

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 Synod Council by resolution, and by the Bishop under the Bishop's hand and seal shall be final.

2. Establishment of a New Parish

- 1) Whenever the establishment of a new parish is desired by:
 - a) a group of persons, not less than twenty (20) of whom shall be communicants of the church of the full age of eighteen (18) years, residing in the Diocese, who present a memorial to the Bishop stating their reasons, or
 - b) the Bishop, or
 - c) the Synod Council in consultation with the Bishop, the Bishop shall convene a meeting of the Executive Director, two (2) representatives of the Synod Council, and:
 - i. in the case of a new parish with proposed geographical boundaries, the Regional Dean 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) The Bishop shall communicate the recommendation to the Executive Board who shall forward their recommendations to the Synod Council. If the Synod Council approves the establishment of a new parish the Bishop shall notify in writing the Incumbent or Incumbents and Churchwardens of parishes affected. If no objection to the proposal is raised within one (1) month from the date of such notices, and the Bishop approves of the proposal and is satisfied that the provisions of the Church Temporalities Act (section 17), where the same applies, have been complied with, and that proper and sufficient means have been or will be provided for the maintenance of work in such a parish, the Bishop may proceed to the establishment of the parish.
- 3) If any of the parishes notified as aforesaid objects to the proposed new parish, the grounds of objection shall be delivered to the Bishop in writing within one month. The Bishop may thereupon refuse the prayer of the memorial, or the Bishop may appoint a Commission which shall confer with the Incumbent or Incumbents of the parish or parishes affected, and consider the objections made. The Commission shall then report its findings to the Bishop and Synod Council. If such report is favourable to the establishment of the parish and is confirmed by the Bishop and Synod Council, the Bishop may proceed to the establishment thereof.

3. Amalgamation of Parishes

- 1) Whenever the Bishop shall consider it advisable to amalgamate or merge two (2) or more existing parishes or congregations, and the Synod Council has expressed its approval by resolution, the Bishop shall seek voluntary consent to such amalgamation or merger by a conference of the Incumbent and Churchwardens of such parishes or congregations.
- 2) If a voluntary agreement cannot be reached, a Commission shall be appointed to consider the objections of those opposed to the amalgamation or merger, and any other matters pertinent thereto, and to report thereon. If such report is in favour of the proposed amalgamation or merger and has been confirmed by the Bishop and the Synod Council, the Bishop may proceed to carry it into effect by disestablishing any one (1) or more of the parishes or congregations and by establishing a new parish or parishes or congregations or by allotting the territory to one (1) or more parishes or congregations. If the report of the Commission is unfavourable, further action shall be deferred for a period of not less than one (1) year, from the date of such report.
- 3) If the parish thus formed consists of more than one (1) congregation, and the distribution of the financial obligations to be borne by each cannot be agreed upon by the congregations

themselves, the Bishop shall appoint a Commission to consider the matter. Their report, after confirmation, shall be carried into effect, but the matter may be reconsidered at the end of a three-year period, if requested by the Churchwardens of any one (1) of the congregations concerned.

- 4) Where two (2) or more existing parishes or congregations are merged under the provision of this Canon, the proceeds of the sale of surplus real property shall be placed in the Ministry Allocation Fund. All appointments of clergy or laity of the merged parishes or congregations, including the Incumbents, assistants in ministry, Churchwardens and other lay parish officials, shall terminate as of the date of the approval by the Bishop and the Synod Council of the merger, but the Bishop may in the Bishop's discretion continue any clerical or lay appointments on such terms as the Bishop deems fit, or make other appointments.
- 5) Subject to the approval of the Bishop and the Synod Council, vestries of two (2) or more congregations or parishes may enter into arrangements for their more effective administration, including, but not limited to, the consolidation of financial resources, joint vestry meetings, joint advisory boards, combined services and other cooperative acts.

4. Disestablishment of a Parish or Congregation

- 1) The Vestry of any parish now or hereafter established may, by a resolution adopted by at least a two-thirds (2/3) majority of those present at a special meeting thereof called for the purpose of considering the matter, resolve that it is expedient, for reason to be stated in the resolution, that the parish should be disestablished. Upon the said resolution being approved by the Bishop in writing under the Bishop's hand and seal, the Bishop shall thereupon disestablish the parish.
- 2)
 - a) If the Bishop deems it advisable that any parish now or hereafter established in the Diocese should be disestablished, the Bishop may, with the approval of the Synod Council, confer with the Incumbent and Churchwardens of such parish with a view to bringing about, if possible, a voluntary disestablishment under the preceding subsection.
 - b) If voluntary disestablishment cannot be so arranged, the Bishop may appoint a Commission to investigate and report on the advisability, or otherwise, of the proposed disestablishment. If its report recommends disestablishment, and is confirmed by the Synod Council, the Bishop may thereupon declare in writing that the said parish is disestablished. If, however, the report be unfavourable to disestablishment, no further action shall be taken, and all interested authorities shall be notified to such effect.
- 3) Provided that before disestablishing a parish the Bishop shall require to be submitted to the Bishop a financial statement of the assets and liabilities of such parish. If the liabilities are found to be greater than the assets, the Bishop shall submit the statement to the Synod Council which shall take such action as seems necessary under the circumstances.
- 4) On disestablishment, the register and other books, records and documents of the parish shall be surrendered forthwith to the Diocesan Archivist for storage in the Diocesan Archives.
- 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 Suffragan 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 or the Executive Director 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 Synod Council may by resolution remove the Churchwardens of such disestablished parish and appoint others in their place for the purpose of the transfer of assets pursuant to this section.
- 7) The sale of any assets or property real or personal resulting from such disestablishment shall be placed in the Ministry Allocation Fund, apart from the necessary expenses of the disestablished parish or congregation.
- 8) A Congregation within a parish may be disestablished and the other provisions of this Section 4 shall apply mutatis mutandis, except that the territory and any assets shall be allotted at the discretion of the Bishop, after consultation with the Diocesan Council.

5. Adjustment of Boundaries

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

6. General Regulations

The boundaries of a parish having been once defined, approved, and declared, shall not be disturbed for a period of five years except in the case of the formation of new parishes, or in the discretion of the Bishop.

- 7. With the permission of the Bishop and the Synod Council, multi-point parishes may be treated as a single congregation and single vestry for the purposes of the provisions of Canon 13, 14, 15, and 17, except that the churchwarden's duties prescribed by Canon 15(4) shall be undertaken separately for each congregation.