

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

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

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

#### **Declaration**

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

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

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

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

### **3. Parochial Tribunal**

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

### **4. Vestry List**

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

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

### **5. Additional Names**

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

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

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

**7. Disputed Membership of a Vestry**

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

**8. Right of Appeal**

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

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

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

**10. By-laws of Vestries**

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

**11. Annual Meeting of Vestries**

1. The annual meeting of the vestry in every church should be held on the last Sunday in January, but no later than the end of February, or by the last Sunday in October for those parishes which have a year end of June 30<sup>th</sup> in each and every year, after due notice thereof given during Divine Service on the next two preceding Sundays.
2. Notwithstanding the provisions of Sub-section (1), the parish's annual vestry meeting may, in special circumstances be held on another day, due notice having been given as aforesaid.

**12. Special Meetings of Vestries**

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

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

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

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

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

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

1. At every annual vestry meeting, the vestry shall appoint a licensed CPA to hold office until the close of the next annual vestry meeting, and if an appointment is not so made, the auditor in office continues in office until a successor is appointed or the CPA resigns.
2. The CPA shall make such examination as will enable the CPA to report to the vestry as required under subsection (3).
3. The auditor shall make a report to the vestry on the Churchwardens' accounts presented to the vestry at the annual meeting. The Churchwardens' accounts shall include the financial position of the Churchwardens and the statements of operations and changes in fund balances and cash flow for the period under review. The auditor shall state in his/her report whether in his/her opinion the Churchwardens' accounts referred to herein present fairly, in all material respects, the financial position of the Churchwardens and the results of operations and the changes in financial position for the period under review in accordance with generally accepted accounting principles.
4. Notwithstanding subsection (1) the vestry may pass an extraordinary resolution to have a review engagement instead of an audit in respect of the parish's financial year if the parish has annual revenue in that financial year of less than \$500,000 (excluding any extraordinary or non-recurring gains resulting from, without limitation, capital campaigns or the sale of a property) or have a compilation engagement instead of an audit, with the permission of the Bishop, if the parish has annual revenue in that financial year of less than \$100,000 in accordance with provincial legislation. The licensed CPA conducting the review or compilation engagement shall make a report to the vestry on the Churchwardens' accounts presented to the vestry at the annual meeting.
5. Notwithstanding subsection (4), the Bishop, Synod Council, Incumbent, Corporation or Vestry may require at any time an audit of the financial records of the Churchwardens' accounts in addition to or instead of a review engagement.
6. It shall also be the duty of the auditors or accountants to report all matters which in their opinion should be brought before the vestry.
7. A copy of the Churchwardens' accounts with auditors' audit/review/compilation report thereon shall be forwarded to the Diocesan Office with the financial returns.

### **14. Care of Church Properties**

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

**15. Care of Records, Deeds, etc.**

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

**16. Parochial Organizations**

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

**17. Financial Year**

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

**18. Order of Business**

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

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

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