

CONSTITUTION AND CANONS

The Synod of the Diocese of Montreal
Revision January 2018



ANGLICAN DI \oplus CESE MONTREAL

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CONSTITUTION, RULES AND REGULATIONS

A. Constitution of the Synod (1995)

The Synod shall meet annually, not later than the end of November, on a date determined by the Bishop, or, should the Bishop be absent or otherwise unable to act, on a date to be set by Diocesan Council.

A. At intervals of every three or more years, Synod may be convened in conjunction with a Conference. The Conference shall be open to all members of the Anglican Church. The Synod in that year, however, shall continue to be governed by the rules of this Constitution. The Conference and Synod of that year are referred to as a Conference Synod in this Constitution. Wherever the words "the Bishop" appear in this Constitution and Canons, they refer to the Diocesan Bishop unless the context clearly suggests otherwise.

All lay delegates shall have been communicant members of the Anglican Church of Canada for at least six months previous to their election or appointment and shall be of the age of at least sixteen years.

1. The Synod shall consist of

- a. the Bishop;
- b. Clergy licensed to ministry of a cure, or to an institutional, academic or administrative ministry in the Diocese of Montreal, and any Coadjutor, Suffragan or Assistant Bishops
- c. lay heads of religious houses, and other lay persons licensed by the Bishop to specific stipendiary ministries;
- d. parochial lay delegates to be elected as provided in section 2 of this Constitution;
- e. one lay delegate per deanery, elected at the annual meeting of the Deanery Chapter, or as the Deanery's Diocesan Council delegate as provided for in D.1 (b) of this Constitution;
- f. lay delegates, not exceeding five in number, and representing areas of diocesan work, appointed by Diocesan Council;
- g. one youth delegate between the ages of sixteen and twenty-five years of age on the day of the election shall be elected by each deanery on an annual basis.
- h. the Chancellor, the Vice-Chancellor, the Treasurer, the Church Advocate, the Archivist, the Lay Secretary, the Diocesan Physician, and the Comptroller;
- i. clergy of the diocese seconded for service with the Church at the international, national or provincial level.
- j. as non-voting members, all clergy, not included in Section A.1.b above, holding permission from the Bishop to officiate in the Diocese of Montreal
- k. Vocational Deacons licensed to and active in a community and/or a parochial, institutional, academic or an administrative ministry.

2. a. One lay delegate shall be elected for each cure. In cures with only one congregation, the election shall be at the annual vestry meeting of such cure.

- b. Cures which report in the previous year's statistics, as published in the Proceedings of the previous year's Synod, a total weekly congregation at their principal services of 75 or more shall be entitled to one additional lay delegate.
 - c. Where there are two or more congregations having a corresponding number of vestries within one cure, the vestries shall by common consent decide how their delegate(s) shall be chosen.
 - d. Such delegate(s) shall hold office until the next annual vestry meeting or until a successor or successors shall be elected.
 - e. An individual may serve as a delegate to Synod for not more than five consecutive years, and will not be eligible for re-election until the lapse of at least one year.
3. Any body or person who has the right to elect or appoint a lay delegate may, in the same manner, elect or appoint a corresponding number of substitutes who shall be required to meet the same qualifications as the delegates. The substitute shall replace the delegate at any Synod at which the delegate has not registered.
4.
 - a. The certificate of the chair of the meeting which has elected lay delegates to Synod or of the person who has appointed a lay delegate in accordance with any of the above-mentioned provisions shall, in each case, be sufficient proof of such election or appointment. Such certificates shall be sent to the Secretaries of Synod within seven days of the election or appointment.
 - b. In the case of a lay delegate whose status or qualifications are doubtful, the chair shall not issue the above-mentioned certificate until proof, satisfactory to the chair, has been produced. If such proof is not produced, a new election shall be held prior to the next session of Synod.
 - c. If a vacancy should occur in the number of lay delegates and substitutes elected by a parish or in accordance with section 2 (d) of this constitution, a vestry or council meeting shall be called, after due notice, to hold a new election.
 - d. No lay delegate shall represent more than one cure. In the event of a dual election or appointment, the Secretaries of Synod shall notify both the issuers of the certificates and the delegate that such a dual election has been effected.
 - e. The Secretaries of Synod shall be responsible to ensure that all lay delegates who present themselves to Synod for registration have been duly elected or appointed.
5. A special meeting of the Synod may be called at the discretion of the Bishop or shall be called by the Bishop when required in writing by not fewer than fifteen clerical and thirty lay members of Synod. At such special meeting no other business shall be transacted than that stated in the notice.
6. The Bishop shall preside at the Synod. When the Bishop is not present at Synod or wishes to vacate the Chair in order to participate in discussion, the Coadjutor, the Suffragan, the Assistant Bishop, the Dean, the Executive Archdeacon or the Archdeacon senior by appointment, in that order, shall preside.
7. A quorum of the Synod shall consist of a simple majority of the clergy identified in Section A.1.b of this Constitution and a simple majority of the lay delegates.
8. There shall be two Secretaries of Synod, elected at the annual meeting of Synod by their respective Orders who shall:

- a. keep minutes of all proceedings of Synod;
 - b. record the minutes in a book provided for that purpose;
 - c. deliver all records and documents to their successors;
 - d. preserve all papers, memorials or other documents;
 - e. certify the public acts of Synod;
 - f. give notice to all members of Synod of the time and place appointed for any meeting of Synod; this notice to be given at least twenty-one days before such meeting.
9. a. There shall be a Chancellor, a Vice-Chancellor and a Church Advocate appointed by the Bishop who shall be communicant members of the Anglican Church of Canada and members of the Bar of the Province of Quebec of at least ten years standing or members of the judiciary. Their term of office shall be at the discretion of the Bishop.
- b. All deeds and documents to which the Synod is a party and which require to be signed on behalf of the Synod shall either
- i. be approved by the Chancellor, Vice-Chancellor or the Church Advocate, before being so signed, or
 - ii. be prepared by or submitted to and approved by such counsel, notary or other competent person as the Chancellor, Vice-Chancellor or the Church Advocate shall have approved.
10. a. There shall be a Treasurer elected at the annual meeting of Synod who shall oversee (i) the collection of money received for the accounts of Synod; (ii) the disbursement of funds to be paid under the authority of Synod; (iii) the safeguarding of the assets of Synod; (iv) the keeping of proper records.
- b. Expenditure for any purposes not included in the budget and under the amount duly set from time to time by the Synod or Council shall be the responsibility of the Treasurer and must be reported at the Council meeting immediately before or after the expenditures; amounts over and above the limit expended for these purposes must have prior approval of the Synod or Council.
- c. There shall be an auditor or auditors who shall be elected at the annual meeting of Synod.
11. a. No change to Constitution or Canons shall be binding on the members of the Church in this Diocese which has not received the assent of the Bishop, the clergy and the laity meeting in Synod.
- b. Proposed alterations to the Constitution, Canons, Rules and Regulations of the Diocese to be presented to Synod shall be sent in writing to the Secretaries of Synod at least four months before the meeting of Synod and shall be submitted by the Secretaries to the Diocesan Council before presentation of the same to Synod. The proposed alterations shall become effective when passed by a majority of each Order and concurred in by the Bishop at the first sitting of Synod following notice of the proposed alterations in the circular convening Synod.
12. The expense of the Synod shall be defrayed by assessment on the congregations of the diocese in such amount and proportions, in such a manner and for such expenditures as the Diocesan Council, with the approval of Synod, shall have from time to time determined.

13. a. No lay delegate shall be allowed to take part in the proceedings of Synod, so long as any assessment payable to the Diocese by the parish, mission or cure which such delegate represents, for any prior year remains unpaid.
- b. There shall be a Synod Planning Committee of eight members, of whom at least six shall be members of Synod in the year of their election and at least four shall be lay, whose purpose shall be the planning and organization of Synod, with particular attention to the Conference Synod. The Synod Planning Committee shall determine the theme(s) for the Conference in consultation with Synod. The Committee shall be elected by Synod in the Conference year to serve until the end of the following Conference Synod, with a maximum number of two consecutive terms. Vacancies between Synods shall be filled by Diocesan Council.

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- A.1 Revision - Synod 1997
A.1 (b) Revision - Synod 2008
A.1 (e) Revision - Synod 2000
A.1 (g) "sixteen to twenty-four years" changed to "sixteen and twenty-one years" - Synod 2000
A.1 (h) "the Diocesan Physician" added before "and the Comptroller" - Synod 2000
A.1 (i) Addition - Synod 1999
A.1 (j) Addition - Synod 2008
A.1 (k) Addition - Synod 2009
A.2. Revision - Synod 2004
A.7 Revision - Synod 2008
A.13 Deleted - Synod 2009
A.1 (g) Revision - Synod 2012

B. Order of Proceedings (1995)

1. The Synod shall convene at such time and place as the President shall determine.
2. A quorum having been declared, the Chair shall call the Synod to order, and in the absence of a quorum the Chair is authorized to adjourn the sitting, until such time as a quorum is secured.
3. Clerical and lay delegates shall register attendance on a form to be provided for that purpose.
4. At the opening of the session, the Secretaries shall report whether a quorum of each Order is present in Synod.
5.
 - a. Each session of the Synod shall include a public celebration of the Holy Eucharist.
 - b. The Bishop, the President of Synod, shall deliver the charge at this or some other suitable time.
 - c. Names of Synod members who died since the last session shall be read.
6. The order of business shall be determined by the Synod Planning Committee and include:
 - a. The election of a Clerical Secretary, a Lay Secretary and a Treasurer. All of these shall be elected by ballot, if demanded, and shall hold their respective offices until their successors shall be chosen.
 - b. The appointment of Auditors.
 - c. The correction and approval of the minutes of the previous session and the receiving of the summary of the minutes of Diocesan Council.
 - d. The approval of Privileges of the Floor.
 - e. The reading of regrets.
 - f. The presentation of the Report of the Nominating Committee.
 - g. The appointment of Committees of the House.
 - h. The appointment of other Synod Committees.
 - i. Consideration of reports of committees, including the reports of the Theological College and diocesan institutions.
 - j. Consideration of reports of committees and Diocesan institutions.
 - k. The presentation of proposed constitutional or canonical changes.
 - l. Consideration of motions.
 - m. The presentation of memorials and petitions.
 - n. The presentation of reports dealing with financial matters involving the Synod.
 - o. Members' Forum.
 - p. Other reports, presentations or business deemed appropriate by the Synod Planning Committee.

7. An address by the Bishop, a public service, or a public meeting under the auspices of Synod shall be in order at any time.
8. A Nominating Committee shall be appointed at each annual session. Its duty shall be to submit to the Secretaries, for inclusion in the circular convening the next annual session, names of persons to be considered for the committees and delegations to be appointed or elected by Synod.
9. In all cases in which the Synod is required to elect members of committees or delegations by ballot, the following rules shall apply:
 - a. Voting shall take place on the day, and at the time appointed by the Bishop in consultation with the Synod Planning Committee as published in the Convening Circular.
 - b. The names of all those nominated for election shall be printed on a suitable ballot paper, lay and clerical nominees respectively arranged in alphabetical order. Over these names shall be indicated in clear type the number of persons to be voted for. Ballot papers shall be made available as early as possible after presentation of the report of the Nominating Committee.
 - c. Clergy and laity shall be entitled to vote for both clerical and lay members in the election of all committees and delegations, except for the delegates to Provincial and General Synods, who shall be elected by Orders.
 - d. Ballot boxes, one for each election and one for each Order, shall be placed in the ante-rooms of the Synod, in the charge of one clerical and one lay delegate for each ballot box.
 - e. No member of Synod may vote by proxy.
 - f. Scrutineers shall, before permitting deposit of a ballot, see that the name of the voter is on the printed list of members of Synod as furnished by the Secretaries.
 - g. The scrutineers shall close the voting at the hour appointed in accordance with Section 8 (a) of the Order of Proceedings and shall deliver the ballot boxes to the supervisor in charge of the counting of the ballots, together with the certified list of delegates which shall be marked to indicate those who have actually voted.
 - h. When two persons have received the same number of votes, the order of precedence shall be determined by random lot.
 - i. No ballot in the election of any committee or delegation shall be counted which does not record votes for at least one half the number of persons to be elected to such committee or delegation or which records votes for more than the number of persons to be elected to such committee or delegation.
 - j. The list of those elected in the several cases, the names arranged in the order of the number of votes cast, together with the certified lists of delegates marked to indicate those who have actually voted, shall be returned by the supervisor to the Chair of the Synod before the close of the session.
 - k. All ballots, the valid and the rejected in separate covers, shall be returned in sealed envelopes to be furnished for that purpose, together with the sheets on which the count of the ballots has been made, to the supervisor.
 - l. The Chair of the Synod shall announce the results of the balloting before the close of the session.

10. Synod shall appoint Marshalls of Synod who shall be responsible for maintaining order throughout the session.
11. The reports of committees shall be in writing, signed by their respective chairs, who shall explain any portion of the report if requested by a member of the Synod. In the absence of the chair, another member of that committee may act on behalf of the chair.
12. Reports of committees shall be printed in the Convening Circular.
13. The Journal of Synod shall consist of the Convening Circular and the Acts and Proceedings of Synod. The Acts and Proceedings shall be printed under the direction of the Secretaries immediately after the annual session.
14. Two or more of the Journals of Synod, with a statement attached to each, mentioning the number of pages therein and certifying the same to be a true copy of the original minutes and proceedings, of which it is the printed copy, signed by the Bishop or other presiding officer, and countersigned by the Secretaries, and sealed with the seal of the Synod, shall be delivered to the Archivist, and shall serve and avail and have the same force and effect as the said original minutes and proceedings.

B.6. (c) Revision – Synod 1999

B.6. Revision – Synod 2009

B.9 (a) Revision – Synod 2009

C. For the Preservation of Order (1995-1996)

1. Immediately after the Chair shall have called the meeting to order, the sitting shall be opened by prayer.
2. The Chair shall preserve order and decorum, and shall decide questions of order, subject to the Synod. Once the Chair has stated the basis of a ruling, any member of Synod may move an appeal to that ruling. Provided the motion finds a seconder, the appeal is debatable, and will be decided by majority vote.
3. When the Chair is putting a question, no member shall walk out of or across the House; nor when a member is speaking shall any member hold discourse to interrupt the speaker, except to rise on a point of order, nor pass between the speaker and the Chair. In voting, the affirmative vote shall be taken first and then the negative vote and, except as otherwise provided for herein, all questions should be decided by a majority of the votes cast.
4. No member, save the mover of a motion, who is entitled to reply, shall speak more than once on the same question without leave of Synod, except in explanation of a material part of the speech which may have been misunderstood, and then it is not permitted to introduce new matter.
5. A member may, of right, require the motion in discussion to be read for information at any time during the debate, but not so as to interrupt a member speaking.
6. A member called to order shall sit down, unless permitted to explain; and the Synod, if appealed to, shall decide the case, but without debate; if there is no appeal the decision of the Chair shall stand.
7. No member shall speak disrespectfully of the Monarch, nor use improper language against the proceedings of Synod, or against particular members thereof, nor speak beside the question in debate.
8. The Chair may at any time require the Synod to be cleared of strangers, and may suspend the debate then in progress until the Synod be so cleared.
9. No motion shall be put or debated unless the same be in writing and seconded; nor shall any motion prefaced by a written preamble be received by the Chair.
10. A motion to adjourn shall always be in order; but such motions, as well as motions to postpone the debate indefinitely or temporarily, shall be decided without debate. In the case of a motion to postpone the debate indefinitely or temporarily, the question shall be decided by a two-thirds majority of the members voting on the question.
11. All questions shall be put to the Synod in the order in which they are moved, unless the Chair, with the consent of Synod, decides otherwise.
12. After a motion has been presented, it shall be deemed to be in the possession of the Synod; but it may be withdrawn at any time before decision or amendment, with the permission of the Synod.
13. When a question is under debate, no motion shall be received by the Chair unless to amend it, or to postpone it to a certain day, or to postpone the debate indefinitely or temporarily, or to

- refer it, or for adjournment; and no more than one amendment to the proposed amendment of a motion shall be in order.
14. Except with the consent of the House, the mover of a motion may not speak for more than ten minutes, and the seconder, five minutes; and each speaker thereafter three minutes. The mover may speak five minutes in closing the debate.
 15. On a division, members of Synod may, upon request to the Chair, have their vote recorded in the minutes. A question once determined shall not be brought up again at the same session of Synod without the unanimous consent of the House.
 16. On the passing or rejection of any resolution or business, any manifestation of approval or dissent shall be considered a breach of order.
 17. Presenters of petitions, memorials and other papers addressed to the Synod shall be answerable to the Synod that these documents do not contain improper or impertinent matter.
 18. Special committees shall be named by the Bishop, unless otherwise ordered by Synod, and in such cases the election shall be by ballot. They shall appoint their own chairs, and a majority of the number named or elected shall be a quorum, competent to proceed to business.
 19. Reports of committees shall be received in course, unless ordered to be reconsidered, but further action thereon shall be by motion as in other business. And, in order to give effect to any recommendation or principle embodied in any report of a committee of the House, and intended to bind the Synod, a specific resolution setting forth the rule or principle shall follow and be adopted by the Synod.
 20. Subject to section 21, all notices of motion intended to be brought before the next session of Synod shall be sent to the Secretaries of Synod by the date designated by the Bishop, such date to be circulated with the notification of the date for the next Synod. It shall be the duty of the Secretaries of Synod to keep a record of such notices, and to issue a statement of the business for the ensuing session of Synod, including reports of committees, and to forward the same to each member of the Synod at least one month before the meeting of the Synod.
 21. Any member of Synod desiring to put a motion before the House of which notice has not been given pursuant to section 20, shall give notice in writing to the Chair. As soon as practical following receipt thereof, the Chair shall read such motion to the House and a vote shall forthwith be taken without debate as to whether such motion shall be received. In the event two-thirds of the votes cast are in favour of the receipt of the motion, the Chair shall cause such motion to be printed and made available to the members and the motion may thereafter come before the House at any time following the lapse of two hours after the taking of the vote to receive the motion. No such motion may deal with the Constitution, Canons, Rules and Regulations of the Synod or propose the expenditure of funds without providing for the raising of the amount required. In the year of a Conference Synod, motions arising from the Conference may be brought before Synod with the approval of the Synod Planning Committee without the necessity of a two-thirds majority or a two hour time lapse.
 22. During the sittings of Synod the vote of each order shall be taken separately when so required by any three members, and, except as otherwise provided, each vote shall be determined by the majority of the members voting in each Order. The vote shall be put first to the Order of which the mover of the motion is a member.

D. The Diocesan Council (1996)

1. a. The Diocesan Council shall be the only standing committee of Diocesan Synod and shall consist of the Bishop(s), the Executive Archdeacon, the Chancellor or in the absence of the Chancellor, the Vice Chancellor, the Clerical and Lay Secretaries of Synod, the Treasurer, one member appointed by each Deanery for a three year term, one member elected from the Diocesan Youth Delegates for a two year term, diocesan members of the Council of General Synod and Provincial Council, and six members (3 clergy, 3 lay) elected at Synod for a one year term. For this purpose the Cathedral shall be deemed to be a Deanery.
- b. Each Deanery shall elect one member and will, in alternate terms, elect from the clergy or the laity. Lay persons shall be elected from the parish membership of the Deanery; each such member shall represent the Deanery as its Synod Delegate in the three Synods following such election (see A.1 (e)), and shall be a member of Deanery Chapter for that three year period. Such delegates must conform to the requirements of Canon 26.4 (b). If the person so elected is already a parish delegate to Synod, then his or her alternate shall become the parish lay delegate. Deaneries will be advised which order they are to appoint. Any vacancy among the members of Council appointed by the Deaneries shall be filled by a member from the same Deanery and of the same order as the one to be replaced.
- c. Any vacancy among the members of Council elected at Synod shall be filled by the person of the same order who had the next highest number of votes. No member elected to Council by Synod may serve more than four consecutive terms, but may be re-elected after a lapse of two years.
- d. The youth delegate elected for a two year term shall be at least sixteen years of age and not older than twenty years of age at the time of election.
2. The Church Advocate and the Comptroller will be non-voting members of the Diocesan Council. The Chairs of the four standing committees referred to at Section 4 hereof shall also be members of Council but, except for chairpersons who have been elected or appointed as provided in Section 1, shall not have the right to vote. Synod office employees shall not be eligible for appointment or election to Council, but will be expected to attend meetings when matters pertaining to their portfolios are discussed. They shall have no vote.
3. The Bishop will be the chairperson of Council. The Council will meet within thirty days of its election and will, as its first task, elect a vice-chairperson who will hold office until the next Synod. Thereafter, it will meet monthly, except in July and August, or at the call of the chairperson, or at the request of any five voting members, with at least ten days written notice having been given. Ten voting members shall form a quorum of whom at least five must be laity.
4. The Council shall have four standing committees: Human Resources Committee; Mission Committee; Finance Committee; and Nominating Committee.
5. It shall be the duty of the Council to consider and deal with all matters referred to it by the Synod. All matters belonging to the jurisdiction of the Synod, including the administration and management of its property, shall be vested in the Council.

6. The Council, in conjunction with the Bishop, shall on behalf of the Synod deliberate and decide upon policy direction of all diocesan affairs. It shall develop the broad lines of diocesan policy and shall ensure that all diocesan officers, committees and boards work within the framework of that policy.
7. All committees and boards set up by the Synod shall be responsible to the Council and shall submit reports when requested as well as annually to Synod.
8. The Council shall have power to delegate specific functions to such persons as it may designate; these persons need not be members of Synod.
 - a. The Council, in cooperation with the Treasurer and the Finance Committee, shall prepare and present to the annual meeting of the Synod, a recommended Diocesan budget of revenue and expenditure for the following year.
 - b. The Treasurer shall be accountable to the Council with respect to his work as defined in the Constitution. The Council must deal with any actual financial result which deviates from the Annual budgeted amounts by more than 10% in any category of revenue or expenditure.
 - c. All capital expenditures or loans to churches from funds belonging to or in the care or custody of the Synod shall be subject to the approval of the Council when such amounts are between \$10,000 and \$100,000; amounts in excess of \$100,000 shall be subject to the approval of Synod.
9. The Council may recommend constitutional and canonical amendments and policy decisions to Synod.

D.1 (a)	Revised – Synod 2007
D.1 (b)	Revised – Synod 2000 / 2007
D.2.	Revised – Synod 2000
D.4.	Revised – Synod 2000 / 2009
D.8 (a)	Revised – Synod 2009
D.1 (a)	Revised – Synod 2012
D.2	Revised – Synod 2012

CANONS OF THE SYNOD OF THE DIOCESE OF MONTREAL

Canon 1 – The Election of Bishops

Interpretation

1. In this Canon

- “**assistant bishop**” means a bishop who is already consecrated and who is appointed to assist a the diocesan bishop but who does not have a right of succession;
- “**coadjutor bishop**” means a bishop who is elected or to assist the diocesan bishop and who has the right to succeed the diocesan bishop when the diocesan bishop ceases to hold the office of diocesan bishop;
- “**Council**” means the Diocesan Council;
- “**diocesan bishop**” means the bishop who has jurisdiction in the diocese;
- “**electoral synod**” means a meeting of a diocesan synod called to elect a bishop;
- “**Metropolitan**” means the Metropolitan of the Ecclesiastical Province of Canada;
- “**Search Committee**” means a search committee elected or appointed pursuant to section 4.
- “**suffragan bishop**” means a bishop elected to assist the diocesan bishop but who does not have a right of succession.

Calling an Electoral Synod

2. (1) If there is no coadjutor bishop, an electoral synod shall be called to elect a diocesan bishop when
 - (a) a vacancy occurs in the office of diocesan bishop,
 - (b) the diocesan bishop has submitted a resignation to the Metropolitan and less than eight months remains until the effective date of the resignation, or
 - (c) the diocesan bishop has attained the age of 69 years and four months.
- (2) An electoral synod shall be called to elect a coadjutor bishop or a suffragan bishop where
 - (a) there is no coadjutor bishop,
 - (b) there is no suffragan bishop, and
 - (c) the Council determines, in consultation with the Metropolitan, that the diocesan bishop, for any cause, is unable to attend to the duties of a diocesan bishop by reason of mental or physical incapacity.

Where the Council determines that the diocesan bishop is unable to attend to the duties of a diocesan bishop by reason of mental or physical incapacity, the Council shall decide whether the electoral synod should elect a coadjutor bishop or a suffragan bishop.

- (3) Upon request of the diocesan bishop, and with the consent of Synod and the

Metropolitan, an electoral synod may be called to elect a suffragan or coadjutor bishop.

(4) The Council shall consult with the Metropolitan with respect to fixing the time and place for the electoral synod, with attention to providing for an orderly transition.

(5) After such consultation has taken place the Council shall fix a day, time and place for the electoral synod and give notice of the electoral synod, elect or appoint the members of the Search Committee, and appoint the Secretary of the Committee who may, but need not, be a member of the Committee.

(6) The date of the electoral synod shall not be earlier than twenty-four (24) weeks after the day on which the Council elects or appoints the members of the Search Committee.

(7) The Council shall, when the Council has elected or appointed the members of the Search Committee, immediately send to each member of the diocesan synod, written notice of the day, time, place and purpose of the electoral synod.

(8) The Council shall include in the notice of the electoral synod the name and address of the Secretary of the Search Committee, and a statement that any member of the synod may, not later than eight (8) weeks before the date of the electoral synod, submit in writing to the Secretary of the Search Committee the name or names of any person or persons proposed by the member for the position to be filled.

(9) When the Council is deliberating on any matter with respect to the calling of an electoral synod, the formation of the Search Committee, or the reports of the Search Committee, the Diocesan Bishop shall relinquish the chair if the bishop is in the chair at the time of the meeting.

Notice to the House of Bishops

3. When a diocesan bishop or a coadjutor bishop is to be elected, or where a suffragan bishop is to be elected at an electoral synod called pursuant to subsection 2(2) or 2(3), the Council shall inform the members of the House of Bishops of the Ecclesiastical Province of Canada of the name and the address of the Secretary of the Search Committee, that the Search Committee has been appointed, and that any member of the House may, not later than eight (8) weeks before the date of the electoral synod, submit in writing to the Secretary of the Committee the name or names of any person or persons proposed by the member for the position to be filled.

The Search Committee

4. (1) The Search Committee shall consist of at least three clerical members of the diocesan synod and at least three lay members of the diocesan synod elected or appointed by the Council. The Council may elect or appoint up to three additional persons who are not members of the diocesan synod.

(2) The Diocesan Bishop shall be a non-voting member of a Search Committee for the

selection of candidates for the election of a suffragan bishop.

(3) A person designated by the Council shall convene the first meeting of the Search Committee.

(4) The Search Committee shall, at its first meeting, elect a Chair and determine its procedures.

Duties of Search Committee

5. (1) When a diocesan bishop or a coadjutor bishop is to be elected, or where a suffragan bishop is to be elected pursuant to subsection 2(2) or 2(3), the Search Committee shall
- (a) prepare for the approval of the Council, a profile of the diocese and a written description of the general qualifications and requirements for the position to be filled and any specific qualities that the Search Committee considers to be desirable in the person who will fill the position, such profile and description to be submitted to the Council within eight (8) weeks after the election or appointment of the Search Committee;
 - (b) receive in writing from members of the diocesan synod and from members of the House of Bishops of the Province the names of any persons proposed by them as nominees for election, together with a consent to nomination signed by the person proposed, a curriculum vitae, and a response to the profile. Each nomination shall be signed by two (2) clerical members and two (2) lay members of the diocesan synod.
 - (c) determine which of the persons proposed pursuant to clause (b) in the opinion of the Committee meet the canonical requirements for election, and the qualifications and the Safe Church requirements of the Diocese;
 - (d) inform the proposers of any person proposed whom the Committee does not intend to nominate for election, as well as the person proposed, of that fact. The Committee may inform the person proposed of the reasons for the decision, but shall not disclose the reasons to any other person.
 - (e) determine the names of other persons who in the opinion of the Committee meet the canonical requirements for election, and the qualifications, requirements and qualities determined pursuant to clause (a), all such other persons to be nominated in writing by two (2) clerical members and two (2) lay members of the diocesan synod;
 - (f) prepare a list, arranged alphabetically by surname, of the persons identified pursuant to clauses (c) and (e) who have consented to being nominated;
 - (g) compile appropriate information about each person to be nominated for communication to the members of the electoral synod. The information shall be presented in a standardized format and include (i) the curriculum vitae, (ii) the candidate's response to the diocesan profile, and (iii) the identity of the persons who proposed the candidate, and may include such other information as the Search Committee deems relevant. If the Search Committee considers it desirable, the Committee may conduct interviews of the nominees, each such interview having the same questions, and may make available video of the interview by such means

as determined by the Committee.

(h) post the information compiled pursuant to paragraph (g) above to a designated page or pages on the diocesan web site;

(i) prior to the date of the electoral synod, ensure that each candidate has submitted a police records check and any other documentation as may be required by the Safe Church policy of the diocese;

(j) present its report to the electoral synod and nominate the persons listed pursuant to clause (e).

Notice of Nominations

6. At least eight weeks before the electoral synod the Council shall send to each member of the synod, and to all churchwardens and parish communicators,

(a) the list of the persons nominated by the Search Committee pursuant to section 5(f)

(b) a copy of the information prepared pursuant to section 5(g), and

(c) a description of the procedures to be followed at the electoral synod.

Further Nominations

7. No nominations shall be accepted from the floor of synod.

Quorum

8. A quorum of the electoral synod consists of at least two-thirds of the voting clerical members of the synod and lay members representing at least two-thirds of the parishes.

President

9. (1) The Metropolitan or a bishop designated by the Metropolitan shall be the president of the electoral synod.

(2) If the Metropolitan or the designated bishop is unable to preside the members of the electoral synod shall elect a president from among the lay members of the synod.

Celebration of Holy Communion

10. On the day appointed for the meeting of the electoral synod the members of the synod shall gather for a celebration of the Holy Communion.

Election Procedures

11. (1) When the electoral synod convenes, following the celebration of Holy Communion, the president shall read the names of all nominees in alphabetical order by surname, and introduce the nominees who are present.

- (2) A nominee may withdraw his or her name from the balloting at any time.
- (3) The members of the electoral synod vote by secret ballot, the orders of clergy and laity voting separately.
- (4) The Chancellor shall appoint a committee of persons who are not members of the synod to separately collect and count the ballots cast by the clerical and lay members of the synod.
- (5) After each ballot the president shall announce the number of clerical and lay votes cast for each nominee and shall declare removed from the balloting the name of any nominee who did not receive any votes, and the one nominee, if any, who received the fewest votes in both orders simultaneously, unless only two nominees remain.
- (6) Balloting shall continue until a nominee receives the votes of a majority of the members of the order of clergy present and voting and a majority of the votes of the members of the order of laity present and voting.
- (7) When only two names remain in the balloting, if an election does not occur after three further ballots, the electoral synod may
 - (a) by a majority of each order decide to continue balloting on the same name or names,
 - (b) by a majority of each order decide to adjourn and direct the summoning of another electoral synod within six months,
 - (c) by a majority of either order decide to open the meeting to re-nomination of any of those nominees who have earlier withdrawn their names or whose names have earlier been removed from the balloting, or
 - (d) by the same number of votes in each order as is required for an election, request the House of Bishops of the Ecclesiastical Province of Canada to appoint a bishop.
- (8) If at any time only one name remains in the balloting the members of the electoral synod shall mark their ballots "in favour" or "not in favour" of the nominee whose name remains.

Procedure When Election Occurs

12. (1) When there is an election the President shall declare the elected person to be the bishop-elect, and inform the bishop-elect of the election and request that person's consent to the election and to the formal submission of his or her name to the Metropolitan, and, where such consent is given order that the ballots be destroyed.
- (2) If within a reasonable time, as determined by the President, the person elected is not available or able to consent to the election or does not consent to the election, the President shall
 - (a) announce to the members of the electoral synod that the elected person has not consented to the election,

- (b) announce that if the elected person does not consent to the election within seven days, the electoral synod shall be reconvened on a date which is at least thirty days hence; and
- (c) adjourn the electoral synod to the day appointed.

(3) When an electoral synod is adjourned pursuant to subsection (2) and the person elected does not consent to the election within seven days after the day on which the meeting is adjourned, the President of the electoral synod shall reconvene the synod by giving to each member of the synod, and to all the nominees, notice stating that the elected person has not consented to the election within seven days after the electoral synod was adjourned, and that the electoral synod is to be reconvened on such date and at such time and place as is set out in the notice.

(4) A notice given pursuant to subsection (3) shall be given a reasonable time, as determined by the president, before the synod reconvenes.

(5) At an electoral synod that is reconvened pursuant to subsection (3), the nominees shall be asked if they continue to consent to standing for election, and the names of all such nominees shall appear on the first ballot.

Validity of Election or Appointment

13. (1) When the elected person has consented to the election, unless the president is the Metropolitan, the president shall forthwith notify the Metropolitan of the election.
- (2) Any question as to the validity of the process followed in electing or appointing a bishop shall be submitted to the Metropolitan before the consecration, or, in the case of a bishop already consecrated before the installation, of the person elected or appointed and the decision of the Metropolitan is final.

Appointment of an Assistant Bishop

14. The diocesan bishop may appoint a bishop of the Anglican Church of Canada or of a church in full communion therewith to be an assistant bishop for a term of not more than five years at any time after the diocesan bishop informs the diocesan synod that in his or her opinion the diocese requires an assistant bishop, the diocesan synod, by resolution, concurs in the opinion of the diocesan bishop, and the Metropolitan determines that there is sufficient financial provision for the support of an assistant bishop.

Forms and Regulations

15. The Council may prescribe forms for use under this Canon and may make such regulations, not inconsistent with this Canon, as are necessary to facilitate the orderly conduct of an electoral synod.

Coadjutor Bishop's Right of Succession

16. A coadjutor bishop, when consecrated, has the right to succession to the office of diocesan bishop and succeeds to that office immediately after it becomes vacant.

Duties of Coadjutor, Suffragan and Assistant Bishops

17. A coadjutor bishop, suffragan bishop or assistant bishop shall perform such duties and exercise such episcopal functions as the diocesan bishop assigns and, if the diocesan bishop is physically or mentally incapacitated to a degree that he or she is not able to fully perform episcopal duties and functions, shall perform such episcopal duties and exercise such episcopal functions as the diocesan bishop could, but for the incapacity, perform and exercise.

Revised - Synod 2017 - Canons 1 and 2 (1984) amended and replaced in their entirety by Canon 1 as revised at Synod 2017 - Effective as of Synod 2018 (June 16, 2018)

Canon 2 – Election of a Coadjutor or of a Suffragan Bishop (1984)

Repealed - Synod 2017 - Canons 1 and 2 (1984) amended and replaced in their entirety by Canon 1 as revised at Synod 2017

Canon 3 – Archdeacon (1987)

1. The Bishop shall appoint the number of Archdeacons that the Bishop deems necessary to assist in the administration of the affairs of the diocese.
 2. All matters referred to an Archdeacon by Regional Deans, Rectors, Incumbents, Lay Pastors, Wardens of parishes or other competent authorities may be drawn to the attention of the Bishop or other appropriate authority.
 3. The officials of any constituted authority in an Archdeaconry may be required by their Archdeacon to make available for inspection all records or accounts required to be kept by civil or ecclesiastical authority.
 4. Archdeacons shall be responsible for seeing that all church property within their jurisdictions is reasonably maintained for the decent and orderly service of the church.
 5. The territorial Archdeacon shall be responsible for an annual inspection with the Rector, Incumbent or Lay Pastor and the Wardens of each parish, of all residences and grounds owned or leased by the church for parochial purposes, to determine the maintenance required, both immediate and future, and shall be responsible for seeing that a schedule of regular maintenance is established.
 6. Archdeacons shall ensure that, within their jurisdictions, the requirements of Canon 7, section 5, and of Canon 14 are met.
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Canon 4 – Deaneries (1985)

1. Deaneries are such divisions of the diocese as the Bishop has made or may hereafter make.
2. The Regional Deans are officers of the Bishop, receiving their commissions from the Bishop and holding them at the Bishop's pleasure.
3. There shall be in each deanery a Deanery Chapter, constituted of at least the licensed clergy, lay pastors, the wardens, deputy wardens, diocesan Synod delegates, substitute diocesan Synod delegates, Youth Synod delegates, the deanery delegates and other delegates to Synod from the deanery. In addition, in the case of cures which have Parish Councils, the members of the Council shall be members of the Deanery Chapter. Deanery Chapter shall have the power to add to its number.
4. An annual meeting of the Deanery Chapter shall be called by the Regional Dean prior to the annual meeting of Synod. It shall be the business of this meeting to approve the statistical report of the deanery before it is sent to the Bishop. Other meetings of the Chapter shall be called by the Regional Dean at the direction of the Bishop to consider and act upon such matters as the Bishop may refer to it and may be called by the Regional Dean on other occasions to consider matters of concern to that particular deanery and to nourish the spiritual life of the deanery.
5. The Rector, Incumbent or Lay Pastor and the wardens of each parish shall, immediately after the annual meeting of the Vestry, send to the Regional Dean a report of such statistics and other information about the parish as shall be required by the Synod or the officers thereof. Such information shall be collated by the Regional Dean and presented to the Deanery Chapter for restatement or approval before being sent to the Bishop.
6. The Regional Dean may act in an advisory capacity in matters of dispute in any parish or between parishes in the deanery and may refer any such cases to the Archdeacon or the Bishop.

Revised – Synod 1996

Canon 5 – Status of Congregations, Missions, Parishes and Cures (1986)

1.
 - a. A congregation is a group of people gathered together to worship according to the rites of the Anglican Church of Canada.
 - b. A mission is an ecclesiastical division which is supported, in whole or in part, by the diocese, and has not been organized as a parish.
 - c. A parish is an ecclesiastical division in which one or more congregations have been organized, and which
 - i. has provided a place or places of worship, and
 - ii. either singly or in combination with other parishes provides for the support of an Incumbent.
 - d. An aided parish is one in which part of the operating costs, including the payroll costs (clergy and lay), insurance, Diocesan Assessment and loan repayments, is contributed by the diocese.
 - e. A self-sustaining parish is one in which all of the operating costs, including the payroll costs (clergy and lay), insurance, Diocesan Assessment and loan repayments, are contributed by the parish. A self-sustaining parish shall be designated and enjoy the status of a rectory parish.
 - f. A cure is any ecclesiastical division to which a priest, deacon or lay pastor is licensed by the Bishop, and may comprise one or more congregations, missions or parishes.
2. An aided parish may become a rectory (self-sustaining) parish when it establishes, to the satisfaction of the Diocesan Council and the Bishop, that it is able to meet the whole of its operating costs including all payroll costs (clergy and lay employees), Diocesan Assessment, insurance and loan repayments.
3.
 - a. All parishes shall pay for their commitments for payroll costs (clergy and lay), insurance, Diocesan Assessment and loan repayments on receipt of an invoice.
 - b. All amounts receivable from parishes shall be reported regularly to Diocesan Council.
 - c. If amounts are outstanding beyond 30 days from the end of the month when they become payable a corrective action plan shall be sought from the corporation.
 - d. If a corrective action plan satisfactory to Diocesan Council is not provided within 90 days of the end of the month when the amount became payable, or should a corrective action plan be agreed but the parish then default, the Diocesan Council may recommend to the Bishop that the parish become an aided parish.
4. The right of appointing an Incumbent to a mission or an aided parish shall be vested in the Bishop.
5. The support of all persons licensed by the Bishop for ministry within the diocese, including the minimum annual stipend and benefits, shall be established from time to time by the Diocesan

Council or the Synod, and notice of all decisions in this regard shall be given to all the salary-paying sources affected thereby.

1. (d) Amended – Synod 2008 / Revised – Synod 2009
1. (e) Amended – Synod 2008 / Revised – Synod 2009
- 2 Amended – Synod 2008 / Revised – Synod 2009
- 3 Amended – Synod 2008 / Revised – Synod 2009

Canon 6 – Organization of Parishes (1987)

1. A group of persons within a parish, desiring the formation of a new parish, shall present a petition to the Bishop, stating their reasons for the proposal. The said petition shall also contain the names of the persons concerned and a suggestion of a site for a parish church.
 2. The Bishop, upon receipt of the petition, shall consult the clergy and wardens affected thereby. Disapproval of the proposal, either singly or collectively, shall be communicated to the Bishop in writing within thirty days of the consultation.
 3. When the Bishop shall be satisfied with the results of the consultation, and that section XIX of the Church Temporalities Act has been fulfilled, and that a place for the worship of God has been provided, the new parish may be established.
 4. A proposal by the Bishop for the establishment of a mission, situated in any existing deanery, shall be submitted to the clergy and wardens of the said deanery for their counsel and advice.
 5. A proposal by the Bishop to combine two or more parishes shall be submitted to the clergy and wardens of the parishes concerned and to the Regional Deans for counsel and advice.
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Canon 7 – Erection, Consecration, Use and Disposal of Churches, Chapels and Other Buildings (1987)

1. No building shall be erected in any cure without written permission from the Bishop, who shall have approved the plans and estimates, and shall have been satisfied that the financial position of the cure warrants such expenditure.
 2. The Bishop shall lay the foundation stone of any church or chapel, or shall appoint some person to do so. Before the laying of the stone, the title deeds shall have been duly executed, conveying the property to the Bishop for the use of the cure, or to the Synod of the Diocese of Montreal.
 3. Before the consecration of any church or chapel the Bishop shall be satisfied that the land and buildings are free of debt, and that the buildings are properly furnished and equipped for the worship of God.
 4. Any such consecrated church or chapel falling into disuse or becoming unsuitable for use by reason of decay or other cause shall not be sold, demolished or removed until the sentence of consecration shall have been revoked in a form prescribed by the Bishop.
 5. The cost of maintenance and repair of church property shall be defrayed by each parish or cure individually.
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Canon 8 – Archives (1993)

1. There shall be an Archives which shall be the official repository for all non-current records of the Diocese of continuing value including those of its officers, agencies, committees and organizations, and for the records and papers deposited by parishes and individuals within the Diocese.
 2. There shall be an Archivist of the Diocese who shall be appointed by the Bishop and who shall remain in office during the pleasure of the Bishop.
 3. The Archivist shall be the custodian of all the archival records of the Diocese.
 4.
 - a. Parishes shall have primary responsibility for the custody of their own records including civil and sacramental registers, and minute books, financial records and other records both of the parish and its organizations.
 - b. Parishes shall consult the Archivist on the proper preservation and conservation of their records and on the deposit of their non-current records in the Archives.
 - c. The records of closed parishes shall be deposited in the Archives.
 5. The Archivist shall make recommendations to the appropriate Diocesan authorities regarding all aspects of the management of archival records.
 6. The Synod shall provide a secure place of deposit for the archival records of the Diocese.
 7. The Archivist shall report annually to Synod on the services, acquisitions and activities of the Archives.
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Canon 9 – Church Wardens (1978)

1. The administration of the temporalities of every church and chapel is by law vested in the Incumbent and Churchwardens.
 2. Churchwardens shall be chosen in accordance with the regulations set forth in the Church Temporalities Act (appended to these Canons), sections III, IV, and V.
 3. The duties of Churchwardens shall be those described in the Church Temporalities Act, particularly sections III, VI, IX, X, XI, XIII, XV, XVI, XXI.
 4. The Incumbent and Churchwardens shall jointly assume responsibility for the welfare of the Parish. Deputy Wardens, Advisory Board, Select Vestry or similar bodies may be elected or appointed to advise or assist the Incumbent and Wardens in the performance of their duties.
 5. In particular, Churchwardens shall assume the following duties:
 - a. Assist the Incumbent in appointing and supervising the lay officers and employees of the parish: e.g. organist, sexton, treasurer, secretary.
 - b. Notify the Incumbent of any sickness or any special need among members of the congregation.
 - c. Provide for the due care and preservation of all property, movable and immovable, belonging to the parish and superintend and enforce all contracts related thereto.
 - d. Keep a faithful account of the receipts and disbursements of the congregation and (where applicable) be responsible for the careful stewardship of the endowment and other funds of the parish; reporting thereon to the annual meeting of the Vestry.
 - e. Review annually the insurance policies on church, parish hall, rectory, and other building(s); and report thereon to the annual meeting of the Vestry.
 - f. Ensure the cleanliness, warmth, and ventilation of the church buildings; and from funds of the corporation supply vestments, linens, Bibles, Prayer Books, and the bread and wine for celebration of Holy Communion.
 - g. Maintain and forward such documents and records as the Synod of the diocese or other authority shall require.
 6. Nothing in this Canon shall inhibit parochial vestries from enacting local constitutions or bylaws, provided they do not conflict with the provisions herein contained.
 7. A copy of this Canon, together with a copy of the Church Temporalities Act (as amended) shall be given by the chairman of the Vestry Meeting to each Warden at the time of his or her election or appointment.
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Canon 10 – Registers (1987)

1. It shall be the duty of the Incumbent of any parish, mission, congregation or cure to see that the registration of all Acts of Civil Status be accurately recorded as required by law.
 2. The Incumbent of a parish, mission, congregation or cure shall be responsible for the regular upkeep of:
 - a. A record of those persons who identify themselves with the parish, mission, congregation or cure, indicating their status as to baptism, confirmation, communion and marriage.
 - b. A register of confirmations, including, at least, the date, the names of those confirmed and of those received from other denominations.
 - c. A register of children admitted to communion before confirmation, with the date of their first communion and their age at that time.
 - d. A vestry book of worship services, indicating the dates, times, types of services, preachers, officiants and the number of communicants.
 - e. Such other records as may be required from time to time.
 3. Extracts from the records listed in section 2, when certified by the Incumbent, shall be sufficient evidence of the status of any person so recorded.
 4. All records and registers referred to above must be kept secure from fire, theft and vandalism. In the absence of or upon the authority of the Incumbent, all records and registers shall be placed under the control of other church authorities.
 5. No Incumbent may be transferred from one ministry to another, nor may clergy wishing to leave the diocese receive their Letters Dimissory until the Bishop is satisfied that the duties referred to in this Canon have been fulfilled.
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Canon 11 - The Christian Education of Children (1986)

1. There shall be attached to every cure, when practicable, a Church School for the Christian education of children.
 2. The Church School shall be the responsibility of the Rector, Incumbent, or Lay Pastor, who shall nominate the teaching staff, make provision for their training, approve the curriculum and see that nothing is taught that is inconsistent with the doctrine and discipline of the church.
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Canon 12 – Sermons and Pastoral Letters (1986)

1. Such sermons and pastoral letters as the Bishop shall direct shall be preached or read in each congregation at divine service on such days as the Bishop shall appoint.
 2. Such sermons or pastoral letters may direct the collection of a special offering.
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Canon 13 – Pastoral Community (1997)

1. A Pastoral Community is a community which meets for Christian worship, formation and service, under the direction of a pastor (lay or ordained) designated and licensed by the Bishop, but without parochial status.
 2. Such a community will keep its own financial accounts, in conformity with canon and civil law.
 3. There will be an annual meeting each January, presided over by the pastor, at which financial reports will be adopted, other reports will be received, and plans will be made for the life of the community.
 4. This meeting will elect a lay Steward to represent the community in the diocese, the archdeaconry and the deanery. This person, or a substitute elected by the meeting, will be a member of diocesan Synod. Such delegate to Synod must be a member of the Anglican Church of Canada, as defined in Canon 26 of the Diocese of Montreal.
 5. The annual meeting may also elect other officers deemed necessary (e.g., treasurer, secretary).
 6. The annual meeting shall also accept the Synod Assessment, and decide on its share of the diocesan mission budget and (where relevant) of the cost of ministry.
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Canon 14 – The Financial Support of Parishes (1986)

1. Every Cure, Parish, Mission or institution (each hereafter referred to as the institution) shall be responsible for payment its payroll costs (clergy and lay), related benefit costs, insurance, Diocesan Assessment and loan repayments on receipt of the invoice.
2. Every institution in the diocese shall inform the Treasurer of the diocese annually of the amounts that they are willing to contribute to the Mission Fund and to other diocesan programmes and outreach commitments. Such information shall be provided in the form and at the time established by the Diocesan Council.
3. By the 15th of August of the year preceding the year for which aid or assistance is sought the institution shall advise the appropriate Archdeacon, the Comptroller and the Treasurer of the need for financial support and provide an analysis explaining the basis for the request.
4. The Bishop shall consider each request for a subsidy, and may also consult the Diocesan Council. If the request does not meet with approval, an effort shall be made to advise and assist the said institution to review its financial situation and to amend its commitments.
5. The Diocesan Council, having agreed to the amended subsidy request, shall proceed to vote the amount required from the Mission Fund to provide the total support of the Incumbent as required by section 1 above.
6. The amended amount payable by each institution shall be paid to the Treasurer of the diocese in equal monthly instalments.
7. The total amount of the Incumbent's support shall be remitted to the Incumbent by the Treasurer of the diocese in equal monthly instalments.
8. If the said institution fails to meet the agreed payments for a period of three months, the Bishop shall take suitable action.

1. Amended – Synod 2008 / Revised – Synod 2009

3. Amended – Synod 2008

Canon 15 – Solicitation of Funds from Extra-Parochial and Extra-Diocesan Sources (1986)

1. Solicitation of funds from outside the bounds of a particular cure or of the diocese for work within the said cure affects the interests and standing of the whole church. No such solicitation shall be made without prior written authorization by the Bishop.
 2. The nature, cost and necessity of such work must be established by written statements, and the cure must indicate the extent of its own financial participation in the work. Regular reports of the project, with detailed financial statements, shall be made to the Bishop by the Corporation of the cure involved.
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Canon 16 – Financial Year and Annual Vestry Meeting of Cures (1986)

1. The financial year in each parish or congregation shall terminate on the thirty-first day of December in each year, and the Wardens shall at the next annual Vestry meeting, render an account of their financial stewardship. (Church Temporalities Act, 14-15 Victoria, Chapter 176.)
2. The annual meeting of the Vestry shall be held on or before the last day of February in each year, or on such other date as the Synod may from time to time by resolution appoint, after notice given during divine service on the two preceding Sundays, for the purposes mentioned in section III of the Church Temporalities Act, and for the transaction of other business.

2. Revised - Synod 1998 The words “thirty-first day of January” were removed and replaced by the words “the last day of February”.

Canon 17 – Clergy Remuneration (2000)

1. Mileage Allowance for Clergy and Diocesan Staff

Effective January 1, 2013, mileage will be paid for employment related transportation as per the Canada Revenue Agency posted rates and will be adjusted as per the CRA guidelines. The Cleric or Synod Office employee will track and submit the mileage claim to the appropriate person on the form provided by the Diocesan Finance Department.

Clergy Housing, Clergy Housing Allowance and employment benefits will be reviewed by the Human Resources Standing Committee on an annual basis.

2. The stipend paid to clergy licensed by the Bishop for full time employment in the Diocese of Montreal shall be not less than that indicated by the minimum stipend scale. The basis for establishing minimum stipends shall be as follows:

- a. A Base Stipend rate shall be established, which is the annual stipend payable to newly ordained clergy in their first year of ministry. This base stipend rate shall be adjusted for inflation each year according to the average annual change over the preceding three years in the National Consumer Price Index, as published by Statistics Canada for the month of June.
- b. For clergy in their 2nd through 36th years of ministry, an incremental factor of 1.25% of the Base Stipend rate for each year of ministry beyond the first shall be added to the Base Stipend rate.
- c. In determining the appropriate minimum stipend, a new year of ministry begins on January 1st of each year following ordination.
- d. The minimum stipend for part-time employment shall be determined by the minimum stipend scale on a pro rata basis.
- e. This paragraph (2) shall become effective for stipends payable in 2001 and succeeding years.

3. Transitional Measures

- a. for the purpose of calculating the Base Stipend for 2001, the Base Stipend for 2000 will be deemed to have been \$24,486.
- b. for each of the years 2001 to 2005, the Base Stipend shall be increased by an additional \$500 prior to the calculation of the increase due to inflation.
- c. clergy whose deemed seniority exceeds their actual years of service, owing to having been ordained above the age of 28 under the former canon, shall remain at their current level of seniority until such time as their actual years of service reach their seniority level; at that time, such clergy's seniority level will again rise each year in accordance with Paragraph 2(c).

Originally implemented in 1990, rescinded and replaced (as printed) in 2000.

Revised – Synod 2009

Revised (1) – Synod 2012

Canon 18 – Notice of Ordination (1986)

1. The names of the candidates for Holy Orders on the Bishop's list shall be transmitted by the Bishop to each Rector, Incumbent or Lay Pastor in the diocese, to be published during divine service at each church in the cure, at least one calendar month before the day of ordination.
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Canon 19 – Rectorial Tenure (1986)

Repealed in 2009

Canon 20 – Continuing Education

Repealed in 2004

Canon 21 - Resignation of Clergy (1986)

1. a. All Bishops, Priests and Deacons of the Diocese of Montreal, upon becoming seventy years of age, shall be expected to submit their resignation in accord with the following regulations:
 - b. The Diocesan Bishop shall resign to the Metropolitan; the Coadjutor, Suffragan and Assistant Bishops, Priests and Deacons shall resign to the Diocesan Bishop.
 - c. The Metropolitan or the Diocesan Bishop, as the case may be, may either accept the resignation forthwith, or may, with the agreement of the person concerned, fix an effective date for the resignation.
2. Retired Coadjutor, Suffragan and Assistant Bishops, Priests and Deacons may accept, with the permission of the Diocesan Bishop, any other charge or employment in the diocese, provided that the term of this engagement shall be for one year only, renewable with the Bishop's permission.
3. Notwithstanding the above, where honorary assistants have been appointed after their retirement, they may continue beyond the age of 70 in the same appointment on a yearly basis, with the approval of the incumbent and of the Bishop.

3. Addition - Synod 2000 (to clarify the status of an honorary assistant)

Canon 22 – Vacancy of Incumbency in Rectory Parishes and Cures (1986)

1. a. When a new Incumbent must be appointed to a rectory parish or cure, the Bishop shall request the Regional Dean to call and chair a Vestry meeting for the election of a committee to work with the Bishop for the selection of a new Incumbent.
 - b. After consultation with the Bishop, the parish committee may nominate to the Bishop a priest, who then may be appointed as Incumbent of the parish or cure.
 - c. If no nomination is sent to the Bishop within three calendar months from the date of occurrence of the vacancy, or, in the event of the parish or cure having ceased to be self-sustaining, by virtue of Canon 5, section 3, the right of nominating and appointing an Incumbent to the said parish or cure shall be vested in the Bishop.
 - d. None of the foregoing shall limit the rights of any parish established under Letters Patent.
2. No appointment to any rectory parish or cure shall be made by the Bishop until a satisfactory guarantee is received for the support of the Incumbent as prescribed by Canon.
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Canon 23 – Clergy Housing (2004)

1. Every stipended cleric is entitled to housing provided by the salary-paying source. This obligation may be fulfilled by mutual agreement either by the provision of a house or the payment of a housing allowance in lieu of housing.
2.
 - a. A clergy house (or rectory) when provided shall be maintained in habitable condition by the parish, corporation, or other salary source.
 - b. A rectory shall be of suitable size, with a minimum of three bedrooms, a study, and adequate space for the normal activities of a family. It shall be equipped with normal household appliances and utilities as established in regulations by Diocesan Council on the advice of the Human Resources Committee. The house shall be provided rent-free, and normal maintenance shall be provided by the salary source. The house shall be of a quality not less than the typical quality of housing in the parish.
 - c. The house shall be insured by the salary source. Insurance of personal contents is the responsibility of the occupant.
 - d. The cleric shall have the right to inhabit the house for the period of employment. When the cleric leaves active service through death, illness, retirement or any other cause, the cleric or the cleric's family shall have three months before the rectory must be vacated.
 - e. Notwithstanding the occupancy limitations of paragraph 2(d), other rights and obligations of the cleric shall be the same as normal rights and obligations of a tenant, except the cleric shall not have the right to sub-let the dwelling.
 - f. The house is the home of the cleric and family, and shall not be used by the parish for other purposes without the consent of the occupants.
 - g. The parish office shall not normally be located in the rectory. Existing occurrences of this arrangement are grandfathered until a suitable alternative is established, if practicable. When the parish office is located in the rectory:
 - i. there shall normally be a separate entrance to the office from outdoors, if practical;
 - ii. there shall be a clear division between office and living space;
 - iii. office furniture shall be provided by the parish, including at least a desk, chairs, and filing cabinet, and an answering machine or service for the office line;
 - iv. there shall be two phone lines provided in the house, one designated for office use and the other for personal use.
 - h. The rectory shall be inspected by a competent person, in consultation with the Diocesan Architect, prior to the appointment of a new incumbent, and not less than once every three years thereafter. Any deficiencies noted in the inspection shall be reported to the Archdeacon and rectified within a reasonable delay. Any damages caused through negligence or willful act by the occupant shall be the responsibility of the occupant.
3.
 - a. When a housing allowance is provided in lieu of a rectory, the amount of the allowance shall be not less than the minimum rate as set out herein, unless local circumstances indicated a need for an exception.

The minimum rate for 2013 is \$15,000 for clergy employed in parishes on the island of Montreal and \$13,000 for clergy employed off island. All exceptions shall occur in consultation with the Executive Archdeacon and the parish corporation.

Effective January 1, 2014 and annually on January 1 in subsequent years, all housing allowances will be adjusted for inflation each year according to the average annual change over the preceding three years in the National Consumer Price Index, as published by Statistics Canada for the month of June. For clergy who are receiving a clergy housing allowance different from the current rate, the same amount of adjustment will be applied. The exceptions referred to at the beginning of this article may be necessary in some geographic areas where housing/rental costs are low or high.

(originally implemented in 1990, rescinded and replaced (as printed) in 2000. Revised 2013)

- b. In the case of a part-time cleric, the housing allowance shall be paid on a pro rata basis.
 - c. Housing allowance shall be paid for the same period as the stipend is paid by the salary source. When the cleric leaves active service due to death, illness, retirement or any other cause, the payment of the housing allowance shall cease at the same time as the payment of the stipend ceases.
4. The terms of this canon shall apply equally to clergy and to lay pastors or other lay diocesan staff whose terms of employment include the provision of housing.

Regulations

1. Every rectory shall be equipped with refrigerator, stove, washer, dryer, dishwasher and window coverings. All appliances shall be provided and maintained in good working order by the salary source.
2. Utilities to be provided include heat, gas, electricity, basic telephone service, basic Internet access, and any municipal fees (such as water, sewage, or other taxes).
3. The salary source shall be responsible for lawn maintenance and snow removal at a rectory.

NB: Prior to 2004, Canon 23, entitled,

“Occupancy of Church-owned or Leased Residences (1986)” formerly read:

“At the time of termination of active service of Bishops, Priests, Deacons, Lay Pastors or members of the diocesan staff, through death, illness, retirement or any other cause, there shall be a period of three months before any church-owned or leased residence involved must be vacated.”

2.b) Revised - Synod 2013 - Change Clergy Remuneration Committee by Human Resources Committee

3.a) Revised - Synod 2013 - Text replaced in its entirety

Canon 24 - Clergy Pension Plan

Repealed in 2005

Canon 24a - Clergy Pension Plan - Supplement Assessment

Repealed in 2005

Canon 25 – Discipline (1864 and 1871)

Article I

Every Priest and Deacon, duly licensed by the Bishop, is amenable for offences committed by him, in the manner and under the provisions set forth in the Canon of Discipline hereinafter enacted.

Section 1

1. For any crime or immorality, for drunkenness, profane swearing, disorderly conduct, frequenting places most liable to be abused to licentiousness; for a violation of the Constitution or the Canons, Rules and Regulations of this Synod or of the Provincial Synod, or of the General Synod; for discontinuing the exercise of the ministerial office without lawful cause; for executing any lay profession or occupation inconsistent with his sacred calling; for the disuse of public worship, or of the Holy Eucharist, according to the offices of the Church without lawful excuse; for the wilful infringement of the rubrics; for schism, or separating himself from the communion of the Church.
2. And also for heresy, or teaching or maintaining heretical doctrines; or for teaching or inculcating doctrines contrary to those of the Church; such teaching or maintaining being by way of writing, or printing, or preaching, or public teaching, or circulating books containing unsound doctrines.
3. And also for any act which involves a breach of his ordination vows.

Section 2

1. If any Clergyman has committed, or, on reasonable grounds, is believed to have been guilty of, any of the foregoing ecclesiastical offences, committed within this Diocese, the Bishop, on the written application of any party complaining thereof, or of his own mere motion, may summon the party to appear before him in private; and, upon confession of the offence alleged, may pronounce such sentence as may be proper.
2. If the Bishop should consider the matter to be of such a character or magnitude as to require it to be placed on record, in such case the accusation shall be reduced to a definite form; there shall be added the confession signed by the party, and the same, with the sentence pronounced, shall be recorded in like manner as other sentences are hereinafter directed to be recorded.
3. If the accused party shall not admit or confess the offence alleged, and the Bishop be of opinion that there are grounds for further inquiry, the Bishop may issue a commission under his hand and seal to five Priests, of whom one shall be an Archdeacon within the Diocese, who shall make inquiry into the truth of the accusations, and report the facts, as well as the evidence taken, and whether, in their opinion, there be sufficient prima facie evidence to justify further proceedings.
4. In such case, the accusation shall be reduced to form in writing, and a deposit placed in the hands of the Bishop to his satisfaction, for the costs of the proceedings, if the accusers be Laymen; such deposit to be applied in payment of the expenses of the party accused if

acquitted, and the balance, if any, to be repaid to the depositor, and notice of the time when and place where every such meeting of the commission shall be held, shall be given in writing to the party accused, by means of personal service, at least twenty days before the first meeting; and it shall be lawful for the party accused, or his agent, to attend the proceedings of the commission, and to examine or cross-examine any witnesses; and such preliminary proceedings shall be in private unless the party accused shall desire otherwise.

5. Should the party accused neglect or refuse to appear before the said commission, his default, after good and sufficient service, shall be placed on record, and the commissioners shall proceed with their inquiry *ex parte*.
6. Upon the receipt of the report of the commissioners, the Bishop shall take such further proceedings therein as the case may, in his judgment, require.

Article II

1. A charge may be preferred against any Clergyman for any of the ecclesiastical offences above enumerated, in the manner and under the provisions following:
 - a. It may be made by the Bishop of the Diocese *ex officio*,
 - b. by any five Clergymen officiating in the Diocese, or
 - c. by any ten Vestry men of any Parish or Mission wherein the offence is alleged to have been committed.
2. The charge, when made by any other than the Bishop *ex officio*, shall be in writing, signed by the parties making it, and shall specify the offence or offences with reasonable certainty, as to time, place and circumstances.
3. There shall be annexed to it the names and residences of the material witnesses, and a copy of any documentary evidence relied on.
4. It may be in following form:

The subscribers (titles and additions) allege and charge, that the Rev. A. B., a minister of this Church, of the order of _____, and _____ of the Church or Parish of _____ has been guilty of certain ecclesiastical offences, for which he is subject to trial and censure; viz., of _____.

To establish which allegations and charge, we refer to the accompanying affidavits, certificates, documents, and to the witnesses whose names and places of residence are hereunto annexed. Which charge (or charges) we know to be true in substance; (or) which charges, on information satisfactory to us, we believe to be true.

5. Whenever a charge or charges against any Priest or Deacon shall have been reduced to writing and delivered to the Bishop, it shall then be the duty of the Bishop to cause to be served personally on the accused a certified copy thereof, together with notices of the time and place of trial, both of which the Bishop shall prescribe or fix.
6. The charges and notices shall be so served at least thirty days before the time appointed for the trial. In case of the innocence or acquittal of the accused, every reasonable effort shall be made to clear the character aspersed, in public estimation, at the expense of the accusers.

7. In the event of a public rumour prevailing against a Clergyman as having committed any of the Ecclesiastical offences above enumerated, the Clergyman may, upon application in writing to the Bishop or his Commissary, complaining of such rumour, and asserting its falsity, obtain an inquiry by commission, as hereinbefore provided, into the particulars of such rumour, and an opportunity be afforded to such Clergyman of exculpating himself.

Article III

1. There shall be a Court to be called "The Diocesan Court of Montreal," to try such charges as may be preferred against any Priest or Deacon of the said Diocese.
2. It shall be composed of fifteen Priests, who shall be annually elected by ballot, by a majority of the Diocesan Synod, at its annual meeting and who shall continue in office until others shall have been chosen in their places.
3. The Bishop shall have power to fill all vacancies which may occur by removal from the Diocese, by death or by election to the episcopate, or, in case one of them be the party accused, until the next meeting of Synod.
4. The Court shall name from among their body a clerk whose duty it shall be to keep a record of all the proceedings had before the Court.
5. The Church Advocate (as hereinafter appointed) shall give notice in writing at least fifteen days before the day fixed or trial, to the party accused, to attend before the Clerical Secretary of the Synod, time and place being mentioned in the notice, when and where the party accused shall strike from the list of the members of the Court, elected as aforesaid, one of the names, and the Church Advocate shall strike off another, and so alternately until the number shall be reduced to five, which five, or a majority of them, shall form the Court for the trial.
6. If the accused shall neglect to attend in person, or by an agent, the Clerical Secretary of the Synod shall strike the list with the Church Advocate, in place of the accused so absent.
7. The accused and the Church Advocate may, by a written consent, filed with the Clerical Secretary of the Synod, agree upon any five of the members of the Court, so elected as aforesaid, which five, or a majority of them, shall form the Court.
8. The Bishop shall issue a precept, addressed to the members of the Court, so struck or agreed upon, requiring them to proceed to the trial of the accused at the appointed time and place; which precept, together with a certified copy of the charges, shall be transmitted by the Bishop to the President of the Court (to be named by him), whose duty it shall be, on receipt thereof, to cause all the members of the Court, so struck or agreed upon, and the accused, to be summoned to meet at the prescribed time and place.
9. The Bishop shall, at the annual meeting of Synod, nominate a Church Advocate to conduct all prosecutions; he shall be a Priest, belonging to the Diocese, or a layman who is a practising advocate of the Province of Quebec, and has been a communicant of some church within the Diocese at least two years before such nomination, and is such at the time of his appointment, and shall continue to be such during the time of his holding said office.
10. If, on the day fixed for the trial, the accused shall appear, he shall, before proceeding to trial, be called upon by the Court to say whether he is guilty or not of the offence or offences charged against him; and, on his neglect or refusal, the plea of not guilty shall be entered for him, and his trial shall proceed.

11. Exceptions to the form, or substance, or any part thereof, or legal sufficiency of the charge or presentment, or any part thereof, or of the allegations or specifications therein, or to the jurisdiction of the Court, or any member thereof, may be taken by the accused, and shall be determined by the Court; but the Court may, with reference to exceptions as to form not affecting the substantial merits of the proceedings, order their Clerk to make such amendments as may be deemed necessary.
12. Such exceptions shall be made in writing at the time of pleading.
13. If no such exceptions are taken, or, having been taken, are overruled, the accused shall be called upon to plead guilty, or not guilty, as aforesaid, and the trial shall proceed.
14. If the accused neglect or refuse to appear, according to his Summons, due notice having been served upon him as aforesaid, except for some sufficient or reasonable cause, the Court shall certify such default to the Bishop, whereupon the Bishop shall pronounce him to be in contumacy; and sentence of suspension from the ministry shall be forthwith pronounced against him for such contumacy, by the Bishop; but this sentence may be revoked if, within three calendar months, he shall tender himself ready, and accordingly appear and take his trial on the presentment.
15. No proceeding shall be instituted against any Priest or Deacon unless the same be commenced within two years after the commission of the offence in question, and any such proceeding shall be prosecuted to final judgment within six months from the date of its institution.
16. When proceedings are brought in respect of any offence for which a conviction has been obtained in a civil or criminal tribunal, the suit in the Diocesan Court may be commenced against the Clergyman so convicted within two years from the date of such conviction.
17. The accused party may have the privilege of appearing by counsel if he shall see fit.
18. All evidence shall be taken in writing, and each witness shall be sworn in open Court.
19. All notices, services and citations shall be made on the accused personally within the delays before mentioned.
20. If on or during any trial the accused shall confess the truth of the charges contained in the presentment, the Court may dispense with hearing further evidence, and proceed at once to report the same to the Bishop, whose duty it shall then be to proceed to pass sentence.
21. The proceedings upon a trial shall be private, unless the accused party shall request the same to be public, in which latter case the Court may direct it to be private, should public decency be likely to be outraged by such publicity.
22. No charge shall be considered as substantiated or proven by the testimony of less than two witnesses.
23. If any member of the Church shall be summoned to attend as a witness before the Court or Commissioners constituted under any provision of this Canon, or, being present before either of the same, shall refuse to testify, or to be sworn or affirmed, such persons may be declared guilty of contumacy, and punished accordingly.
24. A certificate or record of such contumacy shall be signed by the President of the Court or Commissioners, as the case may be, and transmitted to the Bishop or his Commissary.
25. Whereupon the Bishop shall cause reasonable notice to be given to the party, of the proceedings intended against him, and, after due citation, and the bearing of the party in

defence or extenuation, or in default of his appearing to answer, the Bishop may proceed, if the party be a layman, to admonish or suspend him from communion with the Church, and, if a Priest or Deacon, to admonish or suspend him from his office until such contumacy be purged.

26. The Court may, in its discretion, adjourn from time to time.
27. The Court, having deliberately considered the evidence, shall declare in writing, signed by the members thereof, or a majority of them, their decision on the charges contained in the presentment, whether in their opinion the accused is guilty or not guilty on each particular charge; and, in the event of the Court being equally divided, the charge or charges shall be considered not proved.
28. If the accused, after trial, shall be found guilty, the finding of the Court, together with all their proceedings, including the evidence taken in the case, shall be transmitted to the Bishop before it is transmitted to the accused or in any way made public, and he may proceed to pass such sentence as in his judgment may be proper, not repugnant to the provisions of the Statutes under which the Synod is constituted.
29. A copy of the sentence shall be sent to the accused, and, after the expiration of one month, provided no notice of appeal be given, another to the vestry or vestries of the parish or parishes, or congregation or congregations, with which the accused may be canonically connected; and such other publicity may be given to it as the Bishop shall think expedient.
30. When the penalty of suspension shall be inflicted, such sentence shall specify the terms thereof and the period of its duration.
31. During his suspension, the suspended minister shall not exercise the functions of the ministry, either in his own congregation or elsewhere within this Diocese.
32. Upon sentence being pronounced, the connection between the minister and his parish or congregation shall be ipso facto severed, and all other offices, rents, issues, profits and emoluments, which he may have held by virtue of such offices or ministry from which he has been removed, shall wholly cease and determine.

Article IV

1. The Rubric, prefixed to the order of the Holy Communion in the Book of Common Prayer, prescribes the manner of proceeding by the minister of any parish toward any layman guilty of any of the offences therein mentioned, and provides for the reporting of the same to the Bishop.
2. If the party thus repelled shall think proper to make a complaint (in writing) to the Bishop against the conduct of his minister, in such case it shall be the duty of the Bishop (unless he think proper to restore him, from the insufficiency of the cause assigned by the minister) to institute an inquiry into the merits of the case.
3. If the Bishop should not think proper of his own authority to restore the layman complaining, as above, he or his Commissary shall appoint two disinterested Clergymen, and two disinterested laymen who are communicants, to inquire into and try the case.
4. If they report to the Bishop that the repelled person ought to be restored, the Bishop shall so direct, and no minister of the Diocese shall deny him the Holy Communion.

5. If they report otherwise, or make no report within three months from their appointment, the repulsion shall continue in force. If this Board of Inquiry be equally divided, they may elect an umpire, clerical or lay, and a majority may report, whether the party has been rightly repelled or not, according to the Rubric.
 6. If the judgment direct a continuance of the repulsion, it shall still be subject to the conditions and provisions of the Rubric.
 7. The judgment of the Board of Inquiry shall be final, unless the Bishop shall grant a re-hearing.
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Canon 26 – Membership and Communicant Status (1996)

1. Communicants in the Anglican Church of Canada in the Diocese of Montreal are those who regularly receive Holy Communion according to the rites of the Anglican Church of Canada, and otherwise participate in its worship, fellowship and financial support.
2. Members of the Anglican Church of Canada in the Diocese of Montreal are communicants who:
 - a. were baptized by Anglican rites and are currently communicants as defined in Article 1 above; or
 - b. by Episcopal confirmation or some other rite have formally joined the Anglican Communion.
3. a. Members of the Vestry of a given congregation are those who, at the beginning of meetings of that Vestry, sign the following affirmation:

I declare that I am of the full age of at least 16 years, and have been for at least six months prior to this meeting a communicant of the Anglican Church of Canada in the Diocese of Montreal within the congregation of _____ according to Canon XXVI, Article 1, of the Diocese of Montreal.

 - b. it is permissible to be a member of the Vestry of more than one congregation.
4. a. Churchwardens and other officers who assist them must be communicants as defined in Article 1 above, and members of Vestry as defined in Article 3 (a) above.
 - b. Delegates to Diocesan, Provincial or General Synod must be members as defined in Article 2 above.
5. This canon shall amend all stipulations of other canons or of the Church Temporalities Act relating to these matters.

NB: A revised version (substantially different from the original text printed in the 1996 Convening Circular) was circulated at Synod 1996; additional changes, and additions, were also made from the floor at that time before the Canon was passed. The final version, as printed above, was ratified at Synod 1997 when it received second reading.

Canon 27 – Endowments, Reserve Funds, and Gifts (2000)

1. For purposes of this canon, the term “corporation” shall refer to the Synod of the Diocese of Montreal, to the Vestry of any parish, church, or congregation, or to any other corporate body attached to the Diocese of Montreal by having any kind of fiscal accountability to the Bishop or to the Diocese and / or by being subject to the canons of the Diocese of Montreal.
2. For purposes of this canon, an endowment fund is a capital fund established by a corporation or by the terms of a will, deed of gift, or other instrument providing monies to such a fund and of which the capital is required by the constating instrument to be kept intact, and of which the income only is available to the corporation.
3. For purposes of this canon, reserve funds are any sum of money so designated by a corporation or by the terms of a will, deed of gift, or other document providing monies to such a fund, and of which the capital as well as the income can be expended, subject always to any limitations imposed by the constating instrument.
4. Within six months of the coming into force of this canon all corporations shall investigate, to the best of their ability, the constating instruments whereby their current endowment and reserve funds have been established, and shall determine and declare to the diocese which of these funds must, under the terms of the constating instrument, be considered endowment funds.
5. All reserve and endowment funds shall be kept in accounts separate from the current accounts of the corporation. As of the next Annual General Vestry meeting or other annual general meeting of the corporation following the passing of this canon, and thereafter, all annual financial statements presented to such meeting (and, where relevant, subsequently reported to the Deanery and the Diocese) shall make clear the nature of the investment and management of such funds, and the disposition of income arising from them.
6. All existing documents relating to gifts and bequests shall forthwith, and all subsequent such documents shall immediately upon receipt, be deposited either in the Archives of the Diocese of Montreal or else in other fireproof storage of the corporation's choosing. In the latter case authenticated copies are to be deposited in the diocesan archives; these copies should make clear the location of the originals.
7. If at any time the corporation holding the endowment shall be dissolved, the endowment shall (subject to the provisions of the constating instrument) be retained by or turned over to the Diocese, which shall keep it intact and shall expend the income, to as great an extent as is deemed possible, desirable or necessary by the Bishop in consultation with the archdeacons, on ministry to the people and / or to the area formerly served by that corporation.
8. All gifts must conform to the guidelines of the Gifts Acceptance Policy of the Diocese of Montreal.

Canon 28 - Tithing (2000)

1. When the Diocese receives an undesignated gift or legacy, it shall tithes 10% of the gift to the work of the church at the provincial, national or international level. This tithe shall be over and above any normal financial commitments to the church at those levels.
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Canon 29 – Parish Financial Review (2002)

1. Before each annual Vestry meeting, the financial statements of a parish to be presented by the churchwardens in accordance with the Church Temporalities Act IX shall be reviewed by someone not involved in the recording of the financial transactions of that parish. This person shall be elected at the previous Vestry meeting to report to the Vestry whether, in his (her) opinion, the financial statements reviewed present fairly the financial position of the parish and the results of operations for the year then ended. When professional auditors conduct the review, wording of the report shall conform to professional requirements for such a review.
 2. The reviewer shall also review the financial information for that year included in the parochial return submitted to the diocese, and report to the diocese that this financial information agrees with information in the financial statements presented to Vestry.
 3. This review shall be conducted according to guidelines issued from time to time by the Diocesan auditors.
 4. Any fee or honorarium for such a financial review shall be borne by the parish.
 5. The Bishop may require an independent audit or limited review of the financial statements of a parish that have not been regularly audited and reported upon by independent auditors. The cost of such an audit or limited review shall be borne by the diocese.
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Canon 30 – Lay Readers (1986)

1. Lay Readers are licensed by the Bishop to serve in the diocese.
 2. Lay Readers shall:
 - a. be faithful, communicant members of the Anglican Church of Canada;
 - b. be of the age of eighteen years or over;
 - c. be recommended by their cure, parish, mission or congregation and by the Warden of Lay Readers;
 - d. participate in continuing programmes prescribed for their training and education in the faith.
 3. Lay Readers shall perform the following duties under the direction of the Bishop, Rector, Incumbent or Lay Pastor of a cure:
 - a. reading the daily offices of Morning and Evening Prayer;
 - b. preaching;
 - c. administering the chalice during Holy Communion;
 - d. assisting in such other pastoral duties as may be required.
 4. One or more Lay Readers may be appointed in any cure.
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Canon 31 – Sale of Church Property (2005)

1. All church property, in the absence of express provisions to the contrary, is deemed to be held for the benefit of the Anglican Church in the Diocese of Montreal as a whole, with the holder of title exercising stewardship of the property for the time being.
2. For purposes of this canon,
 - a. the term “corporation” shall refer to the Synod of the Diocese of Montreal, to the Vestry of any parish, church, or congregation, or to any other corporate body attached to the Diocese of Montreal by having any kind of fiscal accountability to the Bishop or to the Diocese and / or by being subject to the canons of the Diocese of Montreal;
 - b. the term “church property” shall refer to immovable property used for ecclesiastical purposes including, but not limited to, church or chapel, parish hall, other parochial facilities, cemetery, clergy housing or glebe land; “church property” shall not refer to immovable property acquired by gift or bequest and held temporarily prior to its alienation, provided that neither the stated purpose of the gift or bequest, nor the actual use of such property, has been for ecclesiastical purposes as described herein.
3. When not prohibited by the title deeds or by law, all proceeds from the sale of church property, whether the title deeds be in the name of the Bishop or of the parish, church or other corporation, are to be deposited to the credit of the selling corporation with the Synod of the Diocese of Montreal. The income on the capital from such a sale shall be used as follows:
 - a. If the diocese is in any way supporting the corporation's cost of ministry or operations, then, unless payment for such support is otherwise provided for, the proportion of the income from the sale to be paid to the diocese to offset its share of those costs, and the proportion to be remitted to the corporation, shall be agreed upon by the diocese and the corporation.
 - b. If the corporation is entirely self-supporting, or would be if the income on the capital from the sale of property were part of its income, then the corporation shall receive that income.
4. Following such sale the corporation may use the capital from the sale, or part thereof, for capital purposes such as major repairs, replacement or improvements to property, with the prior approval of the Bishop in consultation with the archdeacons.
5. If the corporation is dissolved, at the time of sale or thereafter, any funds held to its credit in accordance with Section 3 of this canon will revert to and become the property of the Diocese, which may expend such funds to further the mission of the Diocese.

2. b. Revision – Synod 2006

5. Revision – Synod 2006

Canon 32 – Representation to the Provincial Synod (1978)

1. There shall be elected by ballot, at the Meeting of Synod, prior to the year in which the regularly scheduled meeting of the Provincial Synod is to take place, such number of clerical, youth and lay delegates to the Provincial Synod as this diocese may, from time to time, be entitled to elect under the Constitution and Canons of the said Synod, with an equal number of substitutes for such of said delegates as shall for any reason, decline, neglect or be unable to attend the Provincial Synod. Those of each Order receiving the highest number of votes shall be the delegates and the next highest of each Order, following in sequence, shall be the substitutes.
2. To be eligible for election a nominee must be a member of the Synod at the time of the election.
3. Delegates elected to Provincial Synod shall serve until replaced and shall serve the diocese as delegates to any specially called meetings, Synods or conventions, which may, from time to time, be convened by the Provincial Synod.
4. No person may serve more than three consecutive terms, and there must be a lapse of at least three years before that person can be eligible for re-election.
5. Those nominated must signify willingness and ability to serve on at least one committee or task force of Provincial Synod.

Addition of Articles 3, 4, and 5. – Synod 2004

Revised – Synod 2007

Revised (1)- Synod 2012

Canon 33 – Representation to General Synod (1978)

1. There shall be elected by ballot, at the Meeting of Synod, prior to the year in which the regularly scheduled meeting of the General Synod is to take place, such number of clerical lay and youth delegates to the General Synod as this diocese may, from time to time, be entitled to elect under the Constitution and Canons of the said Synod, with an equal number of substitutes for such of said delegates as shall for any reason, decline, neglect or be unable to attend the General Synod. Those of each Order receiving the highest number of votes shall be the delegates and the next highest of each Order, following in sequence, shall be the substitutes.
2. To be eligible for election a nominee must be a member of the Synod at the time of the election.
3. Delegates elected to General Synod shall serve until replaced and shall serve the diocese as delegates to any specially called meetings, Synods or conventions, which may, from time to time, be convened by the General Synod.
4. No person may serve more than three consecutive terms, and there must be a lapse of at least three years before that person can be eligible for re-election.
5. Those nominated must signify willingness and ability to serve on at least one committee or task force of General Synod.

Addition of Articles 3. 4. and 5. – Synod 2004

Revised – Synod 2007

Revised (1) – Synod 2012

Canon 34 – Misconduct (2003)

Preamble

1. The purpose of this Canon is to define and reaffirm the policy of the Diocese on misconduct and to discourage and prevent misconduct by creating a complaint resolution procedure (“CRP”) within the Diocese which is independent, efficient, fair to both the Complainant and the Subject of the Complaint and which provides an alternative to civil recourses.
2. This Canon seeks to address a wide range of misconduct, from persistent rudeness or aggressive behaviour to sexual or financial misconduct which may be criminal in nature. The Canon therefore provides for different levels of response, depending on the seriousness of the complaint, and identifies three categories of misconduct, namely:
 - a. Vexatious Behaviour;
 - b. Sexual or Financial Misconduct which is not potentially a criminal offence;
 - c. Sexual or Financial Misconduct which is potentially a criminal offence.

Discipline

3. Misconduct which is addressed by this Canon and by the CRP may also be subject to discipline under the Disciplinary Canon of the Anglican Church of Canada. The CRP provided for by this Canon is independent of any disciplinary action which may be taken. No testimony or statement obtained by the Committee of Inquiry or a Mediator shall be used or referred to in any way in any disciplinary proceeding. However,
 - a. the Report of an Arbitration Panel; or
 - b. a refusal by the Complainant or the Subject to participate in good faith in the CRP may be taken into account in disciplinary proceedings.

Defined Terms

4. All terms used in this Canon are defined in Appendix I.

Misconduct Prohibited

5. No Member, Employee or Volunteer shall engage in Misconduct in relation to or in the context of Church Matters.

Availability of CRP

6. The CRP set out in this Canon shall be available to any Member, Employee or Volunteer who wishes to complain of Misconduct and who has not instituted proceeding before the civil courts or any other civil or administrative tribunal based on the subject matter of the Complaint. In the event that, while the CRP is still pending, the Complainant chooses to institute proceedings before the civil courts or any other civil or administrative tribunal in relation to the subject matter of the Complaint, the Complaint shall be considered to be withdrawn and the CRP shall be at an end. For greater certainty, however, the CRP shall be available notwithstanding the existence of criminal proceedings based on the subject matter of the Complaint, where both Complainant and Subject consent in accordance with this Canon.

CRP voluntary

7. The CRP is voluntary for the Complainant, and by choosing to have recourse to the CRP the Complainant accepts the terms of the CRP as defined in this Canon and the jurisdiction of the Arbitration Panel in the event that the Complaint is referred to Arbitration.

Immunity

8. The members of the Committee of Inquiry, the Mediator and the members of the Arbitration Panel shall benefit from immunity and no action or recourse shall lie against them for anything done or not done by them in good faith in furtherance of the CRP set out in this Canon.

Initiation of Complaint

9. A Complainant shall make his / her Complaint in writing addressed to any member of the Committee of Inquiry.

Limitation

10. No Complaint shall be made or be considered by the Committee of Inquiry if it relates to Misconduct which occurred or is alleged to have occurred more than five years before the date of the Complaint.

Consultation with Victim

11. Where the Complainant is not the victim of the Misconduct which is the subject of the Complaint, the Committee of Inquiry shall, before taking any action, consult with the victim, and shall not proceed without the victim's consent.

Minor Complainant

12. Where the Complainant is a minor, the Complaint may be made on his / her behalf by a parent, guardian or adult friend, who will then represent him / her in the CRP.

Confidentiality

13. Every effort shall be made at every stage of the CRP to protect the confidentiality of the Complaint and the privacy of the Complainant and the Subject, to the extent compatible with a full and fair investigation and / or hearing of the Complaint. For greater certainty, however, the Subject of the Complaint shall be entitled to full disclosure of the Complaint as soon as practicable after it is made.

Investigation

14. The Committee of Inquiry, on receiving the Complaint, shall promptly meet with the Complainant and the Subject and investigate the Complaint by making such further inquiries as they in their absolute discretion may see fit.

Committee Discretion

15. Once the Committee of Inquiry have completed their investigation, they shall have absolute discretion to deal with the Complaint in one of the following ways:
 - a. if the Committee of Inquiry come to the conclusion that the Complaint is clearly unfounded, they shall so advise the Complainant and the Subject in writing, giving reasons for the conclusion, and this document shall be kept confidential. In this event, the Complaint shall be at an end and no further Complaint may be made by the same Complainant dealing with the same Subject matter;

- b. if the Committee of Inquiry come to the conclusion that the Complaint is not clearly unfounded, and that it relates to Vexatious Behaviour, they shall so advise the Complainant and the Subject in writing, and shall make recommendations in writing

- a. to the Bishop, and

- b. where the Subject is a member of clergy, an Employee or a Volunteer, to the Subject's immediate superior

for further investigation of the Complaint and / or pastoral or other intervention at their absolute discretion. A copy of these recommendations shall be made available to both the Complainant and the Subject, and shall be kept confidential.

- c. if the Committee of Inquiry come to the conclusion that the Complaint is not clearly unfounded, and that it relates to Sexual or Financial Misconduct, the Committee shall then consider whether or not the Misconduct complained of is potentially criminal in nature, particularly where it involves an offence or alleged offence against a minor. In that event, the Committee shall obtain legal advice as to whether it is obliged under law to report the matter to the appropriate authorities, and shall advise the Complainant and the Subject of its decision in this regard.

- i. In the event that the matter is not one which must be reported to the appropriate authorities and the Complainant wishes to continue with the CRP, the Committee of Inquiry shall then proceed as outlined below;

- ii. In the event that the matter is one which must be reported to the appropriate authorities and both Complainant and Subject wish to continue with the CRP, the Committee Inquiry shall proceed as outlined below;

- iii. If the consent required in a) or b) above is not forthcoming, the CRP shall be at an end and the Committee of Inquiry shall so declare in writing.

- d. if the Committee of Inquiry comes to the conclusion that the Complaint is not clearly unfounded, and that it relates to Sexual or Financial Misconduct, the Committee shall then seek the written consent of both the Complainant and the Subject that the Complaint be referred to Mediation. During the Mediation, the Committee of Inquiry shall retain oversight of the Complaint and in the event that the Mediation is unsuccessful in resolving the Complaint to the satisfaction of both the Complainant and the Subject within sixty days of referral, the Committee of Inquiry shall then refer the Complaint to Arbitration by writing to the Chancellor, with copies to the Complainant and the Subject;

- e. if the Committee of Inquiry come to the conclusion that the Complaint is not clearly unfounded, and that it relates to Sexual or Financial Misconduct, and the Complainant and / or the Subject decline to consent to Mediation, the Committee of Inquiry shall immediately refer the Complaint to Arbitration by writing to the Chancellor, with copies to the Complainant and the Subject.

Committee Role Ends

- 16. Once the Committee of Inquiry have referred the Complaint to Arbitration, they shall have no further role in relation to the Complaint.

Arbitration Hearing

17. The Arbitration Panel shall convene a hearing within 120 days of the Complaint being referred to it in writing, and shall give the Complainant and the Subject not less than thirty days notice of the hearing date(s) in writing. The Complainant and the Subject shall be entitled to be represented by counsel during the hearing if they wish. The Arbitration Panel shall have absolute discretion in all matters relating to procedure before it, provided however that the rules of natural justice shall be respected.

Arbitration Report

18. The Arbitration Panel shall issue its report in writing, which shall be limited to:

- a. a finding as to whether or not the Complaint is well-founded, giving reasons, and
- b. any recommendations which it may see fit

within thirty days of the hearing, and the report shall be final and without appeal.

Distribution of Report

19. The report of the Arbitration Panel shall be forwarded to the Complainant, the Subject, the Bishop and, where the Subject is a member of the clergy, an Employee or a Volunteer, to the immediate superior of the Subject. The report shall be kept confidential, save that the Bishop, and where applicable, the immediate superior of the Subject shall have absolute discretion to make use of the report as he / they deem appropriate, having regard to the importance of maintaining confidentiality, but also to the need to discourage and prevent Misconduct.

Costs of Mediation or Arbitration

20. The costs of any Mediation or Arbitration, namely the fees and expenses of the mediator or arbitrators, as the case may be, and any reasonable travel and accommodation expenses incurred by the Complainant, the Subject and any necessary witnesses, shall be borne by the Diocese.

APPENDIX I to Canon 34

Arbitration

final and binding arbitration of the Complaint before an Arbitration Panel

Arbitration Panel

the panel of arbitrators which presides over the Arbitration of a Complaint, if referred by the Committee of Inquiry, consisting of a President who is the Chancellor or Vice-Chancellor, and two other arbitrators, one appointed by the Complainant and the other by the Subject, both of whom shall be Members

Church Matters

any interaction, communication, relationship or activity which occurs in furtherance or purported furtherance of the mission of the Anglican Church of Canada:

on any property owned or controlled by the Diocese or any Parish; **or**

between Members; **or**

between a Member and an Employee or Volunteer who is not a Member; **or**

between Employees or Volunteers who are not Members

Committee of Inquiry

a committee consisting of three Members of the clergy of the Diocese and three lay Members appointed from time to time by the Bishop. The Committee may act with a quorum consisting of not less than one clergy and one lay Committee member

Complainant

any Member, Employee or Volunteer who makes a Complaint

Complaint

any complaint of Misconduct by any Member, Employee or Volunteer

Complaint Resolution Process or CRP

the process for investigating and dealing with Complaints set out in this Canon 34

Diocese

the Diocese of Montreal in the Anglican Church of Canada

Employee

any paid employee of the Diocese or of any Parish, whether clergy or lay, full-time or part-time

Financial Exploitation

the deliberate exploitation by the perpetrator of a professional, pastoral or other fiduciary relationship with the victim which is intended to result in financial benefit for the perpetrator or the perpetrator's household at the victim's expense

Financial Misconduct

Financial Exploitation, Fraud or Theft

Fraud

the offence defined in the Criminal Code of Canada

Mediation	non-binding voluntary mediation of the Complaint conducted by an appropriately qualified mediator chosen and appointed by the Committee of Inquiry, the objective being to effect a reconciliation between the Complainant and the Subject or otherwise to resolve the Complaint on an amicable basis
Member	any member or communicant of the Anglican Church of Canada in the Diocese, as defined in Canon 26, whether lay or clergy
Misconduct	Vexatious Behaviour, Sexual Misconduct or Financial Misconduct
Parish	any parish, congregation, mission or community within the Diocese as defined in Canon 5 or Canon 13
Sexual Exploitation	any conduct of a sexual nature directed towards another person where: sexual activity is made an explicit or implicit term or condition of the victim's employment or status; or sexual activity is used as a basis for a decision affecting the victim's employment or status; or where the perpetrator is in a professional, fiduciary or pastoral relationship with the victim
Sexual Harassment	any conduct of a sexual nature directed towards another person where it is known or ought reasonably to be known that the conduct is unwelcome; or any conduct: that is discriminatory or hostile towards a person or persons because of their sex, in a manner that the perpetrator knows or ought reasonably to know creates for that person(s) an intimidating, hostile or offensive environment; and that exceeds the bounds of freedom of expression;
Sexual Misconduct	Sexual Harassment, Sexual Exploitation or Sexual Assault
Subject	the Member, Employee or Volunteer who is the subject of the Complaint
Theft	the offence defined in the Criminal Code of Canada
Vexatious Behaviour	a pattern of unreasonable conduct in Church Matters, which: exceeds the bounds of freedom of expression; and is directed against one or more specific individuals; and

is known to be, or should be known to be, unwelcome;
and

meets one or more of the following criteria:

is abusive, insulting, threatening or obstructive;

is discriminatory against the individual(s) in question on the basis of age, gender, sexual orientation, family or marital status, race, colour, ethnic (or place of) origin, ancestry, disability, creed or socio-economic status

Volunteer

anyone providing unpaid work or services to, or under the auspices of, the Diocese or any Parish

Canon 35 – Trusteeship (2004)

Preamble

1. The purpose of this Canon is to provide a framework within which the Bishop exercises his rights, powers and prerogatives, by and with the consent of Diocesan Council, in order to place Distressed Parishes in Trusteeship.
2. The intent of this Canon is that the Bishop and Diocesan Council will use Trusteeship under this Canon only as a last resort, when other efforts to resolve the Distressed Parish's problems have failed, or when it is urgent to intervene for financial or other reasons.
3. All terms used in this Canon are defined in Appendix I.

Trusteeship Proposal

4. The Bishop may, in his absolute discretion, choose to initiate a Trusteeship Proposal pursuant to this Canon;
5. A request for Trusteeship may also be made in writing to the Bishop or to Diocesan Council:
 - i. by the Vestry of the Distressed Parish, provided that the request has been authorized by a special meeting of the Vestry conducted in accordance with these Canons;
 - ii. by the Corporation of the Distressed Parish;

Approval of Council

6. Where a Trusteeship Proposal is initiated, whether by the Bishop on his own initiative or after receipt of a request for Trusteeship, the Proposal shall be submitted to Diocesan Council, and in the event that it is approved by a majority vote of the members present and voting at a duly called Council meeting, the Bishop shall then commission a Board of three Trustees by issuing a Commission under his hand and seal;
7. In any case where in the opinion of the Bishop the need for intervention is urgent for financial or other reasons, the Bishop may issue a Commission appointing a Board of Trustees without the consent of Diocesan Council, which Commission shall be valid until the end of the next meeting of Council, or for 30 days, whichever comes first, and shall not be renewed without the consent of Council;
8. Save in the case of urgency, a Commission issued by the Bishop under this Canon shall have a term of three months, which is renewable with the consent of Council;
9. The Commission may be terminated at any time by the Bishop with the consent of Council;

Powers and Responsibilities of the Trustees

10. Upon issuing a Commission, the Bishop shall immediately give written notice thereof to the Corporation.
11. From the date and time of notice of the Commission:
 - i. all rights, powers and prerogatives of the Corporation and the Vestry of the Distressed Parish and of all other church-related entities within the Distressed Parish shall immediately be transferred to and vested in the Trustees for the term of their Commission;

- ii. nothing shall be done by the Vestry, the Corporation or any other church-related entity within the Distressed Parish during the term of the Commission in the exercise of their powers, rights and prerogatives without the express written authorization of the Trustees;

- iii. the Corporation and its members, individually and collectively, shall immediately take all necessary steps to transfer control and management of all buildings, premises and assets owned or controlled by the Corporation, the Vestry or any other church-related entity within the Distressed Parish to the Trustees, and shall, without limitation:
 - a. provide the Trustees with keys to all buildings or premises, and, if the Trustees so require, cooperate in the changing of the locks of any buildings or premises;
 - b. provide the Trustees with any bank statements or financial statements they may require, and cooperate in the transfer of signing authority over all bank accounts and other accounts to the Trustees;
 - c. take steps to advise the Vestry and any other church-related entities within the Distressed Parish of the issuance of the Commission.
12. No meeting of the Vestry or of the Corporation shall take place during the term of the Commission unless expressly authorized in writing by the Trustees, and, if authorized, unless chaired by a person appointed by the Trustees.
13. From the date and time of valid notice of the Commission, the Trustees shall exercise in lieu of the Vestry and Corporation of the Distressed Parish and of any other church-related entity within the Distressed Parish all their rights, powers and prerogatives and shall represent and act on behalf of the Corporation, the Vestry and any other church-related entity within the Distressed Parish for all legal purposes whatsoever during the term of their Commission.
14. Without limiting their rights, powers and prerogatives referred to in paragraph 11 above, the Trustees shall, during the term of the Commission:
 - i. decide whether the pastoral and liturgical ministries of the Distressed Parish shall be carried on by the Incumbent;
 - ii. decide whether mediators or conflict resolution managers shall be appointed to deal with the issues which were the cause of the Bishop's intervention;
 - iii. conduct the financial affairs of the Vestry, the Corporation and all other church-related entities within the Distressed Parish;
 - iv. assume control and management of all assets of the Vestry, the Corporation and all other church-related entities within the Distressed Parish;
 - v. decide whether to appoint an Administrator to exercise some or all of their rights, powers and prerogatives under their supervision, and if so, the extent of the rights, powers and prerogatives conferred upon the Administrator pursuant to the terms of his/her appointment.

Reporting

15. During the term of the Commission, the Trustees shall make interim reports on their work to Diocesan Council at such intervals as may be determined by Council, and shall also submit a final report to the Bishop and to Council at the end of the Commission.
16. Upon receipt of the Trustees' final report by the Bishop and Council, the Archdeacon responsible for the Distressed Parish shall call a special meeting of the Vestry of that Parish, and at that meeting:
 - i. the Trustees shall present their final report to the Vestry;

- ii. the Trustees shall present financial statements reflecting their management of the assets and financial affairs of the Corporation, the Vestry and any church-related entity within the Distressed Parish during the term of their Commission.
- iii. wardens shall be elected in the manner set out in the Church Temporalities Act;
- iv. the Corporation and the Vestry shall recover all their rights, powers, prerogatives and responsibilities and shall resume authority and control over all matters within the Parish.

Expenses and Disbursements

17. The Trustees shall not receive any remuneration. Any reasonable expenses or disbursements incurred by the Trustees in fulfilment of their Commission, including without limitation the fees and disbursements of any Administrator whom they may appoint, shall be paid by the Distressed Parish and may be debited by the Trustees from time to time to the Distressed Parish, or, if the Distressed Parish does not have sufficient assets, shall be paid by the Diocese.

Notice to the Corporation

18. Any notice which must be given to the Corporation under this Canon shall be deemed to be validly given and received at the earliest of:
- i. the actual receipt of the written notice by any member of the Corporation; or
 - ii. 48 hours after the notice is sent by registered mail to any member of the Corporation.

Interpretation

19. Any question, controversy or dispute with respect to the meaning or interpretation of this Canon shall be resolved by the opinion of the Chancellor, whose decision shall be final.

Immunity

20. The Bishop, the members of Diocesan Council individually and corporately, the Trustees individually and corporately and any Administrator appointed by them shall benefit from immunity and no action or recourse shall lie against them for anything done or not done by them in good faith under the terms of this Canon.

APPENDIX I to Canon 35

Administration	a suitably qualified individual appointed by the Trustees in writing to exercise some or all of their rights, powers and prerogatives under their supervision, in accordance with the terms of Articles 1299 and following C.C.Q. unless the terms of the appointment provide otherwise
Bishop	the Diocesan Bishop of the Diocese
Commission	a written commission issued by the Bishop under his hand and seal appointing Trustees to a Distressed Parish pursuant to this Canon
Corporation	the corporation of any Parish within the meaning of the Church Temporalities Act
Diocesan Council	the body described in these Canons
Member	any member or communicant of the Anglican Church of Canada in the Diocese, as defined in Canon 26, whether lay or clergy
Parish	any parish, congregation, mission or community within the Diocese as defined in Canon 5 or Canon 13
Parish in Distress / Distressed Parish	any Parish which is, in the opinion of Diocesan Council, dysfunctional. Without limiting Council's discretion, a Parish may be dysfunctional where: it is subject to serious division within the Corporation or the Vestry; and/or it is the subject of serious allegations of financial mismanagement; and/or it has repeatedly failed to meet its financial commitments to the Diocese or to third parties.
Trustee	a Member appointed by the Bishop in a Commission pursuant to this Canon
Trusteeship Proposal	a written proposal that the Bishop issue a Commission in respect of a Parish under this Canon
Vestry	the Vestry of any Parish within the meaning of the Church Temporalities Act

NB: Incorrectly numbered in 2004; corrected in 2006

Canon 36 – Structural Alterations to Immoveable Property (2010)

1. All Church Property Held for the Diocese

All church property, in the absence of express provisions to the contrary, is deemed to be held for the benefit of the Anglican Church of Canada in the Diocese of Montreal as a whole, with the holder of title exercising stewardship of the property for the time being.

2. Alterations to Immoveable Property

No church, rectory or other parish building shall have any structural alterations, or any renovations costing in excess of \$25,000, made thereto without the prior written consent of the Bishop and after full compliance with this Canon. “Structural alterations” shall be defined as:

- a. any addition to or extension of an existing building, or construction of a new building;
- b. any demolition of any part of a building;
- c. any construction or removal of any interior wall;
- d. any modification of the plumbing or electrical system of all or part of the building but excluding the replacement of a plumbing or electrical fixture with a similar fixture;
- e. any modification of the roof or exterior walls or foundation; or
- f. any repair or restoration following an insured casualty loss, unless such repair or restoration is according to the original plans and specifications

3. Consultation

Before calling a meeting of the vestry to deal with matters outlined in this Canon, the Incumbent and Churchwardens shall first consult with the Bishop or the Bishop's designate.

4. Contracts

No contract or other legally binding document shall be signed prior to receiving the Bishop's written consent to the project or to that step of the project covered by the contract.

5. Loans

No parish shall incur any financial obligation regarding alterations to immoveable property not expected to be liquidated within one (1) year without the prior written consent of the Bishop.

6. Special Vestry and Notice

- a. If the proposed structural alteration is not dealt with at the annual vestry meeting, a special meeting of the vestry must be called by giving due notice thereof during Divine Service on the two Sundays next preceding the date of the special meeting to approve the proposed alterations.
- b. 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.
- c. A certified copy of the vestry resolution is to be forwarded to the Bishop.

7. Material to be sent to the Bishop after Vestry approval

In order to facilitate approval, parishes are required to forward the following information and material to the Bishop in a timely manner:

- a. First Step (to obtain approval in principle)
 - i. Preliminary plans with architectural confirmation
 - ii. Estimated cost
 - iii. Method of financing
- a. Second Step (to obtain final approval)
 - i. Vestry resolution
 - ii. Final plans
 - iii. Actual cost as established by a tender or draft contract
 - iv. Method of financing
 - v. Particulars of performance bond furnished by contractor, with the Synod of the Diocese of Montreal listed as an additional insured
 - vi. Draft contracts to be signed
- b. Building Permit
 - i. A copy of any building permit required to be obtained by the Parish shall be sent to the Bishop.

2. Professional Fees

Any legal or other professional fees incurred by the Diocese as a result of any transaction covered by this Canon shall be the responsibility of the Parish. The Diocese shall not contract for or incur any expense for legal or other professional services without first notifying the parish corporation

Canon 37 – Anglican Diocese of Montreal Development Corporation (2012)

- 1) That this Synod directs Diocesan Council to work with the Chancellor, the Treasurer and the Executive Archdeacon to establish a corporation to be named "Anglican Diocese of Montreal Development Corporation" (hereafter ADMDC). The ADMDC would be responsible for oversight, development and long term management of real estate development projects throughout the diocese. In the event that real estate consultants and/or other consultants are retained by the ADMDC on behalf of and in consultation with any Parish Corporation, these and any other such costs will be initially paid by the ADMDC. All profits and revenues from the development will flow to the ADMDC and following payment of all costs incurred in the real estate development, profits resulting from the development of the parish will be split 50% to the parish (or in the case of Diocesan property to the Diocese), 25% to the Diocese to be used for grants and loans for parishes and community ministries for ministry or building projects and 25% to be retained by the ADMDC for seed money or consultancy costs for future development.
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Canon 38 – Diocesan Grants and Loans Sub-Committee (2012)

That this Synod directs Diocesan Council to work with the Chancellor, the Treasurer and the Executive Archdeacon to develop terms of reference for and establish a Diocesan Grants and Loans sub-committee reporting to the Finance Committee of the Diocese . Responsibilities of this sub-committee will include

1. Development, implementation and evaluation of a process by which parish corporations with support of their vestries or community ministries may apply for grants and/or loans for ministry or building projects;
 2. Receiving and consideration of applications for grants and/or loans for ministry or building projects;
 3. Making recommendations to the Finance Committee with regards to the applications.
 4. The Finance Committee will review the sub-committee recommendations and will make its recommendations in the form of motions to Diocesan Council for a final decision.
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ADDITIONAL DOCUMENTS

Declaration Adopted at the First Session of Synod 1859

We, the Bishop, the Clergy and the Laity of “the United Church of England and Ireland” within the Diocese of Montreal, assembled in Synod, and intending, under God's blessing and guidance, to consider and determine upon such matters as shall appear necessary for the welfare of the Church in this Diocese, desire, in the first place, for the avoiding of all misunderstanding, to make declaration of the principles upon which we propose to proceed.

We desire that the Church in this Diocese shall continue as it has been, an integral portion of the United Church of England and Ireland; and we declare our firm and unanimous resolution, in dependence on Divine aid, to preserve these doctrines and that form of Church government which are at present recognized by the Church of England and Ireland.

It is our earnest wish and determination to confine our deliberations and actions to matters of discipline, to the temporalities of the Church, and to such regulations of order as may tend to her efficiency and extension; and we desire no control or authority over any but those who are or shall be members of our own Church.

Note 1: The title “The United Church of England and Ireland” was changed to that of “The Church of England in Canada”, by 53 Victoria, cap. 123 (1890), sect. 2, amending the Temporalities Act, 14 and 15 Victoria, c. 176.

Note 2: At the General Synod 1955, the title of the Church was changed to that of “The Anglican Church of Canada”; and this change has been made in all the Canons in which the former title of the Church appeared.

SUMMARY OF THE CHURCH TEMPORALITIES ACT, 14-15 VICTORIA, CHAP. 176, PROCLAIMED 18.12.1852 (as amended)

This Act provides for the management of parishes and their assets in the Diocese of Montreal, and for allowing endowment to be made to a parish. A summary is given, followed by the full text.

1. The ownership of all churches, chapels and cemeteries, from this date, shall be in the name of the Corporation of the parish concerned, unless it is a proprietary church or chapel or is established by Letters Patent (see section VI).
2. a. A person may be considered a member of the Vestry of any parish providing that they declare themselves to be Anglican. However, providing that the Vestry has so resolved at a previous annual meeting, a person of eighteen years or older who has habitually attended the services of the church for a period of six months in the year prior to any subsequent Vestry meeting, may be considered a member of the Vestry.
b. Two or more churches with the same Incumbent, with the Bishop's agreement, may be combined to form a single Vestry (see section XXIIIa).
3. A vestry meeting shall be held by January 31st of each year, after due notice given during the principal service of worship, to appoint Churchwardens for the ensuing year.

One Churchwarden may be nominated by the Incumbent and one may be elected by the majority of those entitled to vote at the Vestry meeting. However, if the Incumbent or the Vestry fails to nominate or elect a Churchwarden, then both Churchwardens shall be nominated or elected by the Incumbent or the Vestry, as the case may be.

If appointments are not made at an annual Vestry meeting, or in the case of the death or resignation of a Churchwarden, the appointment of Churchwardens may take place at a special Vestry meeting called for that purpose.

4. Churchwardens must be at least twenty-one years of age and be members of their Vestry. The Diocesan Synod may require Churchwardens to be communicant members of the church (see section 23b).
5. Churchwardens shall normally hold office for one year or until the nomination or election of their successors.
6. The Incumbent and the two Churchwardens shall form the Corporation of the parish, which they shall legally represent.
7. Refer to the purchase or lease of pews.
8. Refer to the purchase or lease of pews.
9. Churchwardens shall deliver to their successors, annually, within two weeks of their appointment, the financial records for which they have been responsible. The financial records of any parish shall be made available to any member of the Vestry who wishes to see them.
10. A special Vestry meeting may be called by the Incumbent or by the Churchwardens in the absence of the Incumbent, or by any six members of the Vestry upon written application, providing that notice of the proposed meeting has been posted, and has been given eight days previously by announcement at the principal service of worship.

11. All Vestry meetings shall be chaired by the Incumbent or by a Churchwarden in the absence of the Incumbent or by any other person elected by a majority of the members present.
The minutes of the Vestry meeting shall be recorded, shall be signed by the Chairman, and shall remain in the custody of the Corporation.
12. Refers to the purchase or lease of pews.
13. The Corporation shall appoint all staff members and shall determine their remuneration.
14. Fees for marriages, registration of baptisms and other services of the church shall be regulated by the Diocesan Bishop.
15. A quorum at any Corporation meeting shall be any two members, providing that the meeting has been duly convened.
16. The majority of the members present at a Vestry meeting may make by-laws for the regulation of their proceedings, providing that they do not contravene this Act or the Canons of the church.
17. Refers to the division of responsibilities and authority between the Bishop of Quebec and the Bishop of Montreal.
18. All conveyances made to the Bishop shall be for the benefit of the See, and all deeds conveying land shall be legally registered within six months.
19. No church or chapel shall be erected in any parish without written permission from the Bishop.
20. Refers to the titular ownership of certain properties in the diocese.
21. The Bishop and a Corporation with the consent of the Bishop has the power to borrow, using their immovable property as collateral.
22. Refers to the spiritual jurisdiction of the Bishop not being affected by this Act.
23. Refers to the procedures necessary for the forming of the first Vestry in a new parish:
 - a. refers to the contributions that may be required from members of the Vestry (see section 2).
 - b. see section 4.
24. This section bridges the gap between 1852 and the years prior to that.

Notes on Other Acts in the Diocesan Archives

Canons formerly numbered XXIX to XXXV (1872 – 1889) inclusive and XXXVII (1895 – 1896, with Decrees I – XXVII enacted between 1872 and 1950 which have not been rescinded) deal with the creation, division and subdivision of parishes to that date; they may be referred to in the Diocesan Archives. However, please note that, for the sake of clarity, the Committee on Canons has decided that these Canons will be identified, in future, as CXXIX to CXXXV inclusive and CXXXVII.

The text of the Letters Patent of the Crown creating the Diocese of Montreal and Acts of the former Province of Canada and of the Province of Quebec relating to the Church may also be found in the Diocesan Archives.

The text of the following Acts, constituting the Synod of the Diocese of Montreal, may also be found in the Archives:

19-20 Victoria, Chap. 141 (28.5.1857)

22 Victoria, Chap. 139 (16.8.1858)

31 Victoria, Chap. 38 (24.2.1868), as amended by 21 George V, Chap. 144 (1931) and 2-3 Elizabeth II, Chap. 146 (1953-4)

35 Victoria, Chap. 19 (23.12.1871)

12 George V, Chap. 138 (8.3.1922)

Canon 13 – Communauté Pastorale

1. Une communauté pastorale est une communauté qui se rassemble avec pour la célébration du culte, la formation et le ministère chrétiens, sous la direction d'un pasteur (laïque ou ordonné) désigné et autorisé par l'évêque, mais qui n'a pas le statut de paroisse.
2. La communauté tient ses propres comptes, conformément aux lois ecclésiastiques et civiles.
3. L'assemblée annuelle est tenue en janvier, sous la présidence du pasteur, pour l'adoption des rapports financiers, la soumission d'autres rapports et la planification de la vie communautaire.
4. Cette assemblée élit un laïque responsable pour représenter la communauté dans le diocèse et auprès de l'archidiaconat et du doyenné. Ce responsable ou un substitut élu à l'assemblée annuelle est membre du Synode diocésain. Le membre du synode doit être membre de l'église Anglicane du Canada, selon Canon 26 du diocèse de Montréal.
5. L'assemblée annuelle peut aussi élire d'autres dirigeants jugés nécessaires (par exemple, un trésorier, un secrétaire).
6. L'assemblée annuelle confirme aussi la cotisation synodale, et décide de sa participation au budget de la mission diocésaine et, le cas échéant, aux frais du ministère.