

## GUIDELINES FOR THE DISESTABLISHMENT OF A CHURCH

A closing of a church is often traumatic and is somewhat akin to a death in the family. Therefore, it should be approached with sensitivity to the feelings of all concerned. The furnishings and appointments of the church are often viewed with emotion and should be disposed of with much care. It is preferable that none of these items be disposed of without the willing agreement of the remaining parishioners.

### Steps to be Taken in the Disestablishing of a Church

#### A. Procedure

1. The Archdeacon and/or a Bishop will meet with the incumbent and the Parish Council when a congregation expresses a desire to disestablish. The Archdeacon will then guide them through the process **and, with the assistance of the Land and Property Committee of the Diocese, both parties will understand the significant assets and furnishings (personal property) that are considered for disposition.**
2. If the Church is part of a multi-point parish, a meeting of the Parish Council shall be called to arrange for the support and welcome of members of the disestablished church into other congregations and to address the financial implications on the life of the remaining congregations.
3. A Vestry meeting will be called to pass the necessary resolution to recommend the disestablishment of the church to Diocesan Council for approval. Membership in that Vestry meeting will be determined by Canon 18. **The Archdeacon, or his/her designate, shall chair the vestry meeting.** The result of the Vestry meeting will be submitted to Diocesan Council with the proposed church disestablishment date.
4. The Diocesan Council and the Bishop of Huron must concur with the church disestablishment and fix the date of disestablishment. The Bishop will designate an individual to ensure that the future pastoral care of the affected people has been considered.

**The Archdeacon will assign a designate to make a complete listing, along with the understanding in Procedure A.1., of all personal property considered for disposition and to assist with the process of disposition in accordance with these guidelines for disposition of church assets.**

5. Following the decision of Diocesan Council, a final Vestry will be called by the Archdeacon, which will structure important items of disestablishment for the church, **including a listing of personal property considered for disposition (See Appendix C for assistance.)** A template for the agenda of this vestry has been provided in Appendix A.

At the final Vestry meeting, two Trustees (“Church Trustees”) will be appointed by the Archdeacon or a Bishop. **Please direct the trustees’ names and contact information to the Director, Administrative Services, or Church House, for management and insurance purposes.** It is preferable that these two persons be appointed from the affected congregation, but it is not necessary that this occur.

**If a cemetery exists for the church that is disestablishing, trustees for the care of the cemetery and a cemetery board must remain or be established as provided for in Appendix A. More information regarding cemetery responsibilities can be found in Canon 41.**

The Church Trustees will become Trustees of all the remaining real and personal property of the parish or congregation from the time of their appointment. They will act as local agents for the Diocese upon the effective date of the church’s disestablishment.

The Church Trustees major responsibilities in this regard include:

- Ensuring the security of the building(s) and their contents.
- Advise the Land and Property Sub-Committee of the Diocese on the state of the property until such time as the building(s) is/are sold, demolished, rented or moved and all personal property is disposed of.
- An annual report is to be provided to the Director of Administrative Services on the status of the property.
- Responsible for the general maintenance and safekeeping of the property and buildings, **including weekly inspection for insurance purposes of building systems and utilities.**

At the final Vestry, any recommendations for the disposal of personal and real property can be made. Said recommendations are to be forwarded to Diocesan Council for their consideration.

Additional Procedures to be addressed following the final Vestry are noted in Appendix B.

## B. Personal Property

6. All personal property of the church (cash, investments, furnishings, memorials, and the like) will become vested in the Incorporated Synod of the Diocese of Huron on the date of disestablishment of the church as set by Diocesan Council **and all operating accounts of the parish will be closed upon this date and the remaining fund balances shall be forwarded to the Diocese, whereby continued costs of the property will be assumed by the Diocese.**
  
7. Diocesan Council, **through the work of the Archdeacon, their designate and the Land and Property Committee**, will be responsible for the disposition of all undisposed personal property that exists as of the date of disestablishment of the church. **Please see Appendix C for following guidance in this matter.** Recommendations for the disposal of such property will come from the Land and Property Sub-Committee, the Church Trustees, the Archdeacon or Bishop overseeing the disestablishment of the church and members of the final Vestry meeting of the Church.  
Recommendations coming from members of the final Vestry meeting shall be given careful consideration by Diocesan Council.
  
8. Any specific trusts attaching to investment funds will be honoured in the most practical way, (eg. a Sunday School bequest will be made available to the neighbouring parish assuming pastoral care for the parishioners of the closed church). If necessary, and if it is a financially responsible action to do so, an application may be made to the Court to vary a specific trust.
  
9. The charitable registration number of the church shall be surrendered to the Director of Administrative Services on or about the date of the church's disestablishment. **All attempts shall be made by the Wardens to ensure that a proper revocation return, T2046 for the Canada Revenue Agency (CRA), stating revenues, expenditures and assets of the church at the time of disestablishment is completed and forwarded to the CRA.**

## C. Real Property

10. All real property of the church (land and buildings and all fixtures) will become vested in the Incorporated Synod of the Diocese of Huron on the date of the church's disestablishment as set by Diocesan Council.
  
11. When real property becomes vested in the Diocese, upon a church's disestablishment, Diocesan Council is responsible for the disposition of such property. **The closed church's trustees, with the assistance of the Archdeacon or his/her designate, shall ensure that the altar, font and holy vessels are removed from the church and that the altar and font are placed in another**

**Anglican church or destroyed (see Appendix C.)** Diocesan Council shall look to the Land and Property Sub-Committee for assistance concerning the disposition of **the church's real property.**

- 12.** If the church property is to be sold, recommendations on the disposal of real property will come from the final Vestry meeting, the Land and Property Sub-Committee, the Church Trustees, the Archdeacon or the Bishop. The Church Trustees shall have the cornerstone removed and any contents found therein shall be delivered to the Diocesan Archives. The cornerstone shall then be reversed and replaced. All related expenses thereto shall be covered by the Diocese.
  
- 13.** The net proceeds realized on the sale of a disestablished Church property shall be distributed in the following manner, **in accordance with Canon 12:**
  - a. firstly, to reimburse the Diocese of Huron for the accumulated costs of maintenance and upkeep of the church building between the date of disestablishment of the building, as was fixed by Diocesan Council, and the date the building is sold and to repay to the Diocese the following obligations: loan repayments owed to the Diocese and any unpaid apportionments in the year of disestablishment and the previous 4 years.
  - b. then secondly, 50% of the remnant after all payments in (a) are made, shall be deposited into a capital fund to be held by the Diocese, from which interest may be used to ensure the financial stability of the Diocese;
  - c. then the remainder shall be deposited into the Huron Development Fund.

## **Agenda Template for final Vestry of Disestablished Church**

1. Opening Prayer
2. Report from Archdeacon regarding decision of disestablishment and the date for disestablishment from Diocesan Council
3. Appointment of:
  - (i) Church Trustees who will care for the disestablished church building and property.
  - (ii) A Cemetery Board and Trustees of the Cemetery will be appointed if a cemetery is attached to the disestablished church. There is no bar to naming the same people to fulfill the tasks of Church Trustees and Cemetery Board and Trustees of the Cemetery.
4. Presentation of historical documents and archival registers.
5. Any recommendations to be submitted to Diocesan Council with respect to the disposal of personal and real property must be made at the final Vestry. **See Appendix C for a suggested listing of personal property and appropriate disposition courses of action.**
6. The Archdeacon needs to discuss with the parish the procedures and activities which follow the final Vestry. (see Appendix B.) The Archdeacon should address provisions for ongoing pastoral care of the disestablished church community.

**Additional Procedures To be Addressed Following the Final Vestry.**

- a. The Parish Council, Wardens and vestries will be relieved of their duties on the date of disestablishment of the church as fixed by Diocesan Council.
- b. All church Registers and Historical Documents shall be deposited in the Diocesan Archives.
- c. A Bishop will arrange for the final service of Thanksgiving and the removal of the designation of Consecration. It is desirable that the Service of Thanksgiving and the removal of the designation of Consecration occur as soon as practicable after the date of the church disestablishment.
- d. After the Service of Thanksgiving, the Church Trustees will remove the church sign and will place a notice on the church door naming the Church Trustees and the person in charge of pastoral care.
- e. The active register at the Service of Thanksgiving should be signed by the Bishop and returned to the Diocese for deposit with the Archives.

## **Recommended Listing of Church Personal Property for Disposition**

To assist the Archdeacon, their designate and/or the trustees, in addressing the items of personal property to be recommended to Diocesan Council for disposition, the following list of personal property shall be identified for consideration of disposition prior to and after the date of church disestablishment.

If it is a possibility that the disestablished church can be sold as a church, or there is a possibility that a recommendation comes from the vestry or another body to do so, then pews, stained glass and other church necessities should be kept on the church premises and not disposed of prior to the church's disposition in order to assist the sale. A church's altar, font and holy vessels should always be removed prior to the church's disposition.

- organ (see Note 1 below)
- pews
- stained glass (see Note 2 below)
- tower or other bells (see Note 3 below)
- hangings
- parish hall/parlour furniture
- kitchen equipment/furniture
- office furniture
- hymnals and prayer books
- sound system
- books/library
- computers/printers/t.v.'s
- vestments
- memorials (see Note 2 below)
- donated artwork (see Note 4 below)
- holy vessels
- other

**Note:** If a church's altar, font and holy vessels cannot find a new home in another Anglican church, then **the altar shall be disposed of through breakage or burning and the font shall be broken and buried.**

For the altar, font, stained glass and other items of a significant nature, the Archdeacon should provide a report to the Land and Property Committee of where these assets were disposed.

The Archdeacon or their designate should dispose of less significant personal property through their clericus, or if the church is part of a multi-point ministry, to the remaining points. Some kitchen and hall furniture could be donated to needy charities.

**Note 1- if the organ is considered of significance and value, the Diocese should be contacted, through the Land and Property Sub-Committee, to determine if it is appropriate that the organ be removed prior to the church's disposition.**

**Note 2- for stained glass or memorials present on church site, it may be appropriate for remaining family members to be contacted for receipt of this property donated.**

**Note 3- if it is determined that a bell in the church tower is of historical significance, then the local historical society or municipality should be contacted for any interested preservation.**

**Note 4- if it is determined that artwork on the church's site is of a significant value, the Diocese, through the Land and Property Sub-Committee, should be contacted to ensure proper disposition.**