

CANON 13 VESTRIES

1. Vestries, How Formed

In all churches or places of worship of the Anglican Church of Canada within the Diocese of Ontario, 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 as defined in Canon 1 and that I have regularly attended scheduled services of worship with this congregation for at least three (3) months and have received the sacrament of Holy Communion at least three (3) times and 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 as defined in Canon 1 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. Vestry List

The Incumbent and Churchwardens of the vestry of each church, providing they comply with any legislation enacted by the federal or provincial authorities, shall prepare a list in alphabetical order of all persons who are entitled to vote at meetings of such vestry and upon request, 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 regular 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 Incumbent and Churchwardens 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."

4. Additional Names

1. Names of persons who have been members of and regular worshippers with the congregation for a period of not less than three months, and who fulfill the other conditions of membership, may be added to the list, at any time during the year by an application in writing to the Incumbent and Churchwardens. 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.

5. Persons Entitled to Vote at Vestry

Persons sixteen (16) years of age and over, who have been members of and regular 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 13 are entitled to vote. Unavoidable absence from worship with the congregation, through illness or absence from home, shall not prevent a person from being entitled to vote. In order to vote at a meeting of Vestry, a member must be present in person.

6. Disputed Membership of a Vestry

1. The Incumbent and Churchwardens 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 Incumbent and Churchwardens, and at the adjourned meeting any business is 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.

7. Right of Appeal

There shall be a right of appeal from a decision of the Incumbent and Churchwardens 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 or an election of members of Synod and the judgment of the Court shall be final.

8. 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.

9. 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.

10. Annual Meeting of Vestries

The annual meeting of the vestry in every church shall be held no later than the fifteenth (15) day of March after due notice thereof has been given during Divine Service on the next two preceding Sundays.

11. 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 special 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 or Bishop's designate 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.

12. Chairperson and Clerk of Vestry Meetings

At all vestry meetings, the Incumbent or Priest-in-Charge of the parish shall preside as Chairperson, when present, and in the absence of the Incumbent or Priest-in-Charge 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.

13. Quorum

At all vestry meetings, a quorum shall be not less than twenty-five per cent (25%) of members of vestry whose names are on the vestry list in accordance with Paragraph 3 of this Canon

14. Audit of Church Accounts

1. All church parish accounts including those of any or all parochial organizations, shall be reviewed by an independent designated or appointed financial representative.
2. Subject to paragraph 5 below, at every annual vestry meeting, the vestry shall appoint one or more independent auditors 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 auditor resigns.
3. The auditor shall make such examination as will enable the auditor to report to the vestry as required under subsection (4).
4. The auditor shall make a report to the vestry on the Church accounts presented to the vestry at the annual meeting. The Church accounts shall include the financial position of the Church 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 Church accounts referred to herein present fairly, in all material respects, the financial position of the Church and the results of operations and the changes in financial position for the period under review in accordance with generally accepted accounting principles.
5. Notwithstanding subsection (2), the vestry may pass a resolution, with the permission of the Bishop or the Bishop's delegate, to have, alternatively, the auditor conduct a review engagement or have an independent financial review conducted by a qualified experienced financial individual acceptable to vestry 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 \$100,000.00 or an amount as declared by Diocesan Synod Council in accordance with provincial legislation. The accountant conducting the audit or review engagement, or, alternatively, the qualified experienced financial reviewer, shall make a report to the vestry on the Church accounts presented to the vestry at the annual meeting, such report to include a statement that the financial statements fairly represent the financial position of the Church accounts.
6. Notwithstanding subsections 2. to 5., the Bishop, Diocesan Synod Council, Incumbent 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 or independent financial review aforesaid and the cost of the audit shall be borne by the parish.
7. It shall also be the duty of the auditors or accountants or independent financial reviewer, as the case may be, to report all matters, which in their opinion should be brought before the vestry and the parties named in paragraph 5.
8. A copy of the Churchwardens' accounts with auditors' report, review engagement or independent financial review aforesaid shall be forwarded to the Diocesan Financial Officer with the financial returns.

15. Care of Church Properties

The possession of the church, the churchyard and burying ground attached or belonging thereto, is in the Churchwardens for the time being, and the care of the property, both real and personal, is, therefore, their, 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 of the parish.

16. Care of Records, Deeds, etc.

As required pursuant to Canon 37, all important parish records not in actual use shall be placed in the care of the Archives Committee.

17. 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 or the raising and spending of money to support their activities. Each such organization shall present an annual report to the vestry with a financial statement of all of its receipts and disbursements for the previous year and each organization's report and financial statements shall be included in the parish financial statements.
2. In case of disagreement between a vestry and an organization, either shall have the right to appeal to the Diocesan Synod Council and the ruling of the Diocesan Synod Council regarding the matter under dispute shall be final.

18. 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 Diocesan Synod Council.

19. Order of Business

The order of business at the annual vestry meeting shall include the following items:

1. Incumbent or Priest-in-Charge takes the Chair. (Canon 13, Sec. 12). In the absence of the Incumbent or Priest-in-Charge, 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 or, by a person appointed by the Bishop.
2. Opening prayers;
3. Electing Vestry Clerk (if not already appointed or if absent.)(Canon 13, Sec. 12);
4. Confirmation of the minutes of last annual meeting, and minutes of any other meetings that have not been confirmed;
5. The report of the Incumbent, or Priest-in-Charge, upon the condition, progress and needs of the parish;

6. Presenting and adopting Church financial reports with auditor's certificate attached, or, report of the qualified financial individual. In presenting the Church financial reports, 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 a budget for the ensuing year;
8. Envelope Secretary's report;
9. Appointments and elections:
 - a) Churchwardens
 - b) Deputy Churchwarden
 - c) Sidespersons
 - d) Lay Members of Synod
 - e) Envelope Committee and Secretary
 - f) Auditors
 - g) Other officers or committees
10. Presenting reports of all organizations
11. General business
12. Adjournment