

## **CANON 38, PAROCHIAL PROPERTY**

1. In any parish or mission where a new church or rectory or parish hall is to be built or purchased, and before the building thereof is commenced or purchase made, a report shall be made by the incumbent and the parochial corporation interested in the erection or purchase of said church or other building to the Diocesan Council or the advisory sub committee or special committee containing the following particulars, a copy of which shall be sent to the Regional Dean;

(a) When a church: the necessity for such church, the locality, distance from any other church, the number of church families who have agreed to support such church with the yearly subscriptions promised, and the estimated potential demographic growth of the area.

(b) When a rectory or parish hall: the necessity for such edifice and its position with regard to the church or churches in the parish.

(c) The plan for such church, rectory or parish hall, the material of which it is to be built and the estimated cost.

(d) What amount has been subscribed towards the erection of such edifice and the amount of cash and other assets on hand for that purpose.

(e) An assurance that the building of the said church or rectory or parish hall will not interfere with nor lessen the amount subscribed by the congregation towards the member of the clergy's stipend, the Diocesan Budget, or the pension funds of the Church.

2. The Diocesan Council shall consult with an advisory committee consisting of the Archdeacon and Regional Dean concerned, architects, contractors, financial advisors and others, and may, if satisfied with the location, plans, costs and prospects, give permission to proceed with the erection of such church or rectory or parish hall, subject however to the following conditions:

(a) That no larger or more expensive church or rectory or parish hall be built than shall be agreed upon by the Diocesan Council.

(b) That no contract shall be given out until such proportion of the estimated cost has been guaranteed by subscriptions or paid in cash as shall be satisfactory to the Diocesan Council.

(c) That during the whole period of construction, a "Builder's Risk" insurance policy shall be kept in force payable to the Diocesan Council or the Parochial Corporation.

3. In the event of a parish desiring assistance from the Synod to aid in building or buying a church or rectory all such assistance, if granted by the Diocesan Council, shall be dependent upon the following conditions:

(a) That the deed for the site of the church or rectory or parish hall, free and unencumbered, shall be vested in the Synod, in trust or in the parochial corporation.

(b) That the grant from the Synod shall not be paid until the church or rectory or parish hall is enclosed and roofed, and so far paid for, but not by the debt being assumed

by any person or persons, unless such person or persons relieve the congregation or mission from all future liability of the same; and further, before such grant is paid, the parochial corporation or building committee, shall promise in writing that they will not engage in any further work upon the church or rectory or parish hall, until the money necessary for such further work is actually in hand.

4. (1) It shall be the duty of the incumbent and parish wardens, or in case of a vacancy in the parish, of the parish wardens, to submit the plans to the Bishop for approval and obtain such approval before any work shall be commenced on any real estate belonging to or held by the parish.

(2) Upon the approval of the plan or plans and specifications aforesaid, copies thereof certified by the Bishop shall be deposited by him or her with the Executive Secretary of Synod for future reference and safekeeping.

5. When the parish council proposes to undertake alterations, renovations, or repairs:

(1) The installation or alteration of any permanent memorial or decoration in or about any church building shall be subject to the approval of the parish council.

(2) All alterations, renovations, and repairs to any church, rectory or parish hall shall be in accordance with prevailing safety and building codes.

6. It shall be the duty of every parish to provide suitable and safe housing for the accommodation of the incumbent. This housing may be provided in the form of a rectory or a housing allowance to enable the incumbent to rent or buy suitable accommodations. The form of housing shall be approved by the Bishop in consultation with the Archdeacon and Regional Dean having jurisdiction.

7. (1) When a rectory is erected or acquired, the parish shall maintain the rectory in a state of good repair.

(2) If the incumbent by willful negligence, by any act of commission or omission, suffers the said buildings to be deliberately damaged, ordinary wear and tear of the same excepted, the incumbent shall be held responsible for the same, and it shall thereupon be the duty of the parish wardens to point out such dilapidations to the incumbent and request the incumbent to provide a remedy for the same.

(3) If the member of the clergy feels aggrieved by the remedy requested by the parish wardens, he or she may appeal to the Regional Dean having jurisdiction, who shall decide the matter or, if she or he sees fit, may appoint a committee to examine into the merits of the case, and report thereon to him or her; and in either case her or his decision may be referred to the Bishop whose decision shall be binding, pending which decision the parish wardens shall suspend the contemplated remedy.

8. Should any extensive improvements or repairs become necessary from the lapse of time or otherwise, such as new roofing, painting, or new fences, the expense of these and all similar improvements or repairs shall be borne by the parish. When such repairs are required and parish council has not taken action, the member of the clergy shall lay a detailed statement of the same with an approximate estimate of the expense, before the wardens, property committee or parochial corporation and, if approved, the wardens, property committee or parochial corporation,

shall forthwith proceed to effect the necessary repairs, providing for the expense thereof from the funds of the parish, by parochial subscriptions, or by any other mode determined upon by the corporation, but the expense of such improvements shall not be defrayed from any funds appropriated to or pertaining to the support of the member of the clergy.

9. Where there is more than one congregation in a parish, it shall be the duty of each to bear its proper share in the repairs and maintenance of the rectory property.

10. All parishes shall insure their property and liability risks pursuant to a Diocesan Insurance Program approved by the Administration and Finance Committee, and as amended from time to time or as deemed advisable and necessary by the Administration and Finance Committee.

11. The family of a deceased member of the clergy shall be allowed to occupy the rectory and premises appurtenant thereto for three months, or longer with the consent of the Bishop, from the date of his or her decease.

12. If the incumbent of any parish is compelled to resign through age, sickness or infirmity, he or she shall be entitled to the privileges conferred by this Canon on the family of a deceased member of the clergy.

13. All gifts, whether by deed or will or otherwise, to or for the benefit of a parish shall be vested in the Bishop, the Synod or the parochial corporation.

14. Before any church is consecrated, the title thereof shall be vested in the Bishop, the Synod or the parish.

15. No parochial real property, howsoever held, shall be sold, leased, mortgaged, or otherwise disposed of without complying with the following conditions.

- (a) The passing of a resolution by the parochial corporation asking permission from the Bishop of the Diocese to take the action contemplated. Such resolution shall specify the reasons for and the objects of any proposed sale, lease or mortgage and the purposes for which the proceeds of such sale, lease or mortgage are to be applied.
- (b) The consent of the Bishop to take such action.

16. No real estate held as a site for a church, rectory, or parish hall shall be mortgaged except for the purpose of raising money to be expended in the erection thereon of a church, rectory, parish hall or for the enlargement, renovation, repair, or restoration of the church, rectory, or parish hall already thereon.

17. No church, chapel, rectory or parish hall shall be erected on leased land, or upon land the title to which is not fully vested in the Bishop, the Synod or parochial corporation.

18. Any consecrated church or chapel within the Diocese falling into disuse or becoming unsuitable for use through decay or other cause shall not be sold, taken down or removed, until the sentence of consecration shall have been revoked by the Bishop.

19. Any activity described in this Canon shall be interpreted and carried out in accordance with any guidelines which may be established, from time to time, by the Diocesan Council.