

CANON 4.6 REGULATIONS

THE SYNOD OF THE DIOCESE OF NIAGARA



OVERVIEW

Church buildings support our common diocesan ministry and are either held in trust by parishes or missions for the diocese or managed directly by the diocese. Canon 4.6 is the ecclesial law of our diocese that governs the parameters for obtaining episcopal approval to erect, alter, renovate, or repair church and other buildings on property owned the Diocese of Niagara. Please be in touch with the secretary of synod at an early stage in the contemplate of the project to ensure support and approvals are provided in a timely manner.

All building projects require the bishop's written permission before commencing.

1. PROJECTS LESS THAN \$25,000

The following simple procedure applies to routine building projects which are expected to cost less than \$25,000 and do not require a building permit. In these instances, the bishop's permission to proceed with the project shall be sought from the secretary of synod. The correspondence shall describe the project, its potential missional impact, funding sources, and timeline. The secretary of synod will notify the proponents of the decision in writing, and indicate any conditions stipulated as part of the approval.

2. REGULATED PROJECTS

All projects which are expected to cost more than \$25,000 and/or require a municipal building or heritage permit are regulated by the diocese. These regulations are intended to provide support to navigate compulsory municipal, provincial and diocesan requirements related to building projects in a way that embodies excellent stewardship of our resources and allows God's mission to flourish in the communities we serve.

There are three sets of regulations:

- A. Alteration of Church Buildings
- B. Building Projects for Diocesan Properties
- C. New Construction & Major Renovation

3. URGENT REPAIRS

From time to time, situations arise where unexpected and time-sensitive or emergency repairs to church buildings are necessary (e.g. following a storm, flood, pipe burst or fire). These procedures should be followed to initiate, fund, and complete any urgent repair projects, regardless of the estimated cost.

CANON 4.6

No church building shall be erected or altered, and no new work commenced on any real estate belonging to or held by the parish church or diocese without the written permission of the Diocesan Bishop. Municipal building permits will not be applied for until this permission is received.

Specific regulations related to procedures for approval of parish building projects and financing shall be set by the Bishop and Synod Council in consultation with those named in the regulations.

It shall be the duty of the Incumbent and Church Wardens to seek out, review and comply with current regulations governing the erection or alteration of church buildings, as well as complying with conditions contained within the Bishop's approval.

Any memorial gifts or donations of a permanent nature that affect the fixtures or fittings, fabric or structure of the church are considered to be alterations and will be subject to this Canon.

PROCEDURE FOR THE ALTERATION OF CHURCH BUILDINGS (2A)

A diocesan regulation pertaining to Canon 4.6

This regulation applies to all alterations, renovations, and repairs of church buildings affecting their fixtures or fittings, fabric or structure, that are expected to cost more than \$25,000 and/or require a municipal building or heritage permit. This includes but is not limited to HVAC, roof, elevator, organ, flooring, window, and parking lot repairs or replacements; accessibility, bathroom and kitchen renovations; and the installation of permanent memorials.

1. **Concept stage:** Discuss the project (objectives, missional impact, feasibility, funding sources, scope of work, timing) during a meeting of the parish corporation and form a committee to oversee the project.
2. **Parish endorsement:** Present the project to the parish council to gather feedback, to build consensus about its scope and, ultimately, to receive its support.
3. **Episcopal endorsement:** Notify the secretary of synod at the earliest opportunity about the proposed project by completing and submitting the "Canon 4.6 Project Initiation Form."

The secretary of synod will consult with the treasurer and regional archdeacon about the proposed project and share any feedback with the bishop for their consideration. At this point, the bishop may determine that a proposed renovation project shall follow the procedure stipulated for major renovations and new construction.

Upon receipt of the bishop's endorsement, the secretary of synod will assign representatives of the Bishop's Advisory Committee on Church Buildings (BACCB) and Financial Advisory Committee (FAC) to work with the parish committee overseeing the project.

4. **Obtain quotes:** After fulfilling any stipulations attached to the bishop's endorsement, the parish committee overseeing the project will obtain quotes or cost estimates from the appropriate contractor, architect and/or engineer. This will be done in consultation with the diocesan BACCB and FAC representatives.

At least two quotes are required; additional quotes may be required by the assigned representatives if the variance in those quotes is greater than 10% or if special circumstances warrant.

Proof of Third-Party Liability Insurance in the amount of \$2,000,000 and WSIB coverage is required for all projects. The parish and diocese should be added as Additional Insureds but only with respect to operations of the Named Insured.

5. **Vestry approval:** Obtain approval of the project, its budget, and financing plan at the parish's annual vestry meeting or, if necessary, at a special vestry meeting called in accordance with Canon 4.1(5).
6. **Episcopal approval:** Convey the vestry's decision and the final project plan to the secretary of synod, who in turn will seek the bishop's formal permission for the project to proceed. The secretary of synod will convey the bishop's decision to the parish corporation in writing.
7. **Project commencement:** Upon receipt of a letter conveying the bishop's permission, the project may commence. The parish corporation may then seek any necessary permits from municipal and/or provincial authorities and enter into contracts necessary to complete the project. The parish corporation must advise the assigned BACCB and FAC representatives, as well as the secretary of synod, of any significant changes to the project's budget or scope.
8. **Project completion:** Notify the secretary of synod of project completion and convey to the diocesan office any relevant documents (engineer or architectural drawings, permits, financial summaries, contracts, and photographs).

PROCEDURE FOR BUILDING PROJECTS FOR DIOCESAN PROPERTIES (2B)

A diocesan regulation pertaining to Canon 4.6

This regulation applies to all alterations, renovations, and repairs that affect the fixtures or fittings, fabric or structure, of a building on property held, or directly overseen by the diocese, and that are expected to cost more than \$25,000 and/or require a municipal building or heritage permit.

This regulation shall apply to diocesan missions, Cathedral Place, St. Matthew's House, Canterbury Hills, and other diocesan-held properties, including those of disestablished parishes.

1. **Board or Management Committee approval:** A proposal outlining the project, its scope, costs (including quotes), and a funding plan, shall be presented to the board, or other appropriate oversight body for review, feedback, and approval.

At least two quotes are required; additional quotes may be required if the variance in those quotes is greater than 10% or if special circumstances warrant.

Proof of Third-Party Liability Insurance in the amount of \$2,000,000 and WSIB coverage is required for all projects. The parish and diocese should be added as Additional Insureds but only with respect to operations of the Named Insured.

2. **Episcopal approval:** The board or management committee's decision and the final project plan shall be conveyed to the secretary of synod.

The secretary of synod shall consult stakeholders, which may include representatives of the Bishop's Advisory Committee on Church Buildings (BACCB), the Bishop's Advisory Committee on Property Renewal (BACPR) and/or the Financial Advisory Committee (FAC), regarding the proposed project.

After any consultations have taken place, the secretary of synod will seek the bishop's formal permission for the project to proceed. The secretary of synod will convey the bishop's decision in writing to the board chair or staff person most responsible for the project.

3. **Project commencement:** Upon receipt of a letter conveying the bishop's permission, the project may commence. Any necessary permits from municipal and/or provincial authorities may now be sought and any contracts necessary to complete the project may be signed. The secretary of synod must be informed of any significant changes to the project's budget or scope that arise during work on the project.
4. **Project completion:** Notify the secretary of synod of project completion and convey to the diocesan office any relevant documents (engineer or architectural drawings, permits, financial summaries, contracts, and photographs)

PROCEDURE FOR NEW CONSTRUCTION & MAJOR RENOVATION (2C)

A diocesan regulation pertaining to Canon 4.6

For (i) new construction projects, (ii) major renovations of church buildings of parishes that affect their fixtures or fittings, fabric or structure and are expected to exceed \$100,000, or (iii) if otherwise directed by the bishop, the following procedures must be followed.

1. **Concept stage:** Discuss the project (objectives, missional impact, feasibility, funding sources, scope of work, timing) at a parish corporation meeting and establish a building committee.
2. **Parish endorsement:** Present the basic concept of the project at a parish council meeting, and if support is received to proceed, consult the regional archdeacon for advice and affirmation.
3. **Episcopal endorsement:** Write to the secretary of synod to seek the bishop's endorsement of the concept, describing the reasons for it, the anticipated costs, and the sources of funds.

If the project is endorsed by the bishop, the secretary of synod will ensure representatives of the Bishop's Advisory Committee on Property Renewal (BACPR) and the Financial Advisory Committee (FAC) are assigned as ex-officio, non-voting consultants to the parish's building committee.

Work cannot start unless a Decennial inspection has been completed in the past five years.

4. **Project Plan:** Seek approval from vestry for a due diligence planning budget to prepare a detailed project plan and commission any necessary planning reports, working with diocesan representatives and other consultants as may be necessary. Once drafted, send the project plan to the secretary of synod. After consulting with the treasurer, regional archdeacon, and bishop, the secretary of synod will provide the parish building committee with feedback about this initial project plan. The building committee may then update and seek input from their consultants and parish council on any proposed revisions to the project plan. The final project plan must include details on the proposed contracting method: (a) competitive bid or (b) design-build bid. The building committee will obtain bids for selection and decision by the corporation.

At least two quotes are required; additional quotes may be required by the assigned representatives if the variance in those quotes is greater than 10% or if special circumstances warrant.

Proof of Third-Party Liability Insurance in the amount of \$2,000,000 and WSIB coverage is required for all projects. The parish and diocese should be added as Additional Insureds but only with respect to operations of the Named Insured.

5. **Vestry approval:** Obtain approval of the project, including final design plans, a detailed project budget and the financing plan at the parish's annual vestry meeting or, if necessary, at a special vestry meeting called in accordance with Canon 4.1(5).
6. **Episcopal approval:** Convey the vestry's decision and the final project plan to the secretary of synod, who will then present the project to the bishop and Synod Council for their approval, based on recommendations provided by the BACPR and the FAC. The secretary of synod will convey the decisions of the bishop and Synod Council to the parish corporation in writing.
7. **Project commencement:** Once all three approvals are granted, the parish may commence the project, entering into any necessary construction contracts, and/or applying for any requisite municipal building/heritage permits. The parish building committee will be responsible for monitoring the project, keeping notes and photographs to document the various stages of the project, and must advise the assigned BACPR and FAC representatives, as well as the secretary of synod, of any significant changes to the project's budget or scope that arise.

Project cost changes more than 15% of the approved budget and/or represent significant changes to the project scope may require additional approvals by the parish, bishop, and Synod Council.

8. **Project completion:** Notify the secretary of synod of project completion and convey to the diocesan office any relevant documents (engineer or architectural drawings, permits, financial summaries, contracts, and photographs).

3) PROCEDURE FOR URGENT REPAIRS

From time to time, situations arise where unexpected and time-sensitive or emergency repairs to church buildings are necessary (e.g. following a storm, flood, roof leak, pipe burst or fire). These procedures should be followed to initiate, fund, and complete any such repair projects, regardless of the estimated cost.

1. After discussing the situation, a person with oversight of the property (warden, incumbent, board chair, missionary, executive director, etc) shall email the secretary of synod describing the situation and what urgent repairs may be required.

The secretary of synod will liaise with the diocesan insurance administrator if the situation might involve an insurance claim.

After consulting the treasurer and regional archdeacon, the secretary of synod will apprise the bishop of the situation and receive their direction and/or permission to proceed with any necessary and time-sensitive work. Depending on timing, representatives of the Bishop's Advisory Committee on Church Buildings (BACCB) and Financial Advisory Committee (FAC) may be engaged for advice and support.

2. Commence the repair work upon receipt of correspondence conveying the bishop's permission, entering into contracts and/or applying for municipal building/heritage permits as required.
3. Notify the secretary of synod of project completion and convey to the diocesan office any relevant documents (engineer or architectural drawings, permits, financial summaries, contracts, and photographs).