

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 Synod Council.

2. Report

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

3. Commission

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

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

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

6. Procedure of Commission

The proceedings by and before the Commission shall provide an opportunity to the Incumbent and the parishioners to make such 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 Synod Council

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

12. Expenses

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