

## **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, 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, ~~which ever~~ whichever 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, 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 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 that the Bishop is desirous of having the assistance of a Coadjutor Bishop, the Diocesan 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.
- (2) Whenever the Bishop of the Diocese, shall, in writing, signify to the Diocesan Council of the Synod that the Bishop is desirous of having the assistance of a Suffragan Bishop or Bishops, the Diocesan 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.
- (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 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 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 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.
- (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.

- (5) The income of the Episcopal Endowment Fund shall be administered by the Diocesan Council of the Synod through the Executive Board.
- (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 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.

#### **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)~~ 37(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.
- (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 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 following a Regular Session of Synod, it shall appoint 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.

#### **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 following a Regular Session of Synod, it shall appoint 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 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 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 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, balloting shall take place at the meeting of the Diocesan 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 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, 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.
- (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 it 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 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. 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.

**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. 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, 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
- (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 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, 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)~~ **32(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 in the membership of the Diocesan Council, Standing and other Committees of Synod, 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)~~ 37(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, 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 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.

**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.

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 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 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.

**5. Consent of the Diocesan Council**

The consent hereinbefore referred to, of the Diocesan 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 specifically grants an exemption from this requirement.

**6. Vestry Resolutions**

All applications submitted for the approval of the Diocesan 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 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.

**PROCEDURE PURSUANT TO CANON 6  
AS PRESCRIBED BY THE DIOCESAN 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.

**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~~ Three (3) land value opinions prepared by independent qualified real estate professionals
- 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~~ Three (3) land value opinions prepared by independent qualified real estate professionals

**(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 ~~out lining~~ 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.

**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** **representations** 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**

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

**12. Expenses**

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

**CANON 12**  
**LAY READERS**

**1. Order**

The order of Lay Readers shall comprise qualified lay persons licensed by the Bishop.

**2. Qualifications**

- 1) A Lay Reader shall be a member in full communion of the Anglican Church of Canada, of at least one year's standing, a regular Communicant and of the full age of 18 years **ad and** not in Holy Orders.
- 2) No one shall be presented to the Bishop to be licensed as a Lay Reader unless recommended by the Incumbent and Churchwardens, with the concurrence of the Parish Advisory Board.
- 3) Before new Lay Readers are licensed by the Bishop, they shall have completed a course of study approved by the Incumbent and the Bishop.

**3. Licenses and Admission**

- 1) The License of a Lay Reader shall remain in force at the pleasure of the Bishop, and will automatically expire upon the assumption of office by a new Incumbent of the parish. The **Licence License** may be renewed by the Bishop at the request of the new Incumbent and **Church wardens Churchwardens**, with the concurrence of the Parish Advisory Board.
- 2) A Lay Reader shall be admitted to the Order by the Bishop, or some other cleric appointed by the Bishop.

**4. Duties**

- 1) The duties of the Lay Reader at the invitation of the Incumbent, shall be to officiate at, or assist in those parts of Divine Service not required to be performed by a cleric, and to perform such other duties as may be requested.
- 2) An additional Episcopal Letter of Permission is required from the Bishop for any Lay person assisting the Incumbent with the administration of the Eucharist.
- 3) Lay Readers shall perform their duties and services in the parish of which they are members, and may perform such duties elsewhere only with the approval of their own Incumbent.

## **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 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 in consultation with the Bishop, the Bishop shall convene a meeting of the Senior Administrative Officer, two (2) representatives of the Executive Board, 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 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. If the Diocesan 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. If such report is favourable to the establishment of the parish and is confirmed by the Bishop and Diocesan 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 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, 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 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, 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, 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, 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 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 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.

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

- 1) The Bishop may direct the Executive Board to report on the boundaries of any or all parishes, districts or ministry areas in the Diocese, whenever the Bishop and the Diocesan Council consider it necessary. If the report of the committee is confirmed by the Diocesan 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 for study and report and, if the report is approved by the Diocesan Council, the Bishop may proceed to effect such adjustment by declaration.
- 3) At the request of the Diocesan Council a recommendation regarding the allocation of the territory formerly occupied by a disestablished parish shall be made by the Executive Board after consultation with the Incumbents and Churchwardens of adjoining parishes, and shall be reported to the Bishop and to the Diocesan Council. If the report of the Board is confirmed by the Diocesan 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, 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 churchwardens'** duties prescribed by Canon 15(4) shall be undertaken separately for each congregation.

## **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 Executive Board, 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 S. 14**).
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 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 Executive Board 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 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 for adjudication, and the decision and any consequential directions of the Diocesan 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 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 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 and Synod members before each Regular Session of the Synod.

**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.

3. **Administration**

The ~~Chief Administrative Officer~~ **Executive Director** 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 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 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;
- 4) Prepare annual report and financial statement for presentation to the Diocesan Council of Synod and such other reports or statements as Diocesan 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 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.

**4. Committee Duties**

The Committee shall:

- (1) Act on behalf of the Bishop, the Diocesan 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 of 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.
- (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~~ 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 48**  
**THE REGISTRAR**

**1. Office**

There shall be a Registrar of the Diocese who shall be appointed by the Bishop and who shall hold office during the Bishop's pleasure.

**2. Qualifications**

The Registrar shall be a member of the Bar of the Province of Ontario of at least 10 years standing and shall be a member in full Communion of the Church of the Diocese.

**3. Duties**

It shall be the duty of the Registrar to see that the following records are kept at the Offices of the Synod.

- (a) Such official acts of the Bishop or of the Synod as require record or registration.
- (b) A list of the Clergy of the Diocese from time to time, with their academic standing and the respective duties of their admission as deacons and priests, and of their licences on admission to the Diocese, and a record of the different parishes, missions, or stations in which they have served or of any Diocesan position which they have filled.
- (c) The election or appointment of clergy or **laymen laity** to any office of the Diocese.
- (d) All letters of orders, licences, institution, induction and other official instruments issued by the Bishop from time to time.
- (e) A record of consecration of churches, and burial grounds and of the revocation of the Sentence of Consecration.
- (f) A record of all churches, church buildings and memorials dedicated by the Bishop.
- (g) The Registrar shall record the election, confirmation, consecration and installation of the Bishops of the Diocese and shall provide that such records be counter-signed by the responsible witnesses, who have themselves been present at such ceremonies.

**4. Death or Retirement of the Bishop**

On the death or retirement of the Bishop of the Diocese, the Registrar shall tender a resignation of office to the **Diocesan Council Bishop**.

**5. Deemed Resignation of Office**

Upon the:

- a. Resignation, personally or by their attorney, in writing, to the Bishop, or
  - b. Declaration that the Registrar be mentally incapable to manage their property or personal care by an Ontario Superior Court,
- the Registrar shall be deemed to have resigned the office of Registrar.