

## 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 Synod Council.

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

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

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

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

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

**4. Loans**

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

**5. Consent of the Synod Council**

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

**6. Vestry Resolutions**

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

**7. Alterations/Repairs**

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

**8. Memorials**

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

**9. Procedure**

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

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

**1. Consultation**

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

**2. Special Vestry and Notice**

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

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

**4. Certified Copy of Resolution**

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

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

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

**(1) Respecting Purchases:**

- a. Vestry resolution
- b. General description of property (with sketch of location)
- c. Purchase price
- d. Method of financing purchase, and statement of parish's financial condition with respect to purchase
- e. 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. 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 outlining method of providing funds for repayment

**(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.