CANON 12
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 Diocesan 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) who 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) Bishop's Advisory Committee, in consultation with the Bishop:

   thereupon, the Bishop or his delegate shall convene a meeting of the Diocesan Executive Officer, the Archdeacon of Ministry and Program and two (2) representatives of the Executive Board, and:

      i. in the case of a new parish with proposed geographical boundaries, the Regional Dean, the Chairperson of the Regional Council 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. If the meeting referred to in s. 2(1)(c) recommends the establishment of a new parish, the Bishop shall communicate the recommendation to the Executive Board who shall forward their recommendations to the Bishop. The Bishop, having considered the matter, shall forward the Bishop's recommendation to the Diocesan Synod Council. If the Diocesan 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 of receiving the Bishop's notice provided in preceding paragraph 2. (2). 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 Diocesan Synod Council. If such report is favourable to the establishment of the parish and is confirmed by the Bishop and Diocesan 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 Diocesan Synod Council has expressed its approval by resolution, the Bishop shall seek voluntary consent to such amalgamation or merger by a conference with 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 Diocesan 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 and personal 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 approval by the Bishop and the Diocesan 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 Diocesan 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. If the Bishop deems it advisable that any parish now or hereafter established in the Diocese should be disestablished,

    a) the Bishop may, with the approval of the Diocesan 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 Diocesan Synod Council, the Bishop may thereupon declare in writing that the said parish is disestablished. If, however, the report is unfavourable to disestablishment, no further action shall be taken, and all interested authorities shall be notified to such effect.

3. Before disestablishing a parish or congregation, the Bishop shall require submission of a financial statement of the assets and liabilities of such parish or congregation, to the Bishop and the Diocesan Financial Officer. If the liabilities are found to be greater than the assets, the Bishop shall submit the statement to the Diocesan Synod Council, which shall take such action as it deems necessary under the circumstances.

4. On disestablishment, the register and other books, records and documents of the parish shall be surrendered forthwith to the Registrar of the Diocese.

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. For purposes of executing any transfer to the Synod of any real property or personal property of any disestablished parish, the Bishop may execute such transfer in place of the Incumbent of such parish, and the Secretary of Synod and the Diocesan Financial Officer may execute such transfer in place of the Churchwardens of such parish.

7. 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.

8. In the event that the Churchwardens of such disestablished parish fail to transfer assets to the Synod, the Diocesan 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.

9. 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.

10. A Congregation within a parish may be disestablished and the other provisions of this Section 4 of this Canon 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 Synod Council.

11. With the permission of the Bishop and the Diocesan Synod Council, multi-point parishes may be treated as a single congregation and single vestry for the purposes of the provisions of Canon 12, 13, 14, 15, except that the churchwarden's duties prescribed by Canon 14 shall be undertaken separately for each congregation.