

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 buildings.

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

These regulations are geared towards parish processes, but shall also apply to diocesan-held properties, disestablished parish properties, and Cathedral Place, as appropriate, and overseen by the senior administrative leadership team.

1. Projects Less than \$15,000

The following simple procedure applies to relatively minor building projects which are expected to cost less than \$15,000 and do not require a building permit. In these instances, the parish corporation shall seek the Bishop's permission to proceed with the project in a letter addressed to the Secretary of Synod. The letter must describe the project, its missional impact, funding sources, and timeline. The Secretary of Synod will notify the parish corporation of the decision in writing, and indicate any conditions stipulated as part of the approval.

2. Regulated Projects

The following regulations apply to all projects which are expected to cost more than \$15,000. These regulations are intended to support and equip parish leaders with best practices as they 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.

All planned building projects which are expected to cost more than \$15,000 and/or require a municipal building or heritage permit must follow the procedures described for the applicable category:

- A. Alteration of Church Buildings
- B. New Construction & Major Renovation

3. Emergency Repairs

From time to time, situations arise where unexpected and time-sensitive 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 emergency repair projects, regardless of the estimated cost.

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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, minor renovations, and repairs of church buildings that affect the fixtures or fittings, fabric or structure of the church, that are expected to cost more than \$15,000 and/or require a municipal building or heritage permit.

This includes but is not limited to HVAC, roof, elevator and parking lot repairs or replacements; accessibility, bathroom/kitchen renovations; painting; 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 parish council's support.
3. **Episcopal endorsement:** Notify the Secretary of Synod 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 three 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.
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 that arise.
8. **Project completion:** Notify the Secretary of Synod of project completion and convey relevant documents (engineer or architectural drawings, permits, financial summaries, contracts, and photographs) to the diocesan Archivist.

Procedure for New Construction & Major Renovation (2B)

A diocesan regulation pertaining to Canon 4.6

For (i) new construction projects, (ii) major renovations of church buildings that affect the fixtures or fittings, fabric or structure of the church 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 form a building committee to oversee the project.
2. **Parish endorsement:** Present the basic concept of the project at a parish council meeting, and if support is received to proceed, seek additional advice and affirmation from the Regional Archdeacon.
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 to pay for it.

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:** Prepare a detailed project plan and send this document to the Secretary of Synod. After consulting with the Treasurer, the Regional Archdeacon and the Bishop, the Secretary of Synod will provide the parish building committee with feedback about this initial project plan. The parish building committee may wish to update and seek input from the 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 parish building committee will obtain at least three bids for a decision by the Corporation.

The building committee, in consultation with BACPR and FAC reps, shall prepare the list of potential architects and/or designers, interview them, review their bids, and make a recommendation to the Corporation.

5. **Final Approvals:** Unless step 6 is required first for a design-build project, the parish vestry, at its annual meeting or at a special vestry meeting called in accordance with Canon 4.1(5), must approve the project, including the final design plans, a detailed budget and the fundraising/financing plan. The Secretary of Synod must be advised of the decision.

If approved by vestry, the Secretary of Synod will present the project to the Bishop and Synod Council for their approval, based on recommendations provided by the BACPR and the FAC.

6. **Call for Contractor Quotes:** After receiving the Bishop's permission in writing, the building committee shall call for and review quotes from contractors and make recommendations to the parish corporation for a final decision.
7. **Project commencement:** Once a contractor has been selected by the parish corporation, the parish may commence the project, entering into any contracts related to the project and/or applying for the 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 expenditure changes that are 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 relevant documents (engineer or architectural drawings, permits, financial summaries, contracts, and photographs) to the diocesan Archivist.

3) Procedure for Emergency Repairs

From time to time, situations arise where unexpected and time-sensitive 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 emergency repair projects, regardless of the estimated cost.

1. Contact the diocesan insurance administrator and/or adjustor to determine whether the diocesan insurance policy will cover some or all of the required repairs to the building.
2. Discuss the scope of the emergency repairs required during a meeting of the Corporation.
3. Email the Secretary of Synod describing the situation and what emergency repairs are required.

In consultation with the Treasurer and Regional Archdeacon, the Secretary of Synod will apprise the Bishop of the situation and receive their directions and/or permission to proceed. Depending on timing, representatives of the Bishop's Advisory Committee on Church Buildings (BACCB) and Financial Advisory Committee (FAC) may be appointed to work with the parish.

4. Commence the emergency repairs, upon receipt of a letter conveying the Bishop's permission, entering into contracts and/or applying for municipal building/heritage permits as required.
5. Notify the Secretary of Synod of project completion and convey relevant documents (engineer or architectural drawings, permits, financial summaries, contracts, and photographs) to the Archivist.