
- (8) Motions to adjourn shall be decided without debate.
- (9) Any member shall have the right, subject to the consent of the Bishop or other person presiding, to require at any period of the debate, that a question under discussion be read for the information of such member.
- (10) In voting on amendments, the one last moved shall be put first, in every case, and not more than two amendments shall be under consideration at the same time.
- (11) When any question is being put from the Chair, the members shall continue in their seats, and shall not hold any private discourse: and when a motion is so put, no member shall retire until such motion is disposed of.

- (12) The ordinary mode of voting shall be by the Chairperson calling first upon those who vote in the affirmative to rise, and then those who vote in the negative.
- (13) On the requisition of the Bishop, or other person presiding, or of four members of each of the respective orders, which requisition must be made before the result of the voting is declared by the Chair, the votes of the Clergy and Laity shall be taken separately.
- (14) A question being once determined shall not be brought into discussion again in the same session without the sanction of the Bishop, or other person presiding, and of a majority of the members present.
- (15) No protest of dissent shall be entered on the minutes of the proceedings; but, when required by any one member, the number of affirmative and negative votes shall be recorded.
- (16) An address from the Bishop shall be in order at any time.
- (17) When the Synod is about to rise, every member shall remain seated until the Bishop or other person presiding has left the Chair.
- (18) The mover of a motion may speak for not more than five minutes or such greater time as the Chairperson may allow. Each other speaker may speak for not more than three minutes unless otherwise directed by the Chairperson; the mover may speak for not more than three (3) minutes in closing. **If there is a Members' Time scheduled, each speaker shall have no more than three minutes to address the house.**
- (19) Committees must report in writing to the body appointing them.
- (20) Every report must be dealt with by the body to which it is presented, and, on motion, may be :-
  - (a) Received
  - (b) Laid on the table
  - (c) Read, or taken as read
  - (d) Considered as a whole, or clause by clause
  - (e) Referred back for amendment
  - (f) Sent to another committee
  - (g) Ordered to be filed, entered among proceedings, or printed.
  - (h) Adopted or rejected
- (21) When in a report some action is recommended, in order to give its proposition practical effect, a distinct corresponding substantive motion must be appended, or notice thereof must be given in the report.
- (22) Report of Committees to Synod, with the exception of the report of the **Diocesan Council Synod Council**, shall be presented and discussed but not read.

### **38. Absence of Bishop**

In the absence of the Bishop, the powers and functions of the Bishop shall be exercised by the Bishop's Commissary, appointed by the Bishop or failing such appointment, by the Coadjutor Bishop or Senior Suffragan Bishop present.

## **CANON 1**

### **DEFINITIONS AND PROCEDURE**

#### **1. Definitions**

For the purposes of The Constitution and Canons of the Synod of the Diocese of Toronto, the following terms shall have the meaning given opposite each.

- 1) **BY-LAW**- An enactment setting forth in detail the rules to be observed in the practical carrying out of some canon.
- 2) **CANON**- An enactment of the Synod declared so to be upon its adoption.
- 3) **CLERGY OR CLERIC**- These terms include the three (3) orders of the ministry- Bishops, Priests and Deacons.
- 4) **INCUMBENT**- The Cleric who for the time being has the cure of souls in a Church, Parish, Mission or area, and who has been licensed or appointed by the Bishop to perform such ecclesiastical duties therein.
- 5) **MEMBER OF THE ANGLICAN CHURCH OF CANADA**- A person who has been admitted into the Christian Covenant by Holy Baptism as our Lord commanded "in the name of the Father, and of the Son, and of the Holy Ghost", and who is a self-declared member of and who has accepted the authority of the Anglican Church of Canada.
- 6) **MEMORIAL**- an address containing an exposition of facts and circumstances, and soliciting attention thereto.
- 7) **MINISTRY ALLOCATION FUND** – The fund maintained and accounted for within the financial accounts of the Diocese under the authority of **Diocesan Council** **Synod Council** to receive, hold, and disburse the Diocesan share of proceeds realized from any sale or other disposition of Real Property together with income earned thereon.
- 8) **MOTION**- A form of words by which it is sought to elicit an expression of opinion regarding some proposal contained therein.
- 9) **AN ORDER**- A direction given by the Synod to one (1) or more of its officers or other persons to perform some specific act, or acts. It remains in force until it has been complied with, or until the next session of the Synod.
- 10) **ORPHAN**- A person under the full age of eighteen (18) years one (1) of whose parents was a Cleric, but is deceased.
- 11) **PARISH**- A defined area in the Diocese that has been set apart by the Bishop in accordance with the canon on parishes, having within it one (1) or more congregations under one (1) Incumbent, one (1) at least of which has a regularly organized Vestry, with the right to elect members of the Synod, and shall include a Diocesan Mission or Designated Ministry when such ministry has been so designated by the **Diocesan Council** **Synod Council**.
- 12) **PETITION**- A written or printed request addressed to a person or body of persons for the redress of some wrong or for the granting of some favour.
- 13) **REAL PROPERTY** – Real property includes land, buildings, any other things that is erected or growing on or affixed to land, minerals and other things under the land, and all rights issuing out of, annexed to, and exercisable within or about land such as leases, licenses, mortgages, air rights, easement and right of access.
- 14) **REGULATION**- A regulation lays down the way in which certain duties of officers or members of Synod are to be performed.
- 15) **RESOLUTION**- A motion which has been adopted.
- 16) **RULE**- A rule prescribes some mode of procedure under a canon or by-law.
- 17) **RULES OF ORDER**- Rules adopted for the government of the proceedings of a Session of Synod.
- 18) **REGIONAL DEANERY**- A group of parishes within the Diocese so arranged for purposes of administration and mutual assistance.
- 19) **STANDING ORDER**- One (1) that holds from year to year until withdrawn or altered by the Synod.
- 20) **AREA**- One (1) of the geographical areas of the Diocese.
- 21) **DIOCESAN MISSIONS**- Shall be such geographical area as may be determined by the **Diocesan Council** **Synod Council**, pursuant to Canon 25, or such area of interest or mission as the Diocesan Council, in consultation with the Bishop, shall determine.
- 22) **AREA BISHOP**-The Bishop and Suffragan Bishops designated by the Bishop to have episcopal responsibility for an Area under the authority of the Bishop.
- 23) **DESIGNATED MINISTRY**-A separately incorporated corporation that **Diocesan Council** **Synod Council** may, with the approval of the Bishop, designate and authorize to be a Designated Ministry pursuant to Canon 29.

## 2. Notices of Motion

- (1) Notices of motion for Synod shall be delivered to the Secretary of Synod at any time. Such notices shall be placed upon the agenda of the next meeting of the ~~Diocesan Council~~ ~~Synod Council~~.
- (2) The ~~Diocesan Council~~ ~~Synod Council~~ shall cause such notices to be printed verbatim in the Convening Circular or any additional or Supplementary Convening Circular with or without expressing any opinion or making any recommendation.
- (3) Any notices of motion received by the Secretary of Synod after the last regular meeting of the ~~Diocesan Council~~ ~~Synod Council~~ held at least thirty-five (35) days prior to any sitting of Synod shall be referred to the Agenda Committee. The Agenda Committee shall consider such notices and report its recommendations to Synod. Such notices shall be placed on the agenda only with the consent of the majority of the Synod present and voting.
- (4) Each notice of motion for the enactment, amendment, or repeal of any part or provision of the constitution or of any canon, by-law or rule of order, shall be in writing, and shall set out in full the part or provision affected and the proposed enactment or amendment.
- (5) A motion to enact, amend, or repeal a part or provision of the constitution or of any canon, by-law, or rule of order, shall become effective upon:
  - (a) Having been recommended for adoption by the ~~Diocesan Council~~ ~~Synod Council~~; and
  - (b) Receiving the approval of not less than seventy-five percent (75%) of the members of Synod present and voting at the session at which it is considered; and
  - (c) Receiving the assent of the Bishop.
- (6) A motion to enact, amend, or repeal a part or provision of The Constitution or of any canon, by-law, or rule of order, which shall not have been recommended for adoption by the ~~Diocesan Council~~ ~~Synod Council~~, shall nevertheless become effective upon:
  - (a) Receiving the approval of not less than sixty percent (60%) of the members of Synod present and voting at two successive Regular Sessions of Synod; and
  - (b) Receiving the assent of the Bishop following the second of such approvals.
- (7) A motion to enact, amend, or repeal a part or provision of The Constitution or of any canon, by-law, or rule of order, which shall have been recommended by the ~~Diocesan Council~~ ~~Synod Council~~, but which shall not have received the requisite approval referred to in clause 5 (b) hereof, shall nevertheless become effective upon:
  - (a) Receiving the approval of not less than fifty percent (50%) of the members of Synod present and voting at two (2) successive Regular Sessions of Synod; and
  - (b) Receiving the assent of the Bishop following the second of such approvals.
- (8) Any motion to suspend a part or provision of The Constitution or of any canon, by-law, or rule of order, if passed, shall only be effective until the next Session of Synod, and shall become effective upon:
  - (a) Having been recommended for adoption by the ~~Diocesan Council~~ ~~Synod Council~~; and
  - (b) Receiving the approval of not less than seventy-five percent (75%) of the members of Synod present and voting at the session at which it is considered, and
  - (c) Receiving the assent of the Bishop.
- (9) Notices of motion dealing with expenditures which will result in an increase in the Diocesan budget must be submitted to the ~~Diocesan Council~~ ~~Synod Council~~ for its opinion prior to being dealt with by the Synod.

## 3. By-laws

- (1) Any committee having charge of the administration of any canon or fund of the Synod, may make, and from time to time alter and amend any by-laws passed by the committee for its internal management; provided always that such by-laws are not inconsistent with any canon, by-law, or rule of order then in force.
- (2) Any by-law or amendment thereof, made from time to time by such committee, shall remain in force until the next session of Synod; but if not then confirmed by the Synod, shall be of no further force, and if reenacted by the committee shall not be put into force until authorized by the Synod.

## 4. Memorials and Petitions

- (1) Memorials and petitions shall be dated and shall be signed by the persons presenting the same, and shall be in the following form:-
- (2) "To the Right Reverend the Bishop, the Reverends, the Clergy, and the Lay Members of the Diocese of Toronto, in Synod assembled: The Petition (or Memorial), of (description) Humble sheweth, etc."



**CANON 2****The Diocesan Council of the Synod****1. Purpose**

The Diocesan Council of the Synod shall exercise generally the executive powers of the Synod between sessions of the same except those of a legislative character.

**2. Members**

The membership of the Council shall consist of:

- (a) the Bishop, the Coadjutor Bishop and the Suffragan Bishops.
- (b) the Chancellor, or in the absence of the Chancellor, a Vice Chancellor
- (c) the Registrar
- (d) the Dean of Toronto
- (e) the President of the Diocesan Anglican Church Women.
- (f) the Honorary Clerical Secretary of Synod and the Honorary Lay Secretary of Synod.
- (g) one (1) clerical and two lay members from each Area, elected by the members of that Area, at or prior to the date of the meeting of the Synod.
- (h) up to fifteen (15) members of the Synod appointed by the Bishop in consultation with the Area Bishops.
- (i) one (1) member from each Area Council.

The elected members shall hold office from the conclusion of that meeting of Synod until the conclusion of the next Regular Session of Synod.

The appointed members shall retain their office until such time as the Bishop's appointments have been made.

In the event of the resignation or death of an elected member, the Bishop shall appoint a replacement to complete the term of office.

Any member of Diocesan Council declared to be mentally incapable to manage their property or personal care by an Ontario Superior Court shall be deemed to have resigned.

**3. Meetings**

- (a) The Bishop shall be Chairperson of the Diocesan Council. If the Bishop be absent and has not named a Deputy Chairperson, the Diocesan Council shall elect one.
- (b) A quorum shall be eleven (11) members of the Diocesan Council.
- (c) At least six (6) regular meetings shall be held in a year.
- (d) A special meeting may be called at any time by the Chairperson.
- (e) A special meeting may, at the discretion of the Chairperson, be held using teleconference or videoconference facilities in place of a face-to-face meeting.
- (f) Where the Chairperson decides that it is in the best interests of the Diocese for a decision to be made by the Diocesan Council between meetings by use of polling, the Chairperson shall instruct the Secretary of Synod to carry out a poll of the Diocesan Council members according to the following requirements:
  - i) The Secretary of Synod shall attempt to reach all members using all reasonable means available.
  - ii) At least a quorum of members must vote.
  - iii) The decision shall be structured so as to require an answer of "yes" or "no".
  - iv) All members shall be given exactly the same information and be required to respond to exactly the same question.

- v) Responses to any questions answered as part of the polling process are to be shared with all members polled and no vote is considered final unless all members voting have been given the same information and been informed of all responses to questions.
  - vi) The poll shall be recorded by the Secretary of Synod and the record of the poll received at the next regular meeting of the Diocesan Council.
- (g) The following shall be present at meetings: the Diocesan Executive Assistant; the Chief Administrative Officer & Secretary of Synod; the Treasurer & Director of Finance; the senior staff person of: Communications, Congregational Development, Human Resources, Stewardship Development, and Social Justice and Advocacy. Where any Canon specifically refers to a person by title, and the function of that person changes, the Diocesan Council may, by resolution, substitute the person who has assumed the function of the person named in the Canon.

#### **4. Duties and Responsibilities**

The Council shall:

- (a) Exercise the powers conferred on the Synod by any Act of the Legislature of Ontario except with respect to property administered by the Investment Committee under Canon 39.
  - (b) Appoint the Agenda Committee and Nominations Committee as required by The Constitution.
  - (c) Consider and deal with the matters referred to it by Synod.
  - (d) Receive reports and recommendations on policy, program and finance from the various boards and committees and decide on appropriate action.
  - (e) Authorize the payment of money under the control of Synod.
  - (f) Make necessary arrangements for the sessions of Synod; prepare in due form such matters as the Bishop or any member of Synod may desire to bring before Synod; prepare nominations for all elections to be held by ballot in accordance with s. 21 of The Constitution.
  - (g) Receive notices of motion, memorials, or other matters to be considered by the Synod, and shall have the same printed in the Convening Circular in full, or in part, as it may deem expedient. No notice of motion or other matter to be considered by the Synod shall be printed in the Convening Circular until it has been considered by the Diocesan Council.
5. Where it appears to the Diocesan Council to be in the best interests of the Diocese that any Canon should be suspended in any particular case, the Diocesan Council may by a two-thirds (2/3) vote of the members present suspend any Canon or provision thereof in a particular case until the next Regular Session of Synod. Where any Canonical provision has been suspended under this section, full reasons for the suspension shall be attached to the minutes and a full explanation shall be given at the next Regular Session of Synod.

**CANON 3**  
**EXECUTIVE BOARD**

**1. Purpose**

There shall be a standing committee of Diocesan Council to be known as the Executive Board, hereinafter called the "Board".

**2. Members**

The membership of the Board shall consist of:

- a. The Bishop, who shall be chair of the Board and who may designate another member of the Board to chair a meeting in the absence of the Bishop;
- b. Seven members of Diocesan Council elected by Diocesan Council; and
- c. Six members of Diocesan Council appointed by the Bishop.

Elected and appointed members shall hold office for not more than a maximum of three successive two-year terms, following which no re-election or re-appointment of such members may occur before the expiry of a two-year term.

**3. Duties and Responsibilities**

- a. The Board shall consider and report and/or make recommendations, as appropriate, to Diocesan Council on such matters as Diocesan Council shall refer to the Board;
- b. The Board shall carry out on behalf of Diocesan Council such functions as may be delegated to it by Diocesan Council in accordance with the Constitution and Canons;
- c. The Board shall have authority to obtain, or request the Secretary of Synod to obtain on its behalf, such information and specialized advice as the Board determines necessary to carry out its duties and responsibilities; and
- d. The Board shall have authority to establish subcommittees and working groups on an ad hoc basis to assist the Board in carrying out its duties and responsibilities.

**CANON 4**  
**DIOCESAN ALLOTMENT**

**1. Definitions**

- (1) Diocesan Allotment is the portion of the Diocesan budget to be raised from parishes.
- (2) (a) Assessable Income is the total income for the Year received by the parish subject to the deductions prescribed in this canon.
  - (b) Notwithstanding the deductions in (c) below, in the calculation of Assessable Income, where money received by a parish is properly deductible under paragraph (c) below and a deduction is claimed, no deduction from Assessable Income is permitted for its expenditure to the extent of the amount so deducted;
  - (c) The following deductions may be made from the total income of a parish in the calculation of Assessable Income:
    - (i) where the donor has restricted the use of money for a purpose other than the usual budgeted operations of the church;
    - (ii) grants of money to the parish from the Diocese;
    - (iii) compensation for clergy;
    - (iv) compensation for lay staff of a parish engaged in ministry in the parish, but not including organists or music directors, administrative staff or custodial staff, regardless of job title;
    - (v) money received by a parish as a result of special campaigns to raise capital funds for church construction, including major repairs and renovations;
    - (vi) monies received by the parish as a bequest or memorial;
    - (vii) capital expenditures for church construction, major repairs and renovations; and,
    - (viii) money spent by the parish for its own outreach projects.
- (3) Assessable Base is the amount determined by calculating the mean average of the Assessable Income for the year ended December 31 prior to the Synod at which the Diocesan Allotment is to be approved, and the Assessable Income of the two (2) immediately preceding years. For the purposes of this calculation, where Assessable Income in any year is less than zero (0), it shall be deemed to be zero (0).
- (4) Assessment Rate, in any year, is the rate recommended by ~~Diocesan Council~~ **Synod Council** and approved or amended by Synod, or amended by ~~Diocesan Council~~ **Synod Council** acting on behalf of Synod, needed to meet the Diocesan budget.
- (5) Parish Share is the amount, or share, of the Diocesan Allotment to be raised from any one parish, and is determined by multiplying the Assessable Base by the Assessment Rate.
- (6) Notwithstanding the foregoing, the ~~Diocesan Council~~ **Synod Council** may establish a minimum amount to be raised from any one (1) congregation or parish. Each such parish or congregation shall be notified of the minimum amount by the Secretary of Synod, not later than the first (1<sup>st</sup>) day of October in each year.
- (7) Year means calendar year.

## 2. Parish Share

- (1) The Parish Share is an obligation of the parish to the Diocese and shall be paid in twelve (12) equal installments, payable monthly in each year.
- (2) The Assessable Base shall be determined by the ~~Diocesan Council~~ Synod Council in accordance with s. 1(3) and each parish shall be notified by the Secretary of Synod of the amount of its Assessable Base for the following year, no later than the first (1<sup>st</sup>) day of October in each year.
- (3) Whenever ~~Diocesan Council~~ Synod Council establishes a minimum amount to be raised from any one (1) congregation or parish, each parish shall be notified of the minimum amount by the Secretary of Synod, no later than the first day of October in each year.
- (4) Should a parish be of the opinion that the Assessable Base is inequitable, having regard to its financial condition, it shall have the right of appeal to the ~~Executive Board~~ Treasurer & Director of Finance. Such appeal shall be in writing and addressed to the Treasurer & Director of Finance setting out the reason and submitting a proposed figure. Appeals are to be made no later than the last day of December. After all appeals have been considered ~~by the Executive Board~~, the Treasurer & Director of Finance shall notify the parish concerned as to the revised Parish Share, if any, ~~as determined by the Executive Board~~. Should any parish be dissatisfied with the decision of the ~~Executive Board~~ Treasurer & Director of Finance, it shall have a further right of appeal to the ~~Diocesan Council~~ Synod Council, provided such appeal is in the hands of the Secretary of Synod no later than thirty (30) days after the date of the ~~Executive Board's~~ Treasurer & Director of Finance's decision.

**CANON 5**  
**TRUSTS COMMITTEE**

1. There shall be a standing committee of the Diocesan Council to be known as the Trusts Committee, hereinafter called the "Committee".

2. **Members**

The membership of the Committee shall consist of:

- (i) The Chancellor
- (ii) The Vice-Chancellors
- (iii) The Registrar
- (iv) Six (6) members, three from each order. All Lay Members must be members of a Vestry as prescribed by Canon 14(4), or a member of a church in full communion with the Anglican Church of Canada, and at least half of the members must be Members of a Session of Synod.

Members shall hold office for not more than a maximum of three successive two-year terms, following which no such appointment may be made for one two-year term.

3. **Duties and Responsibilities**

The duties of the Committee shall be:

- (a) To consider and report on devises, bequests, gifts or grants for church purposes to be held by the Synod in trust;
- (b) To consider and report on applications to purchase, sell, license, lease or mortgage church property or to incur any financial obligation not expected to be liquidated within one year;
- (c) To consider and report on plans and applications for the building of or structural alterations to church property;
- (d) To consider and report on any other matters referred to it by the Diocesan Council.

4. At any time that may be authorized by the Diocesan Council, the Committee shall have power to act on behalf of the Diocesan Council in any of the matters referred to in subsections (a), (b), and (c) of Section 3 of this Canon.

**CANON 6****ACQUISITION, DISPOSITION AND/OR ALTERATION OF REAL PROPERTY AND RELATED RIGHTS****1. All Real Property Held For The Diocese**

All real property in the Diocese is held for the Diocese irrespective of the name of the registered owner.

**2. Acquisition Of Real Property**

No church, rectory, or other building shall be erected, purchased, or otherwise acquired, or have structural alterations made thereto or be removed from one locality to another, and no real property shall be purchased or otherwise acquired, without written consent of the Bishop, and the **Diocesan Council Synod Council**.

**3. Disposition of Real Property and Proceeds of Sale**

No real property shall be sold, licensed, leased or mortgaged or otherwise encumbered, without the written consent of the Bishop and the **Diocesan Council Synod Council**.

The proceeds of the sale of any real property shall be paid to the Synod in accordance with applicable law. In the event that a mortgage is acquired in connection with any such sale, such mortgage shall be in the name of the Synod.

Except in the case of amalgamation or disestablishment, where any parish disposes of surplus real property, fifty per cent (50%) of the proceeds of the sale shall be designated as the Diocesan share. This percentage may be altered with **Diocesan Council Synod Council** approval. In the case of amalgamation or disestablishment, the procedures under Canon 13 shall be followed.

The Diocesan share from the disposition or the sale of any of the above shall be deposited to the Ministry Allocation Fund. The **Diocesan Council Synod Council** shall have the responsibility for this Fund and shall prescribe policy from time to time under which it is administered on behalf of the Synod.

**4. Loans**

No parish shall incur any financial obligation not expected to be liquidated within one (1) year without the written consent of the Bishop and the **Diocesan Council Synod Council**.

**5. Consent of the Diocesan Council Synod Council**

The consent hereinbefore referred to, of the **Diocesan Council Synod Council**, shall be in writing and under the signature of the Secretary of Synod and shall only be effective when endorsed on the final documents under the common seal of the Synod, unless the **Diocesan Council Synod Council** specifically grants an exemption from this requirement.

**6. Vestry Resolutions**

All applications submitted for the approval of the **Diocesan Council Synod Council** shall be accompanied by a copy of the resolution of the vestry, certified by the Vestry Clerk.

**7. Alterations/Repairs**

The Churchwardens shall be responsible for overseeing any alterations or repairs to the church, rectory and other parochial buildings. Alterations or repairs necessitating a building permit require **Diocesan Council Synod Council** approval.

**8. Memorials**

No memorial shall be placed in or removed from any church, rectory or other parochial building without the consent of the Bishop.

**9. Procedure**

The procedure to be followed under this canon shall be as prescribed by the **Diocesan Council Synod Council**.

**PROCEDURE PURSUANT TO CANON 6  
AS PRESCRIBED BY THE ~~DIOCESAN COUNCIL~~ **SYNOD COUNCIL****

**1. Consultation**

Before calling a meeting of the vestry to deal with matters outlined in Canon 6, the Incumbent and Churchwardens shall first consult with the Bishop.

**2. Special Vestry and Notice**

If the matter is not dealt with at the annual vestry meeting, a special meeting of the vestry must be called by giving due notice thereof during Divine Service on the two Sundays next preceding the special meeting; provided that the Bishop or Suffragan Bishop may, in extraordinary circumstances and in writing, permit the giving of notice only on the Sunday next preceding.

3. All notices of special vestry meetings shall state precisely the purpose for which the meeting is called, and no other business shall be dealt with at that meeting.

**4. Certified Copy of Resolution**

A certified copy of the vestry resolution is to be forwarded to the Secretary of Synod for the approval of the ~~Diocesan Council~~ **Synod Council**.

**5. Material to Be Sent to the Secretary of Synod**

In order to facilitate approval, parishes are requested to forward the following information and material to the Secretary of Synod.

**(1) Respecting Purchases:**

- a. Vestry resolution
- b. General description of property (with sketch of location)
- c. Purchase price
- d. Method of financing purchase, and statement of parish's financial condition with respect to purchase
- e. Some evidence as to value, preferably by a disinterested party
- f. Copy of offer (if available)

**(2) Respecting Sales:**

- a. Vestry resolution
- b. General description of property (with sketch of location)
- c. Original deed (or advice that deed is on file at Diocesan office)
- d. Offer to purchase - if not available, statement setting forth:
  - i) Amounts to be received
  - ii) Name and address of purchaser
  - iii) Terms of payment of purchase price
  - iv) Date of expiry of offer
- e. Proposed disposition of proceeds
- f. Statement that property is not consecrated
- g. Some evidence as to value, preferably by a disinterested party



**(3) Respecting Building or Structural Alterations:**

- a. First Step (for approval in principle)
  - i) Vestry resolution
  - ii) Preliminary plans
  - iii) Estimated cost
  - iv) Method of financing
- b. Second Step (for final approval)
  - i) Vestry resolution
  - ii) Final plans
  - iii) Actual cost as established by a tender or contract
  - iv) Method of financing
  - v) Particulars of performance bond furnished by contractor

**(4) Respecting Mortgages or Loans:**

- a. Vestry resolution
- b. General description of property (with sketch of location)
- c. Original deed of property (or advice that deed is on file at the Diocesan office)
- d. Amount, terms and interest rates
- e. Names and address of mortgagee or lender
- f. Statement of intention of parish as to use of proceeds
- g. Statement outlining method of providing funds for repayment
- h. Statement that property is not consecrated

**(5) Respecting Leases**

- a. Vestry resolution
- b. General description of property (with sketch of location)
- c. Terms of the lease
- d. Rental
- e. Disposition of proceeds to be received

**(6) Legal Fees**

Any legal fees incurred by the Diocese as a result of any transaction originating in a Parish shall be the responsibility of the Parish.

**CANON 7**  
**SETTLEMENT OF DIFFERENCES**

**1. Purpose and Composition of Committee**

When the bishop is of the opinion that differences which exist between the Incumbent of a parish and the parishioners of that parish are sufficiently serious to justify investigation, or if an investigation is requested by the Bishop, a Suffragan Bishop, or the Regional Dean within whose territorial jurisdiction the parish is located, or by the Incumbent, or by at least five of the parishioners who are members of its vestry or its vestries, or if for any other reason the Bishop considers it necessary to have any investigation, the Bishop may refer the matter to the Committee on Differences to consider and, if possible, to effect any amicable settlement. The Committee on Differences shall consist of 2 (two) clergy and 2 (two) lay members of Synod elected by the ~~Diocesan Council~~ Synod Council.

**2. Report**

The Committee on Differences shall submit a report to the Bishop not later than one month after the date of the reference to it.

**3. Commission**

If the Committee on Differences fails to effect an amicable settlement, and if for reasons given in its report, or for other reasons, the Bishop considers that it is in the interests of the Church to do so, the Bishop shall issue a commission to two clergy and two lay members of the Synod. One of the laity shall be the Chancellor of the Diocese, or some other member of the Synod being a member of the bar of the Province of Ontario of at least 10 years standing, who shall be Chairperson of the Commission.

4. The Commission so appointed shall be empowered to examine witnesses and to inquire into all circumstances relating to the said differences.

5. As soon after the issue of the commission as may be convenient, the Commissioners shall notify the said Incumbent, the churchwardens and lay members of Synod of the parish in question, and the petitioners for the investigation, of the time and place at which they will hold their sittings.

**6. Procedure of Commission**

The proceedings by and before the Commission shall provide an opportunity to the Incumbent and the parishioners to make such responsibilities as the Commission deems appropriate.

**7. Inhibition**

If at any time after the issuing of the Commission it shall appear to the Commission that scandal is likely to arise from the Incumbent continuing to perform the services of the Church while the differences are being investigated, the Commission may recommend to the Bishop that the Incumbent be inhibited from performing any services of the Church during the investigation. If the Bishop concurs in such recommendation the Bishop shall cause a notice to be served on the Incumbent inhibiting the Incumbent from performing any services of the Church during the investigation, or until the Bishop shall withdraw the inhibition. During such inhibition, the Bishop may appoint another cleric to supply the place of the inhibited cleric.

**8. Report**

The Commissioners, or a majority of them, shall report their findings to the Bishop of the Diocese with all convenient speed, and may recommend what action they deem advisable to be taken in the premises.

9. The Bishop shall take such action upon the report as may seem to the Bishop desirable, and the Bishop may effect an exchange between the said Incumbent and the Incumbent of another parish, or remove or suspend such Incumbent from that Incumbent's benefice.

**10. Failure to Comply with Notice of Inhibition**

Any Incumbent neglecting or refusing to comply with a notice under Section 7 of this canon or neglecting or refusing to obey an order made under Section 9 of this Canon, shall be liable to the provisions of Canon 22 and subject to the penalties set out therein.

**11. Report to ~~Diocesan Council~~ Synod Council**

The Bishop shall make such report on the matter to the ~~Diocesan Council~~ Synod Council as the Bishop shall deem expedient.

**12. Expenses**

All necessary expenses incurred by the Commission shall be paid by the ~~Diocesan Council~~ Synod Council of the Synod.

**CANON 10**  
**CLERICAL APPOINTMENTS, EXCHANGES, RETIREMENTS AND TERMINATIONS**

**1. Clerical Appointments**

All clerical appointments within the Diocese are made by the Bishop.

**2. Clerical Vacancies**

**a) Filling a Vacancy in a Parish Incumbency**

When a vacancy occurs in a parish incumbency, the Bishop will decide whether or not to fill the vacancy. In the event that the Bishop decides to fill the vacancy, he/she may do so as follows:

- i) The Bishop may begin to fill the vacant incumbency immediately by asking the Churchwardens to form a PSC, as set out below; or
- ii) The Bishop may appoint an interim priest in charge for such period as the Bishop considers appropriate, following which the Bishop will ask the Churchwardens to form a PSC, as set out below to begin to fill the incumbency; or
- iii) The Bishop may, with the concurrence of the Churchwardens, appoint a priest in charge for a definite term on the understanding that, at the conclusion of the definite term and with the concurrence of the Churchwardens and the Bishop, the cleric's appointment as parish incumbent will become indefinite.

**b) Interim Appointment**

The Bishop may appoint an interim priest in charge for such period as the Bishop considers appropriate.

**c) Parish Financial Resources**

Before the Bishop makes any appointment to a parish, the parish shall provide evidence satisfactory to the Bishop that the parish has sufficient financial resources to be able to provide the necessary remuneration for the cleric, in addition to meeting its other financial obligations.

**3. Parish Selection Committee ("PSC")**

**a) Formation of PSC**

If the Bishop has decided to fill the vacancy, he/she will ask the Churchwardens to form a PSC in accordance with section 2(a) (i) or (ii).

**b) Composition of PSC**

The PSC shall consist of:

- i. One of the Churchwarden or Deputy Churchwarden currently holding office having been appointed by the Incumbent;
- ii. One of the Churchwarden or Deputy Churchwarden currently holding office having been elected by the parish Vestry;
- iii. At least one of the individuals set forth in (i) and (ii) must be a Churchwarden.
- iv. The Churchwarden or Churchwardens currently holding office at the parish pursuant to Canon 15 (2)1, if there is no Churchwarden or Deputy Churchwarden as described in one of both of section 3(b)(i) or (ii) above;
- v. In the case of multipoint parishes, one Churchwarden from each congregation; and such other members of the parish, not fewer than four (4) or more than six (6) to a maximum of eight (8), to be determined by the Churchwardens and to be elected by Vestry.
- vi. The composition of the PSC should attempt to reflect the diverse communities within the parish.

**c) Election of Chair of PSC**

The members of the PSC shall elect a chair from among their number.

**d) Function of PSC**

The function of the PSC is to provide advice to the Bishop on the appointment of a cleric to fill the vacancy.

**e) Vacancy on PSC**

If a vacancy occurs on the PSC, the Bishop shall, after conferring with the churchwardens, appoint a new member of the PSC.

**f) Conferring with PSC**

The Bishop will confer with the PSC before making the appointment of a new incumbent under section 2 (a) (i) or (ii).

**g) Time for Appointment**

If a cleric has not been appointed to fill a vacancy in a parish incumbency within nine (9) months after the formation of the PSC and after the Bishop has conferred with the PSC, the Bishop may proceed to make the appointment.

**4. Appointment of Assisting Clergy**

- a) "Assisting Clergy" includes, but is not restricted to, Assistant Curates, Assistant Priests, and Associate Priests;
- b) The appointment of assisting clergy shall be made by the Bishop after consultation with the Incumbent and the Churchwardens;
- c) Subject to subsection (f), the appointment of assisting clergy shall be for a definite term. However, the term may be renewed upon the agreement of the Bishop and the Incumbent, after consultation with the Churchwardens;
- d) The terms and conditions of the appointment of assisting clergy shall include guidelines regarding expectations and responsibilities of the assisting clergy, the incumbent and the parish, which shall have been previously agreed to by the Bishop, the assisting clergy, the incumbent and the churchwardens;
- e) Before any appointment is made, the Bishop shall be satisfied that the vestry has made provisions for whatever part of the remuneration and benefits is to be paid by the parish;
- f) After the death, resignation or removal of the incumbent, any assisting clergy shall tender their resignation to the incumbent's successor.
- g) Where the Bishop, after consultations with the Churchwardens, deems it advantageous to the life of the parish, the Bishop may defer the submission of one or more resignations under subsection (f) to a date to be specified by the Bishop, to allow for the discussion of the possibility of a reappointment under subsection (d) of this Canon.

**5. Appointment of Honorary Assisting Clergy**

- a) Clergy appointed to a parish other than an assisting clergy shall be honorary assisting clergy and their appointment shall be made by the Bishop after consultation with the incumbent and the Churchwardens. The appointment of honorary assisting clergy shall be at the pleasure of the Bishop.
- b) After the death, resignation or removal of the incumbent, the honorary assisting clergy shall tender their resignation to the incumbent's successor.

**6. 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 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.

**7. Termination of Clerical Appointments**

Clerical appointments may be terminated as follows:

Retirement or resignation of the cleric under this Canon;

- a) Withdrawal of the Cleric's License or appointment by the Bishop as a matter of discipline under Canon 22;
- b) Termination in accordance with the terms of the appointment;
- c) Non-disciplinary termination of appointment in accordance with Section 10 of this Canon.

## **8. Non-Disciplinary Termination of Appointment**

### **a) Termination by the Bishop in writing**

The Bishop may terminate the appointment of a cleric, whether incumbent or assisting clergy, in accordance with the provisions of this section, upon notice to the cleric in writing;

### **b) Circumstances of Termination**

Although it is not possible to set out all the circumstances which may lead the Bishop to such a decision, they include financial difficulties within a parish, decline in parish membership, redeployment of human resources, and the inability of the cleric to carry out his/her ministry.

### **c) Preliminary steps required of Bishop**

When the Bishop considers that there are circumstances within a parish which may require the termination of an appointment, the Bishop will first meet with the cleric and, where appropriate, with the churchwardens and others members of the parish:

- i) To review the particular circumstances with the parish;
- ii) To advise the cleric and lay members of the parish of his/her concerns;
- iii) To consider the views of the cleric and lay members of the parish;
- iv) To consider possible alternatives to the termination of the appointment including other appointments within the Diocese, a leave of absence, further education or professional development;
- v) To provide, financial, pastoral, vocational, or other assistance to the cleric or parish as may be appropriate; and
- vi) To review the procedure for the termination of clerical appointments, including the responsibilities of the Bishop, the Advisory Commission and the Arbitration Board.

### **d) Advisory Commission on Termination of Clerical Appointment (“Advisory Commission”)**

The Advisory Commission shall consist of 3 (three) members of Synod elected by the members of Synod, including at least 1 (one) lay and 1 (one) clerical representative. The elected members shall hold office from the conclusion of the meeting of Synod, until the conclusion of the next regular session of the Synod. The members shall elect a Chair from amongst them. In the event of the resignation or death of an elected member, the Chancellor shall appoint a replacement to complete the term of office.

### **e) Termination Procedures**

If the Bishop, after meeting with the cleric, intends to proceed with the proposed termination, the Bishop shall advise the cleric and the Advisory Commission in writing of the proposed termination, along with the reasons therefore. The Advisory Commission shall consider the circumstances surrounding the proposed termination of appointment and provide the Bishop with its advice. The Bishop and the cleric shall meet with the members of the Advisory Commission to review the matter. The Commission shall provide the Bishop, the College of Bishops, and the cleric with its written advice on the proposed termination of appointment within thirty (30) days of the receipt of the Bishop's intention with the proposed termination. The Advisory Commission may, in its discretion, make public its advice and the reasons of the Bishop.

### **f) Offer of Reasonable Notice or Remuneration**

In the event that the Bishop decides to terminate a clerical appointment, and is not in a position to provide a further appointment to the cleric, the Bishop will as soon as possible offer the cleric in writing, reasonable notice of the termination of the appointment, or remuneration and benefits in lieu of notice.

### **g) Establishment of Arbitration Board**

In the event that the cleric is not satisfied with the amount of notice or remuneration and benefits in lieu of notice offered by the Bishop, the cleric may within thirty (30) days of receiving the offer, notify the Bishop in writing of his/her desire to submit the matter to arbitration and the notice shall contain the name of the cleric's appointee to the Arbitration Board. After receiving notice from the cleric, the Bishop shall within fourteen (14) days, inform the cleric of his/her appointee to the

Arbitration Board. The two appointees so selected shall, within fourteen (14) days of the appointment of the second of them, appoint a third person who shall be the Chair. If the Bishop fails to appoint an Arbitrator, or if the two appointees fail to agree upon a Chair within the timeframe, the appointment shall be made by the Chancellor of the Ecclesiastical Province of Ontario.

**h) Arbitration Procedures**

The Arbitration Board shall provide an opportunity to the cleric and the Bishop to make submission to it in writing and to respond to the submissions of the other party. It shall determine the amount of notice or payment and benefits in lieu of notice to be given to the cleric including, where appropriate, financial and vocational counselling and shall take into account prevailing practices within the secular community. The decision of the Arbitration Board which shall be in writing, is final and binding on the cleric and the Bishop.

**i) Authority of Arbitration Board**

Notwithstanding subsection (h), the Arbitration Board, however, shall have no authority to change a decision by the Bishop to terminate an appointment.

**j) Cleric in Good Standing**

The termination of an appointment under this Canon does not affect the good standing of the cleric within the Diocese.

**9. Education, Training and Professional Development**

Where an appointment is terminated under section 10, the Bishop may consider it appropriate for the cleric to engage in further formal education, retraining or professional development for a period of time prior to, or as a condition of a further clerical appointment. In such an event, the Bishop and the cleric will attempt to reach a mutually satisfactory agreement governing the terms and conditions of such an arrangement.

**10. Leave of Absence**

- a) No cleric shall be continuously absent from the charge or duties to which such cleric is appointed for longer than one month in any one year, unless leave of absence in writing from the Bishop has been obtained.
- b) No leave of absence shall be granted for longer than two years, but leaves may be renewed by the Bishop on written application of the cleric seeking such leave.

**11. Armed Forces or Government Service**

Notwithstanding the provisions of the next two preceding sections, a cleric serving in The Canadian Armed Forces or in the service of a Provincial Government or the Government of Canada, may be granted leave of absence by the Bishop from such cleric's charge or duties or from the Diocese for a period not exceeding two years, but such leave may be extended by the Bishop from time to time.

**12. Removal from the Diocese and Letters Dimissory**

- a) Any priest or deacon under the jurisdiction of the Bishop of the Diocese, who desires to move from the Diocese, shall apply to the Bishop for Letters Dimissory.
- b) If the applicant is of good standing in the Diocese, the Bishop shall grant the said application, but in case of refusal, the Bishop shall state the reasons for such refusal in writing and such reasons shall be delivered to the applicant.
- c) The applicant may demand that the Bishop refer the said reasons to the Bishop's Court for determination of sufficiency, and the applicant will be bound by the findings of the Court after trial in accordance with the Canon of the said Court.<sup>1</sup>

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<sup>1</sup> Canon 10, s.12(c) will be added to the work plan for the Risk and Governance Committee to address implications and possible amendments.

**13. Exchange**

In the event of the Bishop deeming it expedient that an exchange of Incumbents of any two parishes should be made, or in the event of any two Incumbents notifying the Bishop of their desire to effect an exchange, the Bishop shall confer with the said Incumbents. If the exchange is agreed upon, the Bishop shall confer separately with the Churchwardens and with the Lay Members of Synod who represent and are members of the vestry or vestries of the respective parishes, and if the consent of each of these groups is given to the exchange, the Bishop may proceed to carry it into effect.

**14. Vocational Deacons**

This Canon has no application to Vocational Deacons.



**CANON 11**  
**CLERICAL STIPENDS**

**1. Amount**

When a cleric is appointed, the Area Bishop, in consultation with the Churchwardens, shall determine the stipend to be paid to the cleric. Thereafter, the Churchwardens meet annually with the cleric to determine changes to the stipend. The parish is responsible for the total cost of the clerical remuneration package including stipend, housing and benefits unless otherwise specified.

**2. Honoraria**

Honoraria received by the cleric shall not be considered part of the stipend.

**3. Reduction of Stipend**

Except with the written consent of the Bishop and the cleric, there shall be no reduction of stipend.

**4. Minimum Stipend and Travel Allowance**

The ~~Diocesan Council~~ Synod Council shall determine annually the minimum stipend scale and mileage allowance to be paid to each cleric and shall so advise the Churchwardens.

**5. Living Accommodation and Allowances**

In addition to stipend and mileage allowance, the parish shall:

- 1) Supply living accommodation and pay reasonable costs of fuel, telephone and public utilities; or
- 2) Pay a reasonable housing allowance and reasonable costs of fuel, telephone and public utilities.

**6. Moving Expense**

When a cleric assumes a new appointment within the Diocese or retires on pension from an appointment within the Diocese; or where the surviving spouse of a cleric moves from a rectory on the death of the cleric prior to retirement, a contribution to the moving costs up to an amount to be determined annually by the ~~Diocesan Council~~ Synod Council will be a charge on the Diocesan Budget.

## **CANON 13** **PARISHES**

### **1. Commission of Investigation**

Wherever the word "Commission" is used in this canon it shall denote a Commission appointed by the Bishop, consisting of two (2) clerical and two (2) lay members of Synod, who shall report to the Bishop in writing. Such report, after approval by the ~~Diocesan Council~~ **Synod Council** by resolution, and by the Bishop under the Bishop's hand and seal shall be final.

### **2. Establishment of a New Parish**

- 1) Whenever the establishment of a new parish is desired by:
  - a) a group of persons, not less than twenty (20) of whom shall be communicants of the church of the full age of eighteen (18) years, residing in the Diocese, who present a memorial to the Bishop stating their reasons, or
  - b) the Bishop, or
  - c) the ~~Executive Board~~ **Synod Council** in consultation with the Bishop, the Bishop shall convene a meeting of the ~~Senior Administrative Officer~~ **Executive Director**, two (2) representatives of the ~~Executive Board~~ **Synod Council**, and:
    - i. in the case of a new parish with proposed geographical boundaries, the Regional Dean, ~~the Chairperson of the Deanery Council~~ and the Incumbent and lay representatives of immediately adjoining parishes, or,
    - ii. in the case of a new parish without territorial boundaries, such other clerical and lay representatives as the Bishop deems may be affected by the new parish to assess the situation and to make recommendations thereon.
  
- 2) ~~If the meeting referred to in s. 2(1) recommends the establishment of a new parish, the~~ **The** Bishop shall communicate the recommendation to the ~~Executive Board~~ **who shall forward their recommendations to the Bishop. The Bishop, having considered the matter, shall forward the Bishop's recommendation to the **Diocesan Council** **Synod Council**. If the ~~Diocesan Council~~ **Synod Council** approves the establishment of a new parish the Bishop shall notify in writing the Incumbent or Incumbents and Churchwardens of parishes affected. If no objection to the proposal is raised within one (1) month from the date of such notices, and the Bishop approves of the proposal and is satisfied that the provisions of the Church Temporalities Act (section 17), where the same applies, have been complied with, and that proper and sufficient means have been or will be provided for the maintenance of work in such a parish, the Bishop may proceed to the establishment of the parish.**
  
- 3) If any of the parishes notified as aforesaid objects to the proposed new parish, the grounds of objection shall be delivered to the Bishop in writing within one month. The Bishop may thereupon refuse the prayer of the memorial, or the Bishop may appoint a Commission which shall confer with the Incumbent or Incumbents of the parish or parishes affected, and consider the objections made. The Commission shall then report its findings to the Bishop and ~~Diocesan Council~~ **Synod Council**. If such report is favourable to the establishment of the parish and is confirmed by the Bishop and ~~Diocesan Council~~ **Synod Council**, the Bishop may proceed to the establishment thereof.

### **3. Amalgamation of Parishes**

- 1) Whenever the Bishop shall consider it advisable to amalgamate or merge two (2) or more existing parishes or congregations, and the ~~Diocesan Council~~ **Synod Council** has expressed its approval by resolution, the Bishop shall seek voluntary consent to such amalgamation or merger by a conference of the Incumbent and Churchwardens of such parishes or congregations.
  
- 2) If a voluntary agreement cannot be reached, a Commission shall be appointed to consider the objections of those opposed to the amalgamation or merger, and any other matters pertinent thereto, and to report thereon. If such report is in favour of the proposed amalgamation or merger and has been confirmed by the Bishop and the ~~Diocesan Council~~ **Synod Council**, the Bishop may proceed to carry it into effect by disestablishing any one (1) or more of the parishes or congregations and by establishing a new parish or parishes or congregations or by allotting the

territory to one (1) or more parishes or congregations. If the report of the Commission is unfavourable, further action shall be deferred for a period of not less than one (1) year, from the date of such report.

- 3) If the parish thus formed consists of more than one (1) congregation, and the distribution of the financial obligations to be borne by each cannot be agreed upon by the congregations themselves, the Bishop shall appoint a Commission to consider the matter. Their report, after confirmation, shall be carried into effect, but the matter may be reconsidered at the end of a three-year period, if requested by the Churchwardens of any one (1) of the congregations concerned.
- 4) Where two (2) or more existing parishes or congregations are merged under the provision of this Canon, the proceeds of the sale of surplus real property shall be placed in the Ministry Allocation Fund. All appointments of clergy or laity of the merged parishes or congregations, including the Incumbents, assistants in ministry, Churchwardens and other lay parish officials, shall terminate as of the date of the approval by the Bishop and the ~~Diocesan Council~~ **Synod Council** of the merger, but the Bishop may in the Bishop's discretion continue any clerical or lay appointments on such terms as the Bishop deems fit, or make other appointments.
- 5) Subject to the approval of the Bishop and the ~~Diocesan Council~~ **Synod Council**, vestries of two (2) or more congregations or parishes may enter into arrangements for their more effective administration, including, but not limited to, the consolidation of financial resources, joint vestry meetings, joint advisory boards, combined services and other cooperative acts.

#### **4. Disestablishment of a Parish or Congregation**

- 1) The Vestry of any parish now or hereafter established may, by a resolution adopted by at least a two-thirds (2/3) majority of those present at a special meeting thereof called for the purpose of considering the matter, resolve that it is expedient, for reason to be stated in the resolution, that the parish should be disestablished. Upon the said resolution being approved by the Bishop in writing under the Bishop's hand and seal, the Bishop shall thereupon disestablish the parish.
- 2) a) If the Bishop deems it advisable that any parish now or hereafter established in the Diocese should be disestablished, the Bishop may, with the approval of the ~~Diocesan Council~~ **Synod Council**, confer with the Incumbent and Churchwardens of such parish with a view to bringing about, if possible, a voluntary disestablishment under the preceding subsection.
  - b) If voluntary disestablishment cannot be so arranged, the Bishop may appoint a Commission to investigate and report on the advisability, or otherwise, of the proposed disestablishment. If its report recommends disestablishment, and is confirmed by the ~~Diocesan Council~~ **Synod Council**, the Bishop may thereupon declare in writing that the said parish is disestablished. If, however, the report be unfavourable to disestablishment, no further action shall be taken, and all interested authorities shall be notified to such effect.
- 3) Provided that before disestablishing a parish the Bishop shall require to be submitted to the Bishop a financial statement of the assets and liabilities of such parish. If the liabilities are found to be greater than the assets, the Bishop shall submit the statement to the ~~Diocesan Council of the Synod~~ **Synod Council** which shall take such action as seems necessary under the circumstances.
- 4) On disestablishment, the register and other books, records and documents of the parish shall be surrendered forthwith to the Registrar of the Diocese.
- 5) On disestablishment, the capital assets of the parish, of every nature or kind, and the place or places of worship therein shall be conveyed forthwith to and be in the control of the Synod.
- 6) a) For purposes of executing any transfer to the Synod of any real property of any disestablished parish, the Bishop or any Area Bishop may execute such transfer as the

Incumbent of such parish, and the Secretary of Synod and the Treasurer and Director of Finance of the Diocese may execute such transfer as the Churchwardens of such parish.

- b) The Churchwardens of such disestablished parish shall continue in office for the purpose of winding-up only and shall, within a period of not more than three (3) months after the declaration of disestablishment has been issued, discharge all current financial liabilities so far as the current assets at their disposal will allow, and shall then hand over to the Synod any balance remaining in their possession, together with an audited statement of receipts and disbursements of the said parish since the end of the last financial year.
  - c) In the event that the Churchwardens of such disestablished parish fail to transfer assets to the Synod, the ~~Diocesan Council~~ Synod Council may by resolution remove the Churchwardens of such disestablished parish and appoint others in their place for the purpose of the transfer of assets pursuant to this section.
- 7) The sale of any assets or property real or personal resulting from such disestablishment shall be placed in the Ministry Allocation Fund, apart from the necessary expenses of the disestablished parish or congregation.
  - 8) A Congregation within a parish may be disestablished and the other provisions of this Section 4 shall apply mutatis mutandis, except that the territory and any assets shall be allotted at the discretion of the Bishop, after consultation with the ~~Diocesan Council~~ Synod Council.

#### **5. Adjustment of Boundaries**

- 1) The Bishop may direct ~~the Executive Board~~ staff of the Diocese to report on the boundaries of any or all parishes, districts or ministry areas in the Diocese, whenever the Bishop and the ~~Diocesan Council~~ Synod Council consider it necessary. If the report of the ~~committee~~ staff of the Diocese is confirmed by the ~~Diocesan Council~~ Synod Council, the Bishop may proceed to effect such adjustment by declaration.
- 2) The Incumbents and Churchwardens of any adjoining parishes may confer regarding the boundaries which they have in common, and may petition the Bishop regarding any adjustment of such boundaries which they consider advisable. This shall be referred to the ~~Executive Board~~ staff of the Diocese for study and report and, if the report is approved by the ~~Diocesan Council~~ Synod Council, the Bishop may proceed to effect such adjustment by declaration.
- 3) At the request of the ~~Diocesan Council~~ Synod Council a recommendation regarding the allocation of the territory formerly occupied by a disestablished parish shall be made by the ~~Executive Board~~ staff of the Diocese after consultation with the Incumbents and Churchwardens of adjoining parishes, and shall be reported to the Bishop and to the ~~Diocesan Council~~ Synod Council. If the report of the ~~Board~~ staff of the Diocese is confirmed by the ~~Diocesan Council~~ Synod Council, the Bishop may proceed to effect such allocation by declaration.

#### **6. General Regulations**

- The boundaries of a parish having been once defined, approved, and declared, shall not be disturbed for a period of five years except in the case of the formation of new parishes, or in the discretion of the Bishop.
- 7. With the permission of the Bishop and the ~~Diocesan Council~~ Synod Council, multi-point parishes may be treated as a single congregation and single vestry for the purposes of the provisions of Canon 13, 14, 15, 16, and 17, except that the churchwarden's duties prescribed by Canon 15(4) shall be undertaken separately for each congregation.

## **CANON 14** **VESTRIES**

### **1. Vestries, How Formed**

In all churches or places of worship of the Anglican Church of Canada within the Diocese of Toronto, in which the sittings are free and in which a vestry shall have been organized before this canon takes effect, such vestry shall consist of all persons who, if required to do so by any other member of the vestry present, are qualified and willing to sign the declaration below, before voting or being elected to any office in the said church, or to membership in the Synod of the Diocese.

#### Declaration

"I solemnly declare that I have been a member of the Anglican Church of Canada and of this congregation for at least three (3) months, that I have attended regularly scheduled services of worship with this congregation at least three (3) times in the past year, that I am of the full age of sixteen (16) years and that I have not voted as a member of any other vestry during the previous three (3) months, nor do I intend to vote in any other vestry during the ensuing year".

### **2. Formation of a New Vestry**

Whenever a new congregation of the church is organized in the Diocese, the first vestry thereof shall be formed of those members of the congregation who are qualified and willing to subscribe to the following declaration:

"I solemnly declare that I am a member of the Anglican Church of Canada, and have been a member of this congregation, that I am of the full age of sixteen (16) years, that I shall regularly attend scheduled services of worship with this congregation during the ensuing year and that I do not intend to vote as a member of any other vestry during the ensuing year".

### **3. Parochial Tribunal**

There shall be a Parochial Tribunal of each vestry which shall be composed of the Incumbent, the Churchwardens and two other members of the vestry, who have been elected by such vestry at its annual meeting, or at a special meeting called for this purpose, of which due notice has been given. Failure on the part of the vestry to elect members shall not invalidate the action of the other members of the tribunal.

### **4. Vestry List**

The Parochial Tribunal of the vestry of each church shall prepare a list in alphabetical order of all persons who are entitled to vote at meetings of such vestry and shall post the same in a place in the church where it can easily be seen, not later than one week after the first day of December in each year. The following notice shall be appended to the list:

"The above is a list, prepared in accordance with the Canon on Vestries of the Synod of the Diocese, of persons sixteen years of age and over who have been members of and worshippers with this congregation for at least three months prior to the annual meeting of the vestry. Applications to have names added to or removed from the list shall be made in writing to the Parochial Tribunal not later than the fourth Sunday in December. The persons whose names appear on this list as finally settled shall be members of the vestry, and shall be entitled to vote at the elections thereof for the ensuing year."

### **5. Additional Names**

1. Names of persons who have been members of and worshippers with the congregation for a period of not less than three months, and who fulfil the other conditions of membership, may be added to the list, at any time during the year by application in writing to the Parochial Tribunal. Names may be removed in like manner at any time.
2. Unavoidable absence from worship with the congregation through illness or absence from home, shall not prevent a person from being listed.

**6. Persons Entitled to Vote at Vestry**

Persons sixteen (16) years of age and over who have been members of and worshippers with the congregation for at least three (3) months prior to the meeting of the vestry, who are listed on the Vestry List and who sign the declaration set out in Section 1 and Section 2 of this Canon 14. Unavoidable absence from worship with the congregation through illness or absence from home, shall not prevent a person from being entitled to vote.

**7. Disputed Membership of a Vestry**

1. The Parochial Tribunal shall have authority, subject to the right of appeal to the Court on Contested Seats of Synod, to consider and determine all disputes regarding membership of the vestry of a church and entitlement to vote thereat, and the number of members of Synod that the vestry is entitled to elect.
2. If a dispute arises at any meeting of a vestry regarding its membership, the signing of the above declaration shall be accepted in the meantime, but the vestry meeting shall on the completion of its business be adjourned for two weeks to enable the dispute to be considered by the Parochial Tribunal, and at the adjourned meeting any business done or election had, which depends for its validity upon the vote or votes of the person or persons whose right was challenged, shall be confirmed or annulled as the case may be.

**8. Right of Appeal**

There shall be a right of appeal from a decision of the Parochial Tribunal to the Court on Contested Seats of the Synod, in the case of any person claiming the right to be placed on the list of those entitled to vote in a vestry meeting at an election of members of Synod and the judgment of the Court shall be final.

**9. Discretion of Court on Contested Seats**

The Court on Contested Seats shall not disallow the election of any member of Synod on account of irregularity in the determination of those entitled to vote at such election, or in the holding of the meeting of the vestry for such election, provided that a majority of the Court is of the opinion that such irregularity has not affected materially the result of the election, and that the election was conducted fairly.

**10. By-laws of Vestries**

It is in the power of the members of a vestry to make by-laws for the regulation of the proceedings of the vestry and the management of the temporalities of the church or parish to which they belong; provided that such by-laws shall not be repugnant to any law or statute in force in this Province or contrary to these Canons or any Canon of the Anglican Church of Canada.

**11. Annual Meeting of Vestries**

1. The annual meeting of the vestry in every church should be held on the last Sunday in January in each and every year, but shall be held no later than the end of February, after due notice thereof given during Divine Service on the next two preceding Sundays.
2. Notwithstanding the provisions of Sub-section (1), the annual vestry meeting may, in special circumstances be held on another day, as near as may be to the last Monday in February, due notice having been given as aforesaid.

**12. Special Meetings of Vestries**

1. It shall be in the power of the Incumbent of any parish, or of the Churchwardens thereof, to call a vestry meeting whenever it is deemed desirable, and it shall be the duty of the Incumbent and Churchwardens to do so on receipt of written request by at least six members of the vestry.
2. Upon the failure of the Incumbent or Churchwardens to call a special meeting of the vestry upon such written request, such members shall notify the Bishop who may, after giving the requisite notice, convene such meeting of the vestry and shall preside thereat.
3. A special meeting of the vestry must be called by giving due notice thereof during Divine Service on the two Sundays prior to the day of the special meeting; provided that the Bishop or Suffragan

Bishop may, in extraordinary circumstances and in writing, permit the giving of notice only on the one Sunday prior to the date of the special meeting.

4. All notices of special vestry meetings shall state precisely the purpose for which the meeting is called, and no other business shall be dealt with at that meeting.

### **13. Chairperson and Clerk of Vestry Meetings**

At all vestry meetings, the Incumbent of the parish shall preside as Chairperson, when present, and in the absence of the Incumbent such person as the majority present at such meeting shall elect. The Vestry Clerk, when there is one, and present, or in case there be no Vestry Clerk, or in the absence of the Vestry Clerk, then such person as the vestry shall elect, shall be Secretary of such vestry, and the proceedings of such vestry meeting shall be entered in a book to be kept for that purpose, and preserved in the custody of the Churchwardens.

### **14. Audit of Churchwardens' Accounts**

1. At every annual vestry meeting, the vestry shall appoint one or more auditors to hold office until the close of the next annual vestry meeting, and if an appointment is not so made, the auditor in office continues in office until a successor is appointed or the auditor resigns.
2. The auditor shall make such examination as will enable the auditor to report to the vestry as required under subsection (3).
3. The auditor shall make a report to the vestry on the Churchwardens' accounts presented to the vestry at the annual meeting. The Churchwardens' accounts shall include the financial position of the Churchwardens and the statements of operations and changes in fund balances and cash flow for the period under review. The auditor shall state in his/her report whether in his/her opinion the Churchwardens' accounts referred to herein present fairly, in all material respects, the financial position of the Churchwardens and the results of operations and the changes in financial position for the period under review in accordance with generally accepted accounting principles.
4. Notwithstanding subsection (1) the vestry may pass an extraordinary resolution with the permission of the Bishop to have a review engagement or notice to reader instead of an audit in respect of the parish's financial year if the parish has annual revenue in that financial year of less than \$100,000.00 or an amount as declared by ~~Diocesan Council~~ Synod Council in accordance with provincial legislation. The accountant conducting the review engagement or notice to reader shall make a report to the vestry on the Churchwardens' accounts presented to the vestry at the annual meeting.
5. Notwithstanding subsection (4), the Bishop, ~~Diocesan Council~~ Synod Council, Incumbent, Corporation, or Vestry may require at any time an audit of the financial records of the Churchwardens' accounts in addition to or instead of a review engagement.
6. It shall also be the duty of the auditors or accountants, as the case may be, to report all matters which in their opinion should be brought before the vestry.
7. A copy of the Churchwardens' accounts with auditors' report thereon shall be forwarded to the Diocesan Office with the financial returns.

### **15. Care of Church Properties**

1. The possession of the church, the churchyard and burying ground attached or belonging thereto, is in the Incumbent and the Churchwardens for the time being, and the care of the property is therefore their joint responsibility. Expenses connected with depreciation by wear and tear, damage by fire, lightning or tempest, substantial repairs, alterations, additions, insurance, taxes (except as in the following paragraph), mortgage principal and interest, shall be borne by the vestry.
2. Taxes on property from which income is being derived for the benefit of the Incumbent shall be a charge against such income.

### **16. Care of Records, Deeds, etc.**

Parish records not in actual use and all important documents should be placed in the care of the Diocesan Office for safekeeping.<sup>1</sup>

### **17. Parochial Organizations**

1. The vestry shall have control of all organizations in a congregation having as their main purpose the raising and spending of money. Each such organization shall present an annual report to the vestry with a statement of its receipts and disbursements for the previous year.
2. In case of disagreement between a vestry and an organization, either shall have the right to appeal to the ~~Diocesan Council of the Synod~~ Synod Council, and the ruling of the ~~Diocesan Council~~ Synod Council regarding the matter under dispute shall be final.

### **18. Financial Year**

The financial year for each and every vestry shall begin on the first day of January and end on the thirty-first day of December in each year, unless otherwise approved by the ~~Diocesan Council~~ Synod Council.

### **19. Order of Business**

The order of business at the annual vestry meeting shall be as follows:

1. Incumbent takes the Chair. (Canon 14, Sec. 13). In the absence of the Incumbent the Chair shall be taken by such member of the Vestry as the majority of those present entitled to vote at the meeting shall elect.
2. Opening prayers
3. Electing Vestry Clerk (if not already appointed or if absent.) (Canon 14, Sec. 13)
4. Reading, correcting, and confirming minutes of last annual meeting, and minutes of any other meeting that have not been confirmed
5. Incumbent's report upon condition, progress and needs of the parish
6. Presenting and adopting Churchwardens' financial report with auditor's certificate attached. In presenting the Churchwardens' financial report, the Churchwardens shall report on all major issues relating to their duties which have arisen or been dealt with since the last annual meeting.
7. Adopting budget for ensuing year
8. Advisory Board report
9. Envelope Secretary's report
10. Appointments and elections:
  - a. Churchwardens
  - b. Sidespersons
  - c. Lay Members of Synod
  - d. Envelope Committee and Secretary
  - e. Parochial Tribunal
  - f. Advisory Board
  - g. Auditors
  - h. Other officers or committees
11. Presenting reports of all parochial organizations
12. General business
13. Adjournment

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<sup>1</sup> Canon 14, s.16 will be added to the work plan for the Risk and Governance Committee to address implications and possible amendments.



## **CANON 15**

### **CHURCHWARDENS**

#### **1. Qualifications**

1. A person to qualify as a Churchwarden shall:-
  - a. be not less than twenty-one (21) years of age;
  - b. be a Lay Member of the vestry of the church in question;
  - c. have received the Sacrament of Holy Communion at least three (3) times during the previous year in the church in which he/she would serve as a Churchwarden;
  - d. not be the spouse of the Incumbent or any assistant, associate or honorary Cleric of the parish who is in receipt of remuneration for services rendered;
  - e. be in compliance with the diocesan policy "Responsible Ministry: Screening in Faith";
  - f. not be the spouse of any lay employee of the church, the other Churchwarden, any Deputy Churchwarden, Treasurer, Envelope Secretary, or any member of the Board of Trustees of the Cemetery; and
  - g. shall not hold any lay office subordinate to the churchwarden within the church whether or not in receipt of remuneration.
2. The qualifications set forth in 1(1)f and 1(1)g may be varied by the Diocesan Council.

#### **2. Appointment, Election and Vacancies**

1. At each annual meeting of the vestry two (2) Churchwardens shall be designated. One (1) shall be appointed by the Incumbent of the parish in which the church is situated, and the other shall be elected by the lay members of the vestry present. Notwithstanding the other provisions of this subsection, the Incumbent may choose to defer the appointment of a Churchwarden to a specified later date and the Vestry may choose to defer the election of a Churchwarden to a special meeting of the Vestry called for a specified later date. Should the Incumbent decline to appoint or to defer appointment, the Vestry shall elect a second Churchwarden. Should the Vestry decline to elect or to defer election, the Incumbent shall appoint a second Churchwarden.
2. A vacancy occurs when a Churchwarden resigns in writing to the Incumbent, dies, is removed, leaves the congregation permanently, ceases to be a member of such Vestry, or fails to perform the duties of the Office. When the vacancy is that of an appointed Churchwarden, the Incumbent shall declare the office vacant and appoint a successor. When the vacancy is that of an elected Churchwarden, the Incumbent shall call a special Vestry to declare the office vacant and to elect a successor. Such successors remain in office for the remainder of the term or until new successors are appointed or elected thereafter. The provisions of subsection (1) of this section shall be followed as applicable.
3.
  - a) The Incumbent may in his/her discretion after giving notice of his/her intention to do so to the Bishop, terminate in writing the appointment of the Churchwarden whom he/she has appointed and he/she then appoint a successor who shall remain in office for the remainder of the term.
  - b) The Vestry may in its discretion, terminate the term of the Churchwarden it has elected, by motion at a special vestry meeting called for the purpose. It shall be the duty of the Incumbent and the Churchwardens to call such a special vestry on receipt of a written request of at least six members of Vestry and the Incumbent and Churchwardens shall advise the Bishop of the calling of the Special Vestry. Upon the term of the Churchwarden being terminated by motion, Vestry shall elect a successor for the remainder of the term.
4.
  - a) In the event that the Incumbent of the parish ceases to hold that office for whatever reason, the Churchwarden appointed by the Incumbent shall remain in office until such time as a new Incumbent is installed when such Churchwarden shall tender a resignation to the new Incumbent who may reappoint the Churchwarden or appoint some other person to be Churchwarden.
  - b) However, if after the Incumbent ceases to hold office, the Bishop has not appointed a new Incumbent by the time of the next Annual Vestry Meeting, the Churchwarden shall tender a resignation and the Interim Priest-in-Charge may reappoint the Churchwarden or

appoint some other person to be Churchwarden and the Churchwarden so appointed shall remain in office until a new Incumbent is appointed at which time such Churchwarden shall tender a resignation or until the next Annual Vestry Meeting, whichever shall first occur.

### 3. **Powers**

1. The Churchwardens are a corporation with perpetual succession under the name "The Churchwardens of the Church of ..... in the ....." and shall represent the interests of such church and of its members. They shall and may sue and be sued, answer and be answered unto, in all manner of suits and actions whatsoever, and may prosecute indictments, presentments, and other criminal proceedings for and in respect of such Church corporation and all matters and things appertaining thereto.
2. In all matters not lying solely in the right and power of the Churchwardens by virtue of Acts of the Legislature, it is their duty to carry out all legitimate directions of the Synod, and of the vestry of a congregation whom they represent.
3. The Incumbent and Churchwardens shall act jointly in matters concerning the use of the church buildings and grounds. In matters that are solely within the power of the Churchwardens, the two (2) Churchwardens cannot exercise their powers separately nor can one (1) act without the consent of the other.
4. The Churchwardens after consultation with the Incumbent are empowered to appoint and terminate the appointment of the Sexton, the Organist, the Vestry Clerk, the Treasurer, and any other subordinate lay officers of the Church.

### 4. **Other Duties**

1. The Churchwardens shall present a financial report, in a form approved by the **Diocesan Council Synod Council**, for the previous calendar year to the vestry at its annual meeting. This report shall include a certificate of the auditors appointed by the vestry. (See Canon 14, S. 12).
2. The books of the Churchwardens shall be open to inspection by any member of the vestry at all reasonable times.
3. The Churchwardens, before retiring, shall also present at this meeting a budget of the financial requirements for the current year, including the Diocesan requirements for assessment and outreach. Such budget shall be presented to the Advisory Board or parish Executive Committee for review prior to the annual vestry meeting. Such budget, as adopted, with or without amendment, by the vestry, shall generally govern the operations of the Churchwardens, during such year, unless changed at a subsequent meeting of the vestry.
4. The Churchwardens shall have custody and shall keep full and accurate accounts of all assets, liabilities, receipts and disbursements of the church in the books belonging to the Churchwardens and may deposit all monies and other valuable effects in the name or to the credit of the church in such chartered bank or trust company, or in the case of securities, in such registered dealer in securities as may be designated by vestry or the **Diocesan Council Synod Council** from time to time. The Churchwardens may disburse the funds of the church as may be directed by proper authority taking proper vouchers for such disbursements and shall render to the members of the vestry at annual meetings, or whenever the members may require it, an accounting of all transactions and a statement of the financial position.
5. Churchwardens, or in their absence, their substitutes for the time being, assisted, if necessary, by the Sidespersons, shall:
  - a. collect the offerings of the congregation at each service of the church, and shall confirm the safe custody of all envelopes, loose cheques and cash immediately after such service, in the presence of the incumbent or some other witness. Within forty-eight (48) hours thereafter the same persons shall count and enter the amount of such offerings in the book provided for such purpose, in the presence of the incumbent or some other witness; and

- b. receive on a frequent and periodic basis a statement of pre-authorized giving receipts of the parish or electronic transfer deposits to the parish, and shall initial such statements and enter the amount of such receipts or deposits in the book provided for this purpose.
6. In places where there is a chartered bank, trust company or Province of Ontario Savings Office, the Churchwardens shall make deposits of all monies coming into their possession for the church to the credit of such church, in a chartered bank or a trust company.
7. The Churchwardens shall be responsible for overseeing the disbursement of all monies of the vestry. Payments of sums of twenty (20) dollars or more shall be made by cheque. At its annual meeting, the vestry shall name and authorize signing officers who shall include the Churchwardens and may include other members of the vestry whom the Churchwardens so nominate. Cheques and disbursements shall be authorized by two (2) signatures. One (1) of the signatures on any cheque or disbursement shall be that of a Churchwarden. The vestry may also authorize alternate signing officers who are not Churchwardens to authorize cheques or disbursements in place of a Churchwarden but only when no Churchwarden is reasonably available; and any cheque or disbursement so authorized must be reviewed and the cheque or supporting documentation must be initialed by a Churchwarden within sixty (60) days of the monies being disbursed. A Deputy Churchwarden may be authorized by the vestry to exercise the same level of signing authority granted to a Churchwarden and described in the foregoing but only if so nominated in writing by both Churchwardens.
8. The Churchwardens shall keep in separate accounts a record of all monies received by them for extra-parochial purposes.
9. The statistical and financial returns required of Churchwardens by the Synod together with a copy of the current annual budget of the parish shall be completed and forwarded by them to the Secretary of Synod for receipt no later than the fifteenth (15th) day of March in each year.
10. They shall keep a record of all deeds, mortgages, insurance policies and other documents of importance pertaining to the church buildings and lands, with full particulars regarding any trusts under which such property is held. Title deeds and mortgages shall be deposited in the vaults of the Diocesan offices for reference and for safe-keeping.
11. They shall be responsible for the care of the land and buildings, furnishings and effects belonging to the church.
12. They shall effect and maintain such insurance as required by ~~Diocesan Council~~ Synod Council and may purchase supplemental insurance at their discretion.
13. They shall make provision for the conduct of the services of the Church, as follows:-
  - a. A flagon for the wine, a chalice or cup, a paten or plate, and proper linen for the Service of Holy Communion.
  - b. A sufficient quantity of the best wheat bread and of good wine for the Lord's Supper.
  - c. An Alms Dish and Collection Plates or Bags for the offerings.
  - d. A Bible, a Book of Common Prayer, a Book of Alternative Services, or any other book authorized for use in divine services, and Registers for Services, Baptisms, Confirmations, and Burials.
  - e. One (1) or more Surplices.
14. They shall take care that due reverence is observed both within and without the church during Divine Service.
15. They shall be responsible for the heating, ventilation, and cleaning of the church and its furnishings, and shall not allow it to be used for profane purposes.
16. In the event of the Churchwardens being unable to agree regarding any question coming within the scope of their duties, the matter in dispute shall be referred by either of them or by the

Incumbent to the ~~Diocesan Council of the Synod~~ **Synod Council** for adjudication, and the decision and any consequential directions of the ~~Diocesan Council~~ **Synod Council** shall be final and binding upon those concerned.

17. The Churchwardens have management and administration of the temporal affairs of the church and shall ensure that all valid orders and resolutions of vestry are carried into effect.
18. The Churchwardens have the sole authority to authorize those expenditures and execute legal documents and agreements on behalf of the church which are consistent with resolutions adopted by vestry, the Canons of the diocese and shall not be contrary to law.

#### **5. Deputy Churchwardens**

1. In addition to the other provisions of this Canon, the Incumbent may appoint a Deputy Churchwarden and the Vestry may elect a Deputy Churchwarden. If a meeting of the Advisory Board, prior to the Annual meeting of the parish require more than two (2) Deputy Churchwardens, the Incumbent shall make a written request to the Bishop for permission for more than two (2) Deputy Churchwardens. Such requests shall outline clearly what necessitates it and for what period of time the permission is requested. Appointment or election of such additional Deputy Churchwardens shall not take place until such permission is granted.
2. Sections 1 and 2 of the Canon apply to Deputy Churchwardens except that their appointment or election is permissive and not obligatory and that each of the Incumbent and the vestry retains the right but not obligation of appointing or electing an equal number of Deputy Churchwardens as are appointed or elected by the other.
3. A Deputy Churchwarden does not automatically succeed a Churchwarden. Deputy Churchwardens shall assist Churchwardens, as directed by the Churchwardens, in the performance of their duties. During the temporary absence or incapacity of a Churchwarden and during a vacancy until such vacancy is filled, a Deputy Churchwarden, as requested by the Incumbent, shall fulfill the full duties of a Churchwarden.

#### **6. Cemetery Trustees**

Where the parish is the owner of a cemetery or crematorium under the *Funeral, Burial and Cremation Services Act*, 2002, S.O. 2002, c.33, trustees, who shall be responsible to the Churchwardens for the operation of the cemetery, columbarium or crematorium, may be appointed by the Churchwardens. Such Trustees shall prepare and submit an annual report to the Churchwardens, who shall present such report to the Vestry.

#### **7. Treasurers**

The Treasurer shall be responsible to the Churchwardens and shall perform such duties with respect to the financial affairs of the parish as the Churchwardens direct.

**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 retiring from office on pension may thereafter, if so authorized by the Bishop at the time of the Archdeacon's retirement, be entitled to be known as "Archdeacon Emeritus".

**2. Remuneration**

An Archdeacon shall receive such emoluments of the office and such travelling expenses incidental thereto as the ~~Diocesan Council~~ Synod Council, with the approval of the Bishop, may from time to time determine.

**3. Duties**

1. An Archdeacon shall represent and assist the Bishop in the exercise of the Bishop's pastoral care and office within the jurisdiction assigned the Archdeacon and shall at all times watch, inquire and report whatever may need consideration and control by the Bishop; and
2. An Archdeacon shall perform such other duties as may be required by the Bishop.

**CANON 20**  
**REGIONAL DEANS**

**1. Regional Deaneries**

The parishes and missions of the Diocese shall be grouped in Regional Deaneries the boundaries of which shall be determined by the Bishop but may be readjusted by the Bishop at any time.

**2. Office**

1. A Regional Dean shall be appointed by the Bishop from among the clergy of each Deanery for a term of 4 (four) years. A Regional Dean may be re-appointed; and
2. A Regional Dean resigning or otherwise leaving such Regional Dean's charge or other employment shall forthwith tender to the Bishop a resignation as Regional Dean.

**3. Remuneration**

A Regional Dean shall receive such honorarium for the performance of Regional Deanery duties and such travelling expenses incidental thereto as the ~~Diocesan Council~~ **Synod Council**, with the approval of the Bishop, may from time to time determine.

**4. Duties**

1. A Regional Dean shall call together the clergy of the Regional Deanery at least twice in each year for the promotion of closer fellowship, for group study, for conference on the state of the Church, and for the organization of special educational or financial efforts;
2. A Regional Dean shall assist the Bishop or Suffragan Bishop in such Bishop's pastoral care and office within the limits of the Regional Deanery. The Regional Dean shall from time to time report to the Bishop or Suffragan Bishop in whose territorial jurisdiction the Deanery is located on the state of the Church therein;
3. A Regional Dean shall, on the direction of the Bishop or Suffragan Bishop and in any event within two weeks of the announcement of a vacancy in a parish of the deanery, together with the two Churchwardens and such other assistance as the Regional Dean may require, and with the permission of the Incumbent, inspect the rectory and report within one week on the inspection and any needed maintenance, repairs or renovations to the Bishop or Suffragan Bishop; and
4. A Regional Dean shall perform such other duties as may be required by the Bishop.

**CANON 23**  
**SPECIAL PURPOSE TRUSTS**

**1. Establishment and Administration**

With the consent of the Bishop, Synod or the ~~Diocesan Council~~ Synod Council acting on behalf of Synod, is empowered to establish one or more special purpose trust funds with such persons as ~~Diocesan Council~~ Synod Council shall select as the trustees thereof that do not form part of the general assets of Synod, to be held and administered in trust by those persons for such purpose or purposes and upon such terms and conditions as Synod, or the ~~Diocesan Council~~ Synod Council on behalf of Synod, with the consent of the Bishop, shall establish.

**2. Delegation**

Synod, or the ~~Diocesan Council~~ Synod Council on behalf of Synod, is authorized to delegate to such persons or committees such of Synod's administrative duties as trustee of such special purpose trusts as Synod or the ~~Diocesan Council~~ Synod Council, as applicable, with the consent of the Bishop, determines to be appropriate, with authority to cancel or change such delegations or make other delegations as Synod, or the ~~Diocesan Council~~ Synod Council acting on behalf of Synod, determines to be appropriate.

**CANON 24**  
**DIOCESAN ADMINISTRATION OF PARISHES**

**1. Appointment of Administrator**

Where it appears that it would be in the best interest of any parish or organization existing under the authority of the Diocese of Toronto, or of the Diocese, because of:

- (1) a request by the parish or organization involved, either in the form of a vestry resolution or request in writing from the Incumbent and Churchwardens, or a resolution of the Board or other governing body of the organization, or
- (2) a recommendation of a Bishop's Commission, or
- (3) a situation determined by the ~~Diocesan Council~~ **Synod Council** to require it,

that an administrator should be appointed to carry on the function of receiver and manager of the affairs of such parish or other organization; the ~~Diocesan Council~~ **Synod Council**, if satisfied that no other reasonable action is available, may by resolution with the approval of the Bishop appoint an administrator to act as trustee, receiver and manager of any parish or other organization existing under the authority of the Incorporated Synod of the Diocese of Toronto or the ~~Diocesan Council~~ **Synod Council**. A copy of such resolution certified by the Secretary of Synod of the Diocese under the seal of the Diocese shall be evidence for all purposes of such appointment.

**2. Powers of Administrator**

From the date of appointment, the administrator shall conduct all the financial affairs of the parish or other organization, and without limitation of the foregoing shall have power to dismiss existing employees and to hire new employees and to receive and disburse funds of the parish or other organization. For the purpose of this canon the Incumbent is not an employee.

**3. Reports**

The administrator shall make a monthly report to the ~~Diocesan Council~~ **Synod Council** and to the Bishop ~~and the Executive Board and~~ within 30 days of the end of the administration shall make a final report to the ~~Diocesan Council~~ **Synod Council**, outlining the actions that have been taken and making recommendations as to the future of the parish or organization which may include, but are not limited to, the winding up of the affairs of the parish or other organization, disestablishment of the parish, dismissal or employment of staff, financial and budgeting advice, limitation of expenditures, and such other steps as the administrator considers advisable and the ~~Diocesan Council~~ **Synod Council** on receipt of the report may take whatever steps it deems necessary including the reappointment of the administrator for a further period with the same powers as set out herein or as may be included in the resolution of reappointment.

**4. Term of Appointment**

The administrator may be appointed for any period not exceeding one year and may be re-appointed for successive periods, none of which shall exceed one year; provided that Synod may terminate any such appointment or alter the period of such appointment or reduce the term thereof.

**5. Expenses**

The administrator may engage auditors, accountants, assistants or managers with the approval of the ~~Diocesan Council~~ **Synod Council**, and any expenses so incurred will be charged to the parish or other organization.

**6. Board of Management**

The ~~Diocesan Council~~ **Synod Council** may appoint a Board of Management or other persons to assist the administrator.

**7. Suspension of Parish Powers**

All banking arrangements and financial powers of the parish or other organization shall be suspended during the period of the administration, and particularly the rights and powers of the Incumbent and Churchwardens and any boards or persons engaged by them shall also be suspended insofar as those powers relate to the financial affairs of the parish or other organization.



**8. Interpretation**

Any question of interpretation shall be resolved by the ~~Diocesan Council~~ **Synod Council** whose decision shall be final, and any question involving religious services shall be referred to the Bishop whose decision shall be final.

**9. Separate Books**

The administrator shall keep separate books of account and records for the period of the administration and shall submit a financial statement as part of the final report.

**10. Conflict with Other Canons**

The powers of the administrator shall be those powers set out in this Canon or as may be specified by the resolution of the ~~Diocesan Council~~ **Synod Council** by which the administrator is appointed, and where there is any conflict with any other canon the provisions of this Canon or of the resolution shall prevail during the period of administration.

**11. Additional Powers of the ~~Diocesan Council~~ **Synod Council****

If it appears that proceedings should be taken under Canon 13 or Canon 10 or any other canon the ~~Diocesan Council~~ **Synod Council** may recall the administrator or may continue the administration or take whatever other action it deems necessary.

**12. Synod**

If there is a meeting of Synod during the period of the administration the decision by the ~~Diocesan Council~~ **Synod Council** may be revoked by Synod, in which case the appointment of the administrator shall thereupon be null and void and the administrator shall return all assets to the parish or other organization within 30 days following the resolution of Synod.

**13. Termination of Administration**

If at any time during the period of administration the ~~Diocesan Council~~ **Synod Council** is satisfied that the parish or other organization is no longer in need of an administrator, the administrator shall be recalled by the ~~Diocesan Council~~ **Synod Council**.

**14. Indemnity**

Any administrator appointed under this Canon, such administrator's heirs, executors and administrators and estate and effects, shall from time to time and at all times, be indemnified and saved harmless out of the funds of the Incorporated Synod of the Diocese of Toronto from and against:

- (1) all costs, charges and expenses whatsoever which such administrator sustains or incurs in or about any action, suit or proceeding which is brought, commenced or prosecuted against him for or in respect of any act, deed, matter or thing whatsoever made, done or permitted by such administrator in or about the execution of the duties of the office of administrator; and
- (2) all other costs, charges and expenses which sustained or incurred in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by such administrator's own wilful neglect or default.

**15. Report to Synod**

The ~~Diocesan Council~~ **Synod Council** shall report on any administration the next following regular meeting of Synod.

**16. Rehearing**

Any person who is a member at the time the action is taken, of a parish or organization existing under the authority of the Diocese of Toronto, or of the Diocese, and who is affected by the appointment of an administrator pursuant to this Canon may appeal the decision to the ~~Diocesan Council~~ **Synod Council** by letter addressed to the Secretary of Synod and delivered within 15 days of the date of the appointment. Upon receipt of such notice the Secretary of Synod shall place the matter on the agenda of the next meeting of the ~~Diocesan Council~~ **Synod Council** at which time the question of the appointment will be reheard with all persons interested having an opportunity to attend and make representations. The decision of the ~~Diocesan Council~~ **Synod Council** on a rehearing shall be final apart from the provisions of paragraph 9 of this Canon.

## **CANON 25**

### **DIOCESAN MISSIONS**

#### **1. Designation**

Where following:

- (a) a request by a Parish or area of work or interest, either in the form of a resolution or request in writing from the organization involved, or
- (b) a recommendation by a Bishop's Commission, or
- (c) a situation determined by the ~~Diocesan Council~~ **Synod Council** to require it,

it appears that a geographical area or area of special mission work or interest should be designated as a Diocesan Mission, the ~~Diocesan Council~~ **Synod Council** in consultation with the Bishop may so designate. Any mission so designated shall be a mission pursuant to Section 2 of the Constitution.

#### **2. Board of Management**

Any mission or work so designated shall be managed by a Board of Management which shall assume the rights and responsibilities normally assumed by churchwardens and advisory boards of parishes.

#### **3. Changing Designation**

The designation of a Diocesan Mission may be changed or revoked at any time by the ~~Diocesan Council~~ **Synod Council** with the consent of the Bishop.

#### **4. Composition of Board**

The composition of the Board of Management which shall normally consist of the Incumbent together with a maximum of 8 (eight) clergy or laity, either elected by the congregation of the Mission, or partly elected and partly appointed, shall be determined by the ~~Diocesan Council~~ **Synod Council**.

#### **5. Churchwardens**

If the ~~Diocesan Council~~ **Synod Council** deems it necessary or desirable to have Churchwardens, the Board of Management shall appoint 2 (two) of its members to be Churchwardens who shall function under the direction of the Board of Management and shall be deemed to be properly appointed under Canon 15.

#### **6. Conflict with Other Canons**

In any conflict between this and any other Canon, the provisions of this Canon shall apply.

#### **7. Deemed Parish**

A congregation attached or forming part of a Diocesan Mission, at the discretion of the ~~Diocesan Council~~ **Synod Council**, be deemed to be a Parish pursuant to the terms of Canon 4, in which case such congregation shall also be deemed to be a Parish pursuant to the Constitution and entitled to elect lay members of Synod pursuant to the terms of the Constitution.

#### **8. York Rectory**

The Incumbent of a Diocesan Mission who is functioning within the area covered by The York Rectory Commission shall be deemed to be an Incumbent of a church and entitled to a share in the surplus income distributed.

#### **9. Alternative to Disestablishment**

Where a Parish might otherwise be disestablished, the ~~Diocesan Council~~ **Synod Council** and the Bishop may, as an alternative to disestablishment, designate the Parish as a Diocesan Mission under the control of a Board of Management.

#### **10. Continuance of Parish Structure**

Where it is necessary or desirable and with the consent of the vestry of the Parish involved, a Parish may be designated as a Diocesan Mission, in which case the Parish structure shall continue, but the management functions of the Churchwardens and Advisory Board shall be assumed by a Board of Management, which in this case shall have half of its members elected by the vestry of the Parish and one-half appointed by the ~~Diocesan Council~~ **Synod Council** with the chairman appointed by the Bishop.

**11. Report to ~~Diocesan Council~~ Synod Council**

In any case, a Board of Management shall report annually to the ~~Diocesan Council~~ Synod Council and shall report more frequently if so requested by the ~~Diocesan Council~~ Synod Council.

**12. Supervision**

Any Diocesan Mission shall be under the supervision of the Bishop and ~~Diocesan Council~~ Synod Council of the Diocese.

**13. Staff**

All staff of a Diocesan Mission shall be deemed to be Diocesan staff, unless otherwise directed by the ~~Diocesan Council~~ Synod Council and the Bishop.

**14. Review**

All designations of Diocesan Missions will be reviewed at least every three years by the ~~Diocesan Council~~ Synod Council.

**15. Further Duties of Board**

The Board of Management shall also perform those functions of a Diocesan administrator of Parishes as set out in Canon 24, Section 2, 5, 7, 9, 10 and 14.

**CANON 28**  
**SECRETARY OF SYNOD**

**1. Office**

There shall be a Secretary of the Incorporated Synod of the Diocese of Toronto who shall be appointed by the Bishop and shall be an employee and officer of the Incorporated Synod of the Diocese of Toronto.

**2. Qualification**

The Secretary shall be not less than the age of majority, and in the opinion of the Bishop, possess the necessary skills, experience and judgment to carry out the duties of Secretary.

**3. Duties**

The Secretary shall:

- a. Exercise a general oversight of the governance processes of the Synod, ~~its Boards, Committees and Diocesan Council;~~<sup>1</sup>
- b. Make the necessary arrangements for meetings of the Synod and ~~Diocesan Council~~ **Synod Council;**
- c. Attend all sessions of the Synod;
- d. Give or cause to be given notice of all meetings of ~~Diocesan Council~~ **Synod Council;**
- e. Attend all meetings of ~~Diocesan Council~~ **Synod Council** and record all votes and minutes of all proceedings in the records to be kept for that purpose;
- f. Be custodian of the seal of the Synod and shall deliver it only when authorized by the Constitution or by resolution of the Synod or the ~~Diocesan Council~~ **Synod Council** to do so, and to such person or persons as may be named in the Constitution or resolution; and
- g. Perform such other duties as are defined by the Constitution, Canons and resolutions of the Synod or the ~~Diocesan Council~~ **Synod Council**, or as may be prescribed by the Bishop.

**4. Deemed Resignation of Office**

Upon the:

- a. termination of an employment relationship with the Diocese,
- b. resignation, personally or by their attorney, in writing to the Bishop, or
- c. declaration that the Secretary of Synod 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.

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<sup>1</sup> Canon 28, s.3(a) will be added to the work plan for the Risk and Governance Committee to address possible further amendments.

**CANON 29**  
**DESIGNATED MINISTRIES**

**1. Designation**

The ~~Diocesan Council~~ **Synod Council** may with the approval of the Bishop designate and authorize Designated Ministries, subject to the provisions of this Canon, and other such terms and conditions as Council may specify from time to time.

**2. Corporation**

A Designated Ministry designated and authorized pursuant to this Canon:

- a) shall be carried out by a corporation incorporated for that purpose as is authorized by the ~~Diocesan Council~~ **Synod Council** and approved by the Bishop;
- b) shall be deemed to be a missionary charge for the purposes of s. 2 of The Constitution only;
- c) may be performed, in part or in full, by a cleric appointed by the Bishop whose duties shall include, so far as applicable, the duties required of an Incumbent in Canon 9 and who shall be subject to the provisions, so far as applicable, of Canon 10; and
- d) may elect Lay Members of Synod pursuant to s. 3 of The Constitution, if permitted by ~~Diocesan Council~~ **Synod Council** as one of the terms referred to in s. 1.

**3. Conflict with Other Canons**

In any conflict between this and any other Canon, the provisions of this Canon shall apply.

**4. Reports**

A Designated Ministry shall report to the Bishop, as the Bishop requires. Reports of a Designated Ministry to the Bishop shall be communicated to the ~~Diocesan Council~~ **Synod Council** and to Synod members before each Regular Session of the Synod.

**5. Employees**

The corporation carrying out the Designated Ministry, unless otherwise directed by the ~~Diocesan Council~~ **Synod Council** and the Bishop, shall employ all employees of a Designated Ministry.

**6. Revocation**

With the approval of the Bishop, the ~~Diocesan Council~~ **Synod Council** may revoke the designation and authorization referred to in Section 1 of this Canon.

**CANON 31**  
**STANDING COMMITTEES OF THE SYNOD**

**1. Named**

The Standing Committees of Synod shall be:

- (a) Constitution and Canons Committee (Canon 37);
- (b) Investment Committee (Canon 39); and
- (c) Pensions Fund (Canon 42).

**2. Members**

Members of Standing Committees shall be elected annually and shall continue in office until the regular session of the Synod following their appointment.

**3. Quorum**

One-third of the members of a Standing Committee shall constitute a quorum.

**4. Meetings**

The first meeting of a Standing Committee after its appointment shall be called by the secretary of such Committee or by the Secretary of Synod.

**5. Ex-Officio Members**

The Bishop, Coadjutor and Suffragan Bishops shall be ex-officio members of all Standing Committees.

**6. Report to Synod**

Each Standing Committee shall present a concise report of its work to the annual session of the Synod.

**7. Nominations**

Each Standing Committee shall deliver a list of nominations for membership for the ensuing year, to the Nominating Committee in sufficient time to enable such Committee to discharge its duty under Section 21 of the Constitution.

**CANON 34**  
**POSTULANCY COMMITTEE**

**1. Definitions**

For the purpose of this Canon the following words shall have the meanings assigned to them:

- (a) "Applicant" is a person who applies to be accepted as a Postulant of the Diocese and has completed the required form of application;
- (b) "Postulant" is a person who has been accepted by the Bishop into the formation process of the Diocese;
- (c) "Ordinand" is a person who has been approved by the Bishop for ordination in the Diocese;
- (d) "Discernment Process" is the process by which suitable candidates for ordination are identified and includes factors to be considered in that process; and
- (e) "Formation Process" is the process by which a Postulant prepares for ordination.

**2. Postulancy Committee**

- (a) **Composition** There shall be a committee, known as the Postulancy Committee. The Bishop shall appoint members to this Committee from the clergy and laity of the Diocese. For the purpose of this Committee, the Bishop may appoint any lay members of the Diocese. The Bishop will select the Chair of the committee from amongst its members.
- (b) **Responsibility** The Postulancy Committee shall advise the Bishop on the selection of persons for ordained ministry. They will recommend which Applicants should be accepted by the Bishop as Postulants, and which Postulants should be approved by the Bishop for ordination.

**3. Discernment Process**

- (a) The Discernment Process will be determined by the Bishop in consultation with the College of Bishops. The Discernment Process shall be disclosed to Applicants prior to their consideration for postulancy.
- (b) The Postulancy Committee shall be guided by the Discernment Process in making the recommendations referred to in Section 2(b) of this canon.

**4. Formation Process**

- (a) The Formation Process will be determined by the Bishop in consultation with the College of Bishops. The Formation Process shall be disclosed as part of the official policies and guidelines for clergy of the Diocese, and shall be discussed with Applicants prior to their acceptance as Postulants.
- (b) The Formation Process shall begin when an Applicant is accepted as a Postulant and continues until ordination.
- (c) Neither acceptance as a Postulant nor participation in the Formation Process guarantees that a person will be approved as an Ordinand. Such approval is at the sole discretion of the Bishop.

**5. Financial Support**

There shall be a capital fund known as the Theological Students' Fund which shall consist of monies received for the support of theological students, and be invested in the Consolidated Trust Fund of the Diocese. The capital of the fund may only be spent for the purpose for which it is established and as approved by ~~Diocesan Council~~ **Synod Council** in the Diocesan budget. The income of the fund shall be disbursed at the discretion of the Bishop.

**6. Report**

A report of the work of the Postulancy Committee will be communicated to ~~Diocesan Council~~ **Synod Council** and Synod members before each Regular Session of the Synod.

**CANON 36**  
**AUDIT COMMITTEE**

**1. Membership**

There shall be a standing Committee of the Diocesan Council to be known as the Audit Committee, consisting of the Chair and at least two (2) other members, to be elected annually by the Diocesan Council. The majority of the members of the Audit Committee shall not be members of the Executive Board. Employees of the Diocese shall not be members.

**2. Duties**

- (a) To recommend to Synod the appointment of auditors and their remuneration;
- (b) To review the annual audited financial statements of Synod with the auditor prior to making recommendations to the Diocesan Council;
- (c) To review changes in accounting principles and practices being followed;
- (d) To review with the auditor and management any significant recommendations made by the auditor;
- (e) To report to the Diocesan Council after each meeting; and
- (f) To undertake such other tasks as may either be requested by the Diocesan Council or as may be appropriate for the Audit Committee, as outlined in professional guidelines from time to time.

**3. Auditors**

- (a) The auditors shall conduct an annual audit of the financial accounts of Synod, in conformity with generally accepted auditing standards of the Canadian Institute of Chartered Accountants and report to the Bishop and the members of Synod on the financial statements of the Synod.
- (b) The auditors shall have access at all times to all records, documents, books, accounts and vouchers of the Synod and shall be entitled to require from the officers of the Synod such information and explanation as in their opinion may be necessary to enable them to report as required.
- (c) The auditors shall be entitled to attend each session of the Synod and shall receive notices and other communications that members of the Synod are entitled to receive and shall be entitled to speak during any part of the business which concerns them as auditors.



**CANON 37**  
**CONSTITUTION AND CANONS COMMITTEE**

**1. Membership**

There shall be a Committee of the Synod known as the Constitution and Canons Committee, elected annually by the Diocesan Council, consisting of the:

- (i) Chancellor,
- (ii) Vice Chancellor(s),
- (iii) Registrar,
- (iv) Four (4) Members, two from each order. All Lay Members must be members of a Vestry as prescribed by Canon 14(4), or a member of a church in full communion with the Anglican Church of Canada, and at least half of the members must be Members of a Session of Synod.

**2. Duties**

The duties of the said Committee shall be:

- (1) To consider such amendments or revisions to the Constitution and Canons of the Synod as may be referred to it by Synod, or any Committee thereof, and to report how best such revisions and/or amendments may be incorporated in the Constitution and Canons; and
- (2) To consider from time to time the Constitution and Canons, and to report to the Diocesan Council any needed revision in terminology or arrangement.

**CANON 39**  
**INVESTMENT COMMITTEE**

1. There shall be a committee of the Synod called the Investment Committee, hereinafter call the Committee.

**2. Membership**

Membership of the Committee shall consist of:

- (1) two (2) clerical and two (2) lay members of Synod, elected annually by the Diocesan Council; and
- (2) four (4) members of the laity appointed annually by the Bishop after consultation with the Chairperson of the Committee for the previous year.

**3. Consolidated Trust Fund**

The Committee shall hold, manage and invest as one Consolidated Trust Fund all personal property, securities and monies entrusted to it, whether or not invested in or held by the Synod in trust, save such as the Diocesan Council of Synod may otherwise direct, and such trust property as may be the subject of individual investment restrictions imposed by the donor or settlor.

**4. Accounts**

Separate and distinct accounts of each and every trust, showing the capital of the same, shall be kept, and the interest and profits received or accruing (the "revenues") from the several investments made of the whole of the Consolidated Trust Fund shall be divided among the several trusts pro rata in the proportion borne by each separate trust fund to the whole Consolidated Trust Fund, after deducting from such receipts the expenses of management, investment and administration.

**5. Investment Powers**

The Committee may invest and re-invest all the assets now or hereafter comprising the Consolidated Trust in such a manner as is now or may hereafter be authorized under the provisions of The Trustee Act, R.S.O. 1980 Ch. 512.

**6. First York Rectory**

The Committee shall manage the capital of the endowments of the First York Rectory.

**7. Other Powers**

The Committee shall have all powers of purchase, lease, sale or any other disposition as may be necessary to carry out the intent of this Canon; provided, however, that real property shall not be sold, licensed, mortgaged, leased or otherwise dealt with save with the written consent of the Bishop and the Diocesan Council.

**Note: The Acts conferring the above powers on the Synod are 41 Victoria C.69, 47 Victoria C.90, 54 Victoria C.101 and amending acts, 1 Edward VIII C.86, 8-9 Elizabeth II.**

**CANON 41**  
**POST RETIREMENT BENEFITS FUND**

1. **Benefits Fund**

There shall be a Post Retirement Benefits Fund, hereinafter called the "Benefits Fund" for the purpose of funding Diocesan costs for post retirement health and welfare benefits provided from time to time to retired clergy and lay staff of this Diocese and their surviving spouses and children and to supplement the Pension Fund established and maintained in accordance with Canon 42.

2. The Benefits Fund shall consist of all monies invested in the Consolidated Trust Fund of the Synod for the purposes of the Benefits Fund from time to time, including without limiting the generality of the foregoing, monies received from time to time for the purposes of the Benefits Fund by way of gift or bequest, monies transferred from the Pension Fund in accordance with Canon 42, or other monies allocated to the Benefits Fund as approved by ~~Diocesan Council~~ Synod Council.

3. **Administration**

The Chief Administrative Officer of the Diocese shall:

- 1) approve distributions from the Benefits Fund to fund in whole or in part the obligations of the Diocese under Diocesan Post Retirement Health and Welfare Benefit programmes in place from time to time;
- 2) separately account for monies transferred from the Pension Fund in accordance with Canon 42 and investment earnings thereon, including capital gains and losses, less transfers approved by the ~~Diocesan Council of Synod~~ Synod Council to the Pension Fund in accordance with this Canon 41 and, apart from such transfers, not make any distributions therefrom unless the Pension Committee with the advice of the Pension Fund Actuary confirms that the assets held under the Pension Fund and under this separate account after deducting any proposed distribution are in the aggregate sufficient to provide the benefits to be provided in accordance with Canon 42;
- 3) make recommendations to the ~~Diocesan Council of Synod~~ Synod Council concerning transfers of monies from the Benefits Fund to the Pension Fund established and maintained in accordance with Canon 42 if requested by the Pensions Committee based on a certificate of Pension Fund Actuary that the Pension Fund is not sufficient to provide the benefits to be paid thereunder and make such transfers as are approved by ~~Diocesan Council~~ Synod Council;
- 4) Prepare annual report and financial statement for presentation to the ~~Diocesan Council of Synod~~ Synod Council and such other reports or statements as ~~Diocesan Council~~ Synod Council may request from time to time; and
- 5) Perform such other tasks in conjunction with the administration of the Benefits Fund as the ~~Diocesan Council of Synod~~ Synod Council may request.

4. **No Vested Rights**

No actual or prospective beneficiary of Diocesan Post Retirement Health and Welfare Benefit programmes or the Pension Fund shall acquire any vested right to receive a distribution from the Benefits Fund.

**CANON 42**  
**PENSION FUND**

**1. Fund**

There shall be a Pension Fund, hereinafter called the "Fund", for the purpose of providing pensions for certain of the retired clergy of this Diocese, and for the surviving spouses and minor children of certain of the retired clergy of this Diocese.

2. The fund shall consist of all monies invested in the Consolidated Trust Fund of the Synod for the purpose of the Fund on the 1st day of January, 1994, together with such further monies as may be received from time to time for the purpose of the Fund, by way of gift, bequest, or in any other way.

**3. Administration**

The Fund shall be administered by a Committee of the Synod known as the Pensions Committee, hereinafter called the "Committee". It shall consist of two clerical and two lay members of the Synod elected annually by the ~~Diocesan Council~~ Synod Council.

**4. Committee Duties**

The Committee shall:

- (1) Act on behalf of the Bishop, the ~~Diocesan Council~~ Synod Council or the Synod in accordance with the terms of the relevant delegation to it in the administration of the whole or a defined part of any fund, gift, donation, settlement, bequest or trust having among its objects the benefiting of some or all of the retired clergy of the Diocese, their spouses or minor children;
- (2) Act on behalf of the Diocese in accordance with the Canons of the General Synod, in all matters affecting the pensions of the clergy of the Diocese who are participants in the Pension Fund of the Anglican Church of Canada, their surviving spouses and minor children;
- (3) Have power to make such regulations as may from time to time seem necessary or advisable for the proper performance of its duties;
- (4) Maintain such financial and other records as it may from time to time determine;
- (5) Pay benefits in accordance with Section 5 hereof;
- (6) Secure the services of an Actuary, who shall report to the Committee on the Fund or on any other matters on which the Committee requests a report;
- (7) If the Actuary certifies that the assets of the Fund are not sufficient to provide the benefits to be provided hereunder, request that the administrator of the Benefits Fund under Canon 41 recommend to the ~~Diocesan Council~~ Synod Council or the Synod that it approve a transfer from the Benefits Fund to the Fund in accordance with paragraph 3 of Section 3 of Canon 41; and
- (8) Prepare an annual report and financial statement for presentation to the Synod.

**5. Benefits**

The following benefits shall be paid from the Fund:

- (1) To each widow listed in Schedule A hereto, the sum of seven hundred and fifty dollars on the first day of each and every month so long as she shall live.
- (2) To each person listed in Schedule B hereto, the amount shown apposite such person's name.
- (3) To each widow listed in Schedule C hereto, on the first day of each and every month so long as she shall live:
  - (a) such sum as shall, when added to the total of any widow's pension received by her under the Canada Pension Plan and any pension received by her from the Pension Fund of the Anglican Church of Canada, result in a total pension from such sources and hereunder equal to the sum of seven hundred and fifty dollars; and
  - (b) until such widow becomes entitled to receive Old Age Security Pension, an amount equal to the amount then being paid by way of Old Age Security Pension.
- (4) To each cleric listed in Schedule D hereunto (all of whom transferred on January 1, 1961 to the Pension Fund of the Anglican Church of Canada) who is in receipt of a pension from the Pension Fund of the Anglican Church of Canada and who from the 31st day of December 1960 to the time at which he commenced to receive such pension remained on the Clergy List of the Diocese of Toronto, on the first day of each and every month such amount, if any, as shall cause his total

benefit thereunder, from other like income (as determined by the Pensions Committee), from the Canada Pension Plan and hereunder to be in the amount of one thousand two hundred and fifty dollars per month.

- (5) To the surviving spouse of any cleric listed in Schedule D hereto who at the time of his death was a member of the Pension Fund of the Anglican Church of Canada, and who from the 31st day of December 1960 until his death or until the time at which he commenced to receive a pension therefrom remained on the Clergy List of the Diocese of Toronto, on the first day of each and every month so long as such surviving spouse shall live.
  - (a) such sum as shall, when added to the total of any survivor's benefit under the Canada Pension Plan and any pension from the Pension Fund of the Anglican Church of Canada, and any other like income (as determined by the Pensions Committee) result in a total pension from such sources and hereunder equal to the sum of seven hundred and fifty dollars; and
  - (b) until such surviving spouse becomes entitled to receive Old Age Security Pension, an amount equal to the amount then being paid by way of Old Age Security Pension,
- (6) To each child of a person who is in receipt of a pension in accordance with other provisions of this Section 5, and each child of a cleric who at the time of his or her death was a member of the Pension Fund of the Anglican Church of Canada, such sum as shall, when added to the total of any pension received by such child under the Canada Pension Plan, any pension received by such child from the Pension Fund of the Anglican Church of Canada, and from other like income (as determined by the Pensions Committee) result in a total pension from such sources and hereunder equal to the sum of three hundred dollars, on the first day of each and every month until such child attains the age of eighteen years. If such child is in full time attendance at a school or university or is totally disabled in accordance with the provisions of the Pension Fund of the Anglican Church of Canada, such benefits shall continue until such child attains the age of twenty-five years. Any such pension payable on behalf of a child shall be paid to the person who is in receipt of a pension as aforesaid, or to such other person as may be acting as guardian of such child, provided however where the child has attained the age of eighteen years any payment to be made hereunder may, at the discretion of the Committee, be paid to such child.
- (7) Subject to the certificate of the Actuary that the Fund is sufficient to provide the foregoing benefits, to other retired clergy of the Diocese and their surviving spouses and minor children benefits in accordance with the provisions of paragraph 4, 5 or 6, as the case may be, of this Section 5.
- (8) Subject to the certificate of the Actuary that the Fund is sufficient to provide the foregoing benefits, to retired clergy of the Diocese and their surviving spouses and minor children benefits in accordance with regulations made from time to time by the Committee and approved by the Diocesan Council Synod Council.
- (9) Subject to the certificate of the Actuary that the Fund is sufficient to provide the foregoing benefits and the approval of the Diocesan Council of the Synod, to the Post Retirement Fund established and maintained in accordance with Canon 41.

## **6. Committee Powers**

The Committee is empowered to negotiate, maintain and revise pension agreements with the Pension Fund of the Anglican Church of Canada, with Dioceses which are not members of the Pension Fund or the Anglican Church of Canada and with the Pension Funds of Churches which are in communion with the Anglican Church of Canada.

## **7. Assignment**

No pension may be assigned, transferred, commuted, hypothecated, or sold.

## **8. No Vested Rights**

No actual or prospective beneficiary of the Fund shall acquire any vested right in any provision granted under this Canon. All such beneficiaries shall be subject to and bound by all amendments thereto which may from time to time be made by the Synod.

**9. Administrative Provisions**

- (1) Save with respect to those persons listed in Schedule A and B hereto, no pension shall be paid from the Fund to any person unless such person is in receipt of a pension from the Pension Fund of the Anglican Church of Canada.
- (2) Save with respect to those clerics listed in Schedule D hereto, no cleric shall receive a benefit from the Fund until he or she has attained the age of sixty-five years or, prior thereto, is in receipt of a pension from the Pension Fund of the Anglican Church of Canada in consequence of disability.
- (3) No pension shall be paid from the Fund unless the cleric in question at the time of his or her retirement or death had held the Bishop's licence for a continuous period of not less than ten years, unless such benefits are paid in consequence of disability or death.
- (4) No payment shall be made to a surviving spouse of a cleric who married such cleric after he or she had commenced to receive a pension from the Fund, or who had married such cleric after he or she had attained the age of sixty years and who was ten or more years younger than the cleric.

**10. Effective Date**

This Canon shall come into force on the 1st day of January, 1994, and the existing Canon 42 of the Synod shall be repealed as of the 31st day of December, 1993.

**SCHEDULE A**

Lightbourn, The Rev. Canon F. M.

**SCHEDULE B**

No Names

**SCHEDULE C**

McGuire, Mrs. Cherie P.  
Wiseman, Mrs. Lorna A.

**SCHEDULE D**

Clergy

Abraham, The Very Rev. S. D.  
Cotter, The Rev. C. G.  
Jacques, The Rev. E. D.  
O'Neil, The Rev. Canon J. F.  
Rainey, The Rev. Canon W.  
Roney, The Rev. J. A.  
Varey, The Rev. Canon D. L.

Surviving Spouses

Bull, Mrs. Mary K.  
Downer, Mrs. Helen  
Johnson, Mrs. Alice

**CANON 43**  
**AREAS AND AREA BISHOPS**

**1. Areas**

The Diocese shall be divided into geographical areas (the "Areas") fixed from time to time by the Bishop in consultation with the Area Bishops and the ~~Diocesan Council~~ Synod Council.

**2. Area Bishops**

The Bishop may designate a Suffragan Bishop, to be called an Area Bishop, to exercise episcopal office within an Area. An Area Bishop shall execute such matters pertaining to the episcopal office as the Bishop may delegate.

**3. Unless otherwise authorized by the Bishop, an Area Bishop shall reside within the Area to which he or she has been designated.**



**CANON 44**  
**AREA COUNCILS**

1. Each Area shall have an Area Council which shall act in an advisory capacity to the Bishop or Area Bishop on matters referred to it for advice by the Bishop, Area Bishop, ~~Diocesan Council~~ Synod Council, or Synod. The Area Council shall have a minimum of ten members and meet at least three times a year.
2. An Area Council shall be composed of:
  - (a) the Bishop or Area Bishop;
  - (b) any person appointed to be the Chair of the Area Council;
  - (c) archdeacons serving in the Area; and
  - (d) representatives of the clergy and laity elected in a manner determined by the Area Bishop in consultation with the area Council;

In addition to the above-named members, an Area Council may have representatives of the clergy and laity appointed in a manner determined by the Area Bishop in consultation with the Area Council, some or all of whom shall be subject to the term limitations specified in Section 4.

3. Membership of an Area Council shall be restricted to clergy serving or living in the Area and to lay persons over the age of sixteen years who are members of a Vestry in the Area. Any member of the Area Council appointed or elected to represent the Area Council on the ~~Diocesan Council~~ must be a member of Synod.
4. Elected members of an Area Council shall be limited to a maximum of three successive terms of two years each, following which no such member may be elected for two years. Any person appointed to be the Chair of the Area Council is not subject to this limitation of term. Further, the Bishop or Area Bishop may appoint some persons as members without limitation of the term.
5. The Area Council shall:
  - (a) propose and recommend a budget for its operations to the ~~Diocesan Council~~ Synod Council;
  - (b) supervise and authorize the payment of money pursuant to its budget as authorized by Synod and the ~~Diocesan Council~~ Synod Council;
  - (c) develop and propose policy recommendations to the ~~Diocesan Council~~ Synod Council for its consideration;
  - (d) provide opportunities in the Area for lay and clergy training events and other Area gatherings;
  - (e) appoint youth and young adult members to Synod as required by the Constitution; and
  - (f) report on its activities to the ~~Diocesan Council~~ Synod Council at least annually; and
  - (g) appoint or elect one Area Council member who is a member of Synod as a representative of the Area Council to the ~~Diocesan Council~~.

**CANON 47**  
**RETENTION OF LEGAL COUNSEL**

**1. Solicitor**

There may be a Solicitor of the Incorporated Synod of the Diocese of Toronto who shall be appointed by the ~~Diocesan Council~~ Synod Council on the nomination of the Chancellor and who shall hold office during the pleasure of the ~~Diocesan Council~~ Synod Council.

**2. Death or retirement of Bishop**

On the death or retirement of the Bishop of the Diocese the Solicitor shall tender a resignation of the office to the ~~Diocesan Council~~ Synod Council.

**3. Duties**

The Solicitor shall perform such duties as are required by the Bishop, the ~~Diocesan Council~~ Synod Council, the Secretary of Synod, and The Constitution and Canons of the Diocese.

**4. Use of Other Counsel**

The Bishop, the ~~Diocesan Council~~ Synod Council or the Secretary of Synod may in their discretion retain other Barristers and Solicitors, licensed to practice law in Ontario, in particular matters.

**CANON 49**  
**THE CHANCELLOR**

1. **Office**  
There shall be a Chancellor of the Diocese who shall be appointed by the Bishop of the Diocese and shall hold office during the Bishop's pleasure.
2. **Qualification**  
The Chancellor shall be a member of the Bar of the Province of Ontario of at least ten years standing and shall be a member in full Communion, of the Church in the Diocese. Before entering upon any duties the Chancellor shall swear to deal uprightly and justly with all persons having connection with the Chancellor's office without respect of favour or reward.
3. **Duties**  
The Chancellor shall advise, assist and act with the Bishop, the Bishop's Commissary, or with an Administrator of the Diocese in all matters of discipline or cases of difficulty or doubt when requested. The Chancellor shall act as assessor to the Bishop at sessions of the Synod and meetings of the **Diocesan Council** **Synod Council** and shall perform such duties as are required by the Bishop and the Constitution and Canons of the Diocese.
4. **Vice-Chancellor**  
The Bishop may appoint a Vice-Chancellor or Vice-Chancellors, to hold office during the pleasure of the Bishop. Each Vice-Chancellor shall assist the Chancellor and in particular shall act for and on behalf of the Chancellor during the Chancellor's absence or inability to attend to duties.
5. **Chancellor Emeritus**  
On retirement of any Chancellor the Bishop may appoint such retiring Chancellor as Chancellor Emeritus.
6. **Death or Retirement of Bishop**  
The Chancellor and any Vice-Chancellor, on the death or retirement of the Bishop of the Diocese, shall tender a resignation of office to the Bishop's successor in the See.
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.