

A Handbook for Communities of Faith



Regional Council 15

Matters of Property:

Property Purchases, Sales, Leases,

Renovations, Amalgamations, Closings and Endings

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PREAMBLE

Regional Councils are responsible for developing policy and procedures relating to property as described in The Manual 2022

"We are called to be the Church." As such, we need to exercise faithful stewardship, including stewardship over any property entrusted to us. Over the course of the lifetime of a congregation, the Church is responsible for all decisions related to property acquiring, renovating, selling or otherwise disposing of it. Though all of these processes might appear ordinary in the secular business world and would not have a spiritual dimension, ultimately when we carry out these tasks faithfully, we enable the mission and ministry of the Church to be fulfilled.

This booklet has been prepared to provide information on matters pertaining to the life of Communities of Faith to assist the many volunteers (lay and ministry personnel) within The United Church of Canada in Regions who are called to carry out these often-difficult and time-consuming tasks.

Fortunately, "we are not alone," and within The United Church of Canada, the local church council (or "Official Board" or "Session and Stewards") has the resources of its Region and, through "The Manual" and other assistance from the General Council. The United Church of Canada is a **conciliar** church, which is to say that in our system the local congregation does not exist in isolation. The local church Board (a *court* within the United Church) is related to other governing bodies, which are called Regional Council and General Council. When this system works as it is meant to do, congregations are helped to protect their own welfare and are also challenged to remember that they are part of a nation-wide community of churches.

In matters of property decisions, in fact, it is because we are a *conciliar church* that it is the Region, with few exceptions, that needs to give final approval for:

- acquiring church property
- erecting a new building
- leasing of the church building
- renovating church property
- amalgamating one or more congregations
- closing of a congregation
- selling church property
- disbanding of a congregation
- the ceasing to exist of a congregation

In all of these matters, it is very important for the Congregation to be in touch with the Region at the earliest stage.

This 'Handbook' is not a legal document; and, in all instances, **The Manual (2022)** of The United Church of Canada and the opinions of the Canada Revenue Agency take precedence. These pages are intended: to direct you to the relevant sections of The Manual; to assist you in following the required steps; and, to anticipate some of the challenges that accompany the path of change within the Church. In our work as part of a local Congregation or Pastoral Charge, or the Region, may the Church be led and strengthened in faith.

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RESOURCES

For policies and applications for Capital Assistance Loans and Grants please go online to: <https://www.united-church.ca/leadership/church-administration/capital-loans-pastoral-charge-or-congregation>

AMALGAMATION projects is the 5-page **Sample Amalgamation Checklist** found in the **Congregational Board of Trustees Handbook 2016** (pages 4-8). Adapt for local use, as necessary. (See Bibliography section). Using the checklist in parallel with “**Tasks of the Implementation Committee**” in this Handbook may better assist those involved in delegating tasks and tracking progress.

The Manual 2022

This edition of *The Manual 2022* differs from previous editions, as it reflects the new structure of the church; however, an attempt has been made to use the same section numbers as the previous manual wherever possible.

Congregational Board of Trustees Handbook/Manual 2016

This handbook (the 2016 version being the most recent) is available online, in pdf format, at no charge: https://www.united-church.ca/sites/default/files/resources/handbook_trustees.pdf. The booklet is 72 pages long, the first two of which offer a concordance to bridge the *Trustees Handbook* to *The Manual 2016*. Pages 4-8 contain an extensive checklist for the steps in amalgamation.

Pastoral Relations: Community of Faith (January 2019)

This resource provides information on the process of developing a Living Faith story and updating the Ministry Profile.

Financial Handbook for Congregations (2017)

An invaluable resource (198 pages) for all aspects of the financial operations of the local church. Go to www.united-church.ca and type the title in the search window.

Greening the Church: Reducing Your Church Building’s Ecological Footprint

<http://www.ucrdstore.ca/catalogsearch/result/?q=Greening> 5

Godspace: Guidelines for Architecture in The United Church of Canada, Second Edition, 2008

<http://www.ucrdstore.ca/catalogsearch/result/?q=Godspace>

DEFINITIONS

Board of Trustees: A body of members of the congregation or pastoral charge, elected by the congregation or pastoral charge, who hold, in trust for the entire United Church of Canada, all property (land, buildings and investments), for the purposes of that congregation.

Community of Faith:

A community of faith is any community of people within the United Church that:

- a) Gathers to explore faith, worship and service; and
- b) Is recognized as a community of faith within the United Church by the regional council through a covenantal relationship between the community of faith and the regional council.

There are many kinds of communities of people that may be recognized as communities of faith: pastoral charges, congregations, outreach ministries, chaplaincies, faith-based communal living, house churches, online communities, and others. Communities of faith may be intended as time-limited, transitional, or ongoing.

Conciliar Structure: The United Church has a conciliar structure, which means that each court is made up of representatives from the next smallest court.

Therefore, Regions are made up of ministry personnel and lay representatives elected from the community of faith/ congregation/pastoral charges.

General Council is made up of commissioners, who are representatives of the Region. Each court of the church thus has representatives from the community of faith/congregation/pastoral charges, the most basic, local mission unit and court of the United Church.

Our conciliar structure has to do with the importance of spiritual discernment. We believe that the Holy Spirit speaks to us in and through our discussions and meetings, and thus each court and its members must be open to hearing what the Spirit might be saying to them during the course of a meeting. Therefore, we do not expect representatives to be bound by the wishes or opinions of those they represent. They are wise to consider such opinions and wisdom when voting, but are always free to vote according to their prayerful reflection and conscience allowing God's Spirit to be active in the life of the court of which they are members. (Source: *Congregation Organization Handbook 2006*)

Congregation:

A congregation is a group of people that meets for public worship, and that has been formed as a congregation of the United Church. All congregations, pastoral charges, other local ministry units that existed prior to January 1, 2019, automatically continue as recognized communities of faith as of that date.

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Congregational Property:

Means any kind of property that a congregation might own. It includes

- a) land;
- b) buildings; (i.e. Manses, churches, halls)
- c) any other land rights;
- d) money;
- e) investments;
- f) furniture; and
- g) equipment.

Emergency Property Repairs:

Property repairs requiring immediate action particularly when there may be an impact on the structural integrity and/or safety of the building.

Fair Market Value: This is usually the highest dollar value you can get for your property in an open and unrestricted market, between a willing buyer and a willing seller who are acting independently of each other.

Incorporated Ministries:

A council may incorporate a ministry. The council must follow the United Church's process for incorporation and meet the United Church's requirements for incorporated ministries for any ministry that

- a) carries on any activities related to United Church activities;
 - b) uses the name of The United Church of Canada, in whole or in part;
 - c) indicates to others that it is connected to the United Church in some way;
- or
- d) takes on financial responsibility or any other kind of responsibility that might also create responsibility for the United Church.

Major Property Renovations:

The expansion, redevelopment or maintenance of Congregational property, when costs are over \$10,000.00 or 15% of the church operating budget whichever is the greater; or, requires borrowing of funds from any source, (Including the Congregations Restricted Funds)

Members & Adherents:

- **Members:** persons who have **formally** attached themselves to The United Church of Canada and a local congregation through confirmation, profession of faith or transfer of membership from another congregation.
- **Adherents:** persons who are attached to a congregation and who contribute regularly to its life and work while not being formally members thereof.

It is important to be aware of this distinction when considering who may vote at a meeting of the congregation. For further information about this issue, refer to *The Manual 2022* B.3.7.

Memorial Gifts/Gifts in Kind:

A gift, in the context of charities, is a voluntary and irrevocable transfer of property with no valuable consideration being received in return. Item given to the church for which a charitable receipt was issued to the giver. These gifts may have been donated in memory of someone or in celebration of a life event.

Other Major Assets: All congregational property worth more than \$5,000.00 or 15% of the church operating budget whichever is the greater is considered a major asset. A property transaction of a Major Asset requires Regional Council approval.

Pastoral Charge: A pastoral Charge is a unit of organization that consists of one or more congregations. . All congregations, pastoral charges, other local ministry units that existed prior to January 1, 2019, automatically continue as recognized communities of faith as of that date.

Polity: A specific form of church government as outlined in the Basis of Union in *The Manual 2022*

Spiritual Matters: Spiritual Matters include, but are not limited to: the calling of a member of the Order of Ministry; a request for an appointment; the election of an Elder or a Trustee; the order of worship; the discipline of the United Church; the amalgamation of Pastoral Charges or Congregations; the disbanding of Pastoral Charges or Congregations; and property matters requiring the consent of the Region.

Temporal Matters: Those transitory and secular affairs that pertain to the life, work, and finances of the Congregation/Community of Faith. Without limiting the generality of the foregoing, Temporal Matters would include but are not limited to: the appointment of an auditor; acceptance of the yearly budget; expenditures relating to the work of the individual congregation; property maintenance or renovations. (*The Manual 2022*)

CHARITABLE STATUS AND GIVING GIFTS

Once your organization HAS charitable status, it is a relatively straightforward process to ensure you keep it, and a very lengthy painful process to get it back if you lose it!

It is assumed that all United Church entities do their best to comply with accounting, receipting and other technical requirements. Beyond that, all you have to do to maintain status is to file the Annual Charitable Information Return (T3010-1) each year on a timely basis. It is due 6 months after your fiscal year end. (June 30 for those with a calendar fiscal year).

In virtually 100% of United Church cases, revocation of charitable status is due to non-filing. If charitable status is revoked, all subsequent charitable receipts are technically invalid and could be disputed when members submit proof of charitable gifts on their tax returns.

While the Annual Return task is typically the duty of the Treasurer, everyone should take an interest. The Board should be advised that the return has been filed. Board members might even want to look up their charity on the Canada Revenue Agency (CRA) website (www.cra-arc.gc.ca) using the search function. Regaining charitable status takes several months and lots of paperwork.

This is even more important if a congregation/community of faith is involved in a closing or amalgamation. There are different rules that apply to disposition of assets if charitable status is lost. As long as you have charitable status, gifts may be made to "qualified donee".

The Canada Revenue Agency's (CRA) policy on the dissolution of a charity (i.e., giving up the charitable number and status) is here: <https://www.canada.ca/en/revenue-agency/services/charities-giving/charities/policies-guidance/summary-policy-d15-dissolution-clause.html>

For the United Church of Canada the disposition of assets must be used for the mission of the congregation or the wider United Church. (G.1.5.4 Property *Manual 2022*)

It is Important to maintain your charitable status.

CONSIDERATIONS FOR RENTING CHURCH PROPERTY OR ALLOWING ITS USE

Members of charities, and particularly of churches, are very loyal and committed to that charity and its work. Without the time and financial contributions of such members, the charity would not exist. The fact that members have made financial and other contributions does not create any legal rights of ownership in or entitlement to the charity's property. Charities exist for the public benefit and are owned by the public at large. This means for example, that if the charity decided to close its doors, it could not divide and distribute the assets to its members, as if it were a for-profit business. The assets have to be distributed to another charity so the public can continue to benefit. An understanding of this principle is important, not only when a Church closes, but also when it comes to members' use of facilities for their own personal purposes (i.e. not for any activity of the charity).

Charities that make their facilities available to the community for events such as weddings and anniversaries, if they are going to charge a fee, should charge identical rental fees to everyone, regardless of membership or gifts made. If members and donors receive preferential treatment, such as a lesser charge or no charge at all, the charity would be providing an advantage to them because they are members or donors of the charity. Not only could the charity's registered status be jeopardized but also the implication is that every member and donor would be in receipt of an advantage (i.e. the right to the free use of the facilities), which would reduce the eligible amount of the donor's respective charitable tax receipts.

This is not just a theoretical issue. In 2008, the Canada Revenue Agency suspended the tax receipting privilege of a Montreal synagogue (Adath Israel) and fined it nearly \$500,000. The issue there was that the synagogue had improperly issued tax receipts in relation to cemetery plots, because it offered a significant price reduction to synagogue members, provided they paid their annual membership fees. [The fees had been treated as donations and tax receipts issued for them, but the benefit in reduced cost of the cemetery plots wasn't taken into account.]

STEPS TO BE FOLLOWED IN THE RENOVATION OF CHURCH PROPERTY

INTRODUCTION

The role of the oversight of Pastoral Charges within its bounds is a prime responsibility of the Region within The United Church of Canada. In matters of the renovation of church property, this oversight is typically exercised as that of counsel and 'looking at the bigger picture'. The congregation focuses on its members and adherents, while the Region must focus on the wider church.

Sometimes members of a congregation can become so enthusiastic about a project that they risk missing some details, so part of Region's role is to step back take a deep breath and proof read a plan.

RESOURCES

The congregation's answers to the following questions are critical when considering a renovation:

What is our congregation's mission? Living Faith Story/Mission Articulation Plan

How does this project help us fulfill our mission?

Who are the stakeholders in this project? What groups/individuals need to be included in the planning?

What is being proposed? Whether one describes by diagrams or text is up to the Pastoral Charge but it should be aimed at people who are not familiar with the location.

How is it to be done? (Use of an architect? Contractor? Volunteers for finishing work?)

How will the oversight of the project be handled? Should it be solely the responsibility of the Trustees? Or, should the Board/Council name a 'Local Project Team' of congregation and have it report regularly to the Trustees? Whatever mechanism is chosen to exercise oversight of the project, clear parameters need to be provided as to tasks and financial decision-making (e.g. how big a plan modification needs Board/Council authorization? (for example, Expenses larger than? Or Change of light switch colour?).

When is the renovation work to be done? Astute answers to this question of what is anticipated is important. (For instance, if the kitchen could be out of commission during fall supper season and is cordoned off during Vacation Church School)

What are the financial costs? Have a budget, not exact figures but to the nearest \$500.00 would be appropriate. This budget would include both costs and sources of funding.

From where will funding come? (Include value of volunteer labour, if appropriate.) Will there need to be loans? From congregation members? From a financial institution? From The United Church of Canada? The timing of payments for completion has a bearing on fund raising and cash flow.

A third factor is to deal with risks. Construction and especially renovation is fraught with risks; and, while we are urged to take risk as part of our faith, Regions oversight role is to assist the Pastoral Charge to anticipate and plan for risk factors, including the following four:

- **Community Risk**

Local traditions and the feelings of congregation people need to be recognized and dealt with in the process of change. To varying degrees everyone in the congregation and the wider United Church of Canada is a stakeholder in the project.

For the Trustees, for instance, to approve renovation without wider input could cause great discord. At least one (and perhaps several) open planning sessions could be helpful in addressing the needs and desires, as well as the support, of various groups (e.g. mid-week groups, Youth/Children, UCW, catering committees, staff). This is especially important when it comes to large renovations and costs. A congregational meeting or at least an Official Board meeting with resolutions of support from stakeholders from these sessions would make the consulting process more transparent, as well as build enthusiasm

- **Financial Risk**

Funds spent on "bricks and mortar" may well divert, for a time, funds used for programming, staffing or worship. Fundraising for projects can reduce donations available for regular operation or the Mission & Service Fund. Worrying about tight finances and large loans can draw energy from volunteers serving on boards and committees. Throughout the planning and later stages of the renovation project, regular updates to the congregation, including budget updates, are vital.

- **Completion Risk**

The state of the economy puts demands on many of us, including contractors. The contractor chosen for the church's renovation project must be reliable (references from previous clients are strongly recommended) and a definite schedule of work and payment is essential.

- **Accident Risk**

Construction sites are fraught with accident risks. Kitchens, which have electricity, natural gas and water, have even higher risks. In addition to engaging a reliable contractor(s), one should ensure the contractor is registered with Worker's Compensation and carries adequate liability insurance. One should also check with one's own insurer as to what one's own policy covers during renovation so as to not be caught between two insurers.

It is the belief of the Regional Council's Division of Finance and Administrative services that in all instances of structural change and all instances where borrowing of funds is involved, the prior consent of the Region would be required. (*See Definition above, Major Renovations*)

The Division of Finance and Administrative Services encourages pastoral charges to be in touch with the property committee of the Region at the earliest stages whenever there is a view to a Major renovation.

For **Regional Council 15**, normally major renovations are the expansion, redevelopment or maintenance of property when costs are over \$10,000.00 or 15% of the church operating budget whichever is the greater or requires borrowing of funds from any source, (Including the Congregations Restricted Funds)

It is important to be in touch with the appropriate committee of Region early in the process. Property committee might have helpful information to share and will be able to provide you with some timelines for approvals. In some cases, other levels of the church may be able to assist in the financing through provision of low cost loans. If the congregation has an overall budget less than \$150,000, it may be eligible for a dollar-for-dollar matching grant up to \$5,000 for Church Modernization and Improvement. For policies and applications for Capital Assistance Loans and Grants please go online to: <http://www.unitedchurch.ca/forms#capital>. And/or contact your Division of Finance and Administration or your Executive Minister.

MANUAL REFERENCES

The procedures to be followed in the renovations of church property are found in *The Manual 2022* section G.2.3. Regional involvement and approval is required for *major renovations*.

STEPS

- a) A meeting of the congregation, Board or Council shall be called to approve the plans for renovation, and to instruct the Board of Trustees to carry out the wishes of the congregation. [*See also The Manual 2019 sections G3 and "Model Trust Deed"*].
- b) The Board of Trustees shall then be called to meet, having been given at least seven days' notice. At this meeting a resolution(s) shall be passed setting out the decision to carry out the renovations. This resolution must include the following points of information:
 - the description (Civic Address and PID Number of real property) of the subject property
 - the plans for renovation and the costs of same
 - the terms of payment and arrangements for financing
 - the request for Regional approval of the planned renovation and of financing.
- c) A certified copy of the resolution(s) shall be sent to the Property Committee Chair. The resolution(s) must be accompanied by a Certificate of Trustees, asking consent of Region, and must be signed by the Chairperson and Secretary of the Board of Trustees. (**See Appendix A**)

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- d) The Trustees shall provide the Regional Property Committee (or equivalent) with all relevant information and documents.
- e) After receiving the consent of Region, **via Appendix B** the Trustees (or designated committee) may then proceed with the renovation to the church property.

TRUSTS

It is important to remember that, by the terms of church union in 1925, *all church property* is held in trust for The United Church of Canada. For this reason, it is necessary to have approval of Region in all matters relating to property, including the remodeling or major renovating of buildings and property. This includes the approval of a financial plan. There is a concern that a congregation/pastoral charge not get itself into a situation where the debt for carrying out the renovations stands in the way of the congregation/pastoral charge being able to meet ongoing Operational, ministry and mission costs.

Your congregation must appoint Trustees comprising 3 to 15 people able to function as trustees. (Manual 2022 G.3.1) *(There is a resource for congregations that sets out the United Church requirements for trustees and congregational property in more detail. It also contains information on best practices for trustees. See the Congregational Board of Trustees Handbook available from the General Council Office)*

When necessary, a congregation advises the Land Registration Office as to the names of the current Trustees by a certificate signed by the minister, the supervisor if there is no minister or the Regional Executive Minister if that is simpler. **(See Appendix C)**

If the title to real property merely indicates as owner "United Church of Canada", then all documents must be signed by the appropriate staff at the General Council office. They require a copy of the local congregation's resolution and the permission of Region via Appendix B in order to sign.

STEPS PRECEDING THE POSSIBLE ENDING/CLOSING/CONGREGATION CEASING TO EXIST

INTRODUCTION

All congregational property, both real and personal, is held in trust by the congregation, through its Board of Trustees, on behalf of The United Church of Canada. The Region is charged with ensuring that congregations do not dispose of property without proper authorization. Even items such as pews, pulpits, hymnbooks and refrigerators, whether purchased or donated, become the property of The United Church of Canada, once they have been acquired. They are to be held for the use of the present (and future) congregations and, when no longer needed, for the use of the whole Church. **(G.1.5.4 Property Manual 2022)**

A congregation ceases to exist when the regional council makes a decision to disband it as a recognized community of faith.

CONSIDERATIONS FOR THE REGION AND THE CONGREGATION

The closure of a church and disbanding a congregation can be likened to the death of a community. There are similar issues of grief including denial, anger, etc., so pastoral care for those making the change is vital. In most cases, the local ministry personnel should be responsible for this care, while others from Region are able to assist in the responsibility for the closure process. Thus, the various feelings of members of a congregation during a closure do not fall on the local ministry personnel and that person can continue to offer pastoral care.

For rural communities, church closure is a concrete symbol of rural depopulation, when the school, the store or church close, that is more noticeable and painful. Since it is locally controlled (unlike schools or hospitals) and not commercially based, the church, especially the United Church, is often the last part of a community's infrastructure to go. Thus, the fact of church closing often releases pent-up grief in the community.

In larger centres or cities, church closure is often just as difficult as in rural areas. Often the people who have supported the congregation, perhaps over a generation or more, feel strong ties with that worshipping community and what it has meant to the community it has served over the years. Grief over changing demographics and other cultural changes might get misdirected towards newer members and adherents, other volunteers and/or ministry personnel who 'aren't doing enough' to give the church stability and keep it going. Pastoral care is just as important in these situations.

Closure is not a *temporal matter* (see *Definitions*). It ranks with such things as calling clergy or amalgamation, as a matter of some consequence and often has a profound effect on the congregation. It is important to have the involvement of Region at an early stage.

Ideally, Regional representatives from the Future Directions Committee should be named to work with the Community of Faith and should be sensitive to grief issues, while also having the process skills to see that the task is completed in good order. It is not essential that either of these people be ministry personnel and it may well be helpful to have at least one layperson on the team. The Region should encourage congregations to make a motion to "cease worship" on a particular date

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but a motion to disband the congregation should be made by the Region after all the property issues have been dealt with and the assets disbursed.

If one point of a multi-point charge is considering closing, conversation with each point of the Pastoral Charge is needed since the charge will likely be affected by:

1. membership transfers
2. on-going pastoral care
3. the geographical area still being part of the ongoing Pastoral Charge's ministry
4. reduced funding into the common pool
5. being offered property items including baptismal fonts, hymn boards, pews, pianos, kitchen furnishings, etc. which they may or may not need.

In dealing with property, it is helpful early on to remind the congregation that the original donors gave funds for the United Church's mission and ministry, so decisions about the disposal of such gifts need to be made with care. In addition, the wider church has supported each congregation by ministry personnel training, resource production and sometimes Mission Support funding, so the continuing mission of the United Church will be impacted by the decisions they might make. Finally, it can be helpful to recall the mission to which the Church is called:

Worship, Pastoral Care, Outreach, Christian Education, Social Justice, and more.

It has been said that we make a place holy by what we do in it. When the time comes to mark the closing of a church building, the final worship service becomes a celebration of the Life that has been the church community and the Spirit that now leads the people on to further mission in other places.

The Region needs to ensure that if a church is sold or transferred to another group or entity it must cease to be associated with the United Church. A church building might continue to look like a church, but obvious markers, such as crosses and church signs, should be removed.

Regional representatives also need to alert the congregation that new owners might use the building for secular purposes of which not all approve. While the Congregation/Region is able to choose the initial purchaser, it cannot control later purchasers or later uses.

If a church building is to be removed or torn down, the church also needs to ensure that those doing the work are competent and insured, since, if either someone working on the demolition or some passerby was hurt, there could be legal liability for the church. The work must be completed and the site cleaned up, so the Congregation/Region might require a deposit or bond by a contractor or the purchaser of the building to ensure this is done, if the church building is to be removed.

MANUAL REFERENCES

The basic rules of procedure are found in *The Manual, 2022*, Section G.1.5.

Remember that all property in The United Church of Canada is governed by *The United Church of Canada Acts* at both the Federal and Provincial levels.

Please make sure your legal counsel is following *The United Church of Canada Act* and not some other legislation.

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STEPS

a) **Decision by Congregation:**

The congregation decides to end its ministry as a community of faith. A meeting of the congregation shall be called to adopt a resolution indicating its decision for the future. Such a decision should come only after there has been careful consideration given to viability, the ministry of the United Church in the area, possible shared ministry with another denomination, and other alternatives. As the pastoral relationship is affected by such a possible decision, a liaison from outside the pastoral charge will be named by the region. The congregation asks the regional council to make a decision to disband it as a recognized community of faith.

b) **Decision by Regional Council**

The regional council makes a decision on whether to approve the disbanding of the congregation as a recognized community of faith.

In extraordinary circumstances, the regional council may also decide to disband the congregation as a recognized community of faith on its own initiative, without a decision by the congregation.

c) **Effective Date**

When the regional council makes a decision to approve the disbanding of the congregation as a recognized community of faith, it may specify a future date that the disbanding will come into effect. If not, the disbanding comes into effect on the date that the regional council makes the decision.

The regional council makes the decision to disband the congregation as a recognized community of faith when it passes a motion approving the disbanding.

Where a congregation has ceased to exist, approval of Region is needed, for the proposed disposition of assets. The disbanding of the community of faith ends the covenantal relationship between the congregation and the regional council.

d) **Property**

The congregation makes a proposal to the regional council for dealing with the congregation's property, which must be used for the mission of the congregation or the wider United Church. The regional council makes a decision on the proposal. Both must follow the requirements for dealing with congregational property.

(Manual 2022 G.2)

The regional council may decide to approve the congregation's proposal as presented, it may approve the proposal with changes, or it may decide to deal with the congregation's property in some other way than as set out in the proposal.

e) **Transfer of Members**

The congregation helps its members to transfer to other congregations as they choose.

The congregation needs to attend to its membership roll/Historic Roll. Disbanding congregation should make every effort to ascertain the wishes of its members including those who are non-resident. Great care should be taken to be pastoral. This is particularly true in the case of persons for whom it is difficult or impossible to make a decision about membership - for example, persons in care homes. In such instances, the disbanding congregation should include other family members in decisions about future pastoral care.

Certificates of Membership are available from **bookstore**, though an actual certificate is not required. A letter from the Official Board/Council and/or the Minister may be prepared with the relevant data instead of using the form.

- Members may be transferred to other congregations of their choice.

- Members may make a decision to transfer *en masse* to another congregation.

- If the member requests, he/she may be sent a Certificate of Membership, to present (within a reasonable period), to another congregation. If more than twelve (12) months have elapsed since the issue of the certificate, it may not be deemed current.

- All those on the roll of membership who did not respond to your invitation to be transferred or who can no longer be located should be removed from the roll by an action of session (or its equivalent) and noted in the historic roll. The geographic area encompassing the congregation that is closing remains part of the ministry of the Pastoral Charge unless or until the Region makes changes to the Pastoral Boundaries; so, pastoral care for that area is still part of the ministry of the continuing Pastoral Charge.

- All transfers or any other actions on membership should be carefully recorded in the *Historic Roll*.

f) **Records**

The congregation gives its records to the appropriate archives.

The official records of the congregation (Registers of Baptism, Marriage and Burials; Historic Roll and/or any other Membership Rolls; Minutes of Session, Stewards, Congregation, Council, Official Board, Trustees, UCW and any other organization of the congregation) are the property of The United Church of Canada. Such records must be sorted and a list of them made and sent to the Regional Archivist at the Regional office. That person will then advise on how to send these items. It is not appropriate for such records to be held by an individual, nor is it appropriate to have them deposited in another archives. The Region should be informed that the transfer of documents has been completed with a list of relevant documents attached.

Once all disbursements are complete, arrangements need to be made for the safekeeping of the **financial records**. Canada Revenue Agency (CRA) should be consulted with regard to their requirements for retention of records (normally no longer than seven (7) years) and for the filing of the final charitable status return and the revocation of charitable status number. Financial records are not normally kept at the Archives. The Region should be informed where these records will be retained.

Payroll records

For congregations that have been part of the Pastoral Charge Payroll Service the payroll service provider, ADP, stores files electronically for seven years.

In cases of amalgamation with a neighbouring congregation or pastoral charge, it may be necessary to transfer some of the records to the other congregation or pastoral charge. If this should occur, a written statement shall be sent to the Region and to Archives giving details of this action.

For two or more congregations that amalgamate, the Canada Revenue Agency Number of at least one of the congregations must continue in force to prevent valuable data being lost; for instance, it is vital that current employment data from a congregation being closed be transferred to a continuing CRA business number.

In the case of a congregation closing or amalgamating with another congregation, a final Statistical and Information Report should be filed. The form is available through Statistical & Information Coordinator at the national office of the United Church.

In the case where there is a remaining Pastoral Charge only the disbanded congregational records are forwarded to the Archives.

g) Remaining Property G.1.4.5 In An Amalgamation

The regional council consults with the congregations on the property needs of the new amalgamated congregation. A congregation may ask its governing body to represent it in this consultation. The regional council may decide that some of the congregations' property will not be needed for the new amalgamated congregation. Any property that will not be needed is called "surplus property." The regional council is responsible for all surplus property after the amalgamation and decides how to use the surplus property for the benefit of the United Church.

The trustees of a congregation hold all property for that congregation. After an amalgamation, the trustees

- i) hold the surplus property for the United Church, to be used as the regional council decides; and
- ii) hold all other property for the new amalgamated congregation.

This change is automatic when the amalgamation takes place.

CELEBRATION FROM DEATH TO LIFE

a) The disposition letter to the Region

Among the final acts of a congregation that is about to be disbanded is the drafting of the proposal of disposition of the remaining assets. It helps to consider this task as akin to drafting one's will. The local church community may be experiencing a death, of sorts, but in providing for the life of the wider Church to go on - through bequeathing financial and material resources - the heritage borne of years of service is able to continue.

Even for churches that have very few financial resources available at the end, the congregation that is able to use what it has to see the building sold or moved off-site and the remaining site leveled is exercising stewardship by freeing the Region from having to take on this task.

Here are some questions to consider in drafting the letter to Region:

In the course of its life, what areas of the mission of the United Church of Canada did this congregation support?

How could we honour the legacy given to us by the generations before? (Church camps, Chaplaincy, other Ministries, camps).

In Regional Council 15, every congregation has benefited from the Mission & Service Fund, as it has funded in great part the training of ministers who have served them over the years. For this reason, the Region is recommending ways to distribute funds, which will enhance future ministry within the United Church.

If many of the congregation members are soon to be served through the remaining congregation(s) of the pastoral charge or by one of the neighbouring pastoral charges, a choice to donate money or other assets to that church is appreciated.

As there will always be some smaller amounts of money that emerge when a congregation closes (e.g. churches financial accounts at credit unions have often built up 'member dividends' unknown until the time of closing the account), it is wise that a phrase such as "all remaining funds, after the bequests listed above, to be given to (name of Congregation/ministry or Region)"

b) Tangible souvenirs

A photo album of the building and congregational activities might be prepared and later placed in the Archives. Make sure that all photographs are clearly and carefully labeled to identify people, places, dates, etc. Otherwise they are of little use for future historians. Please be aware that black and white photographs also have a much longer life than colour ones.

c) Service of Worship

Normally, a service of praise is held in which the congregation's worship and witness are honoured. This is an appropriate way to mark the closing of a congregation. Former members and friends, as well as former ministers, might be invited to this service. A well

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planned service helps to mark the closing with thanksgiving and joy for service given, as well as to acknowledge the real pain of having to close.

Just as the Region was involved in the service of worship that constituted the congregation years ago, the Region can help to plan and conduct this service. Several worship resources for this kind of service are available through the Region.

Photos from the day's events (which typically include a time of refreshments or a potluck meal) are special mementos of the event; and, a recording of such a service might be made for interested individuals and a copy stored in the Archives.

If the Historic Roll of Membership, Marriage, Baptism & Burial Register and other historic items are to be used in the service (e.g. in having a representative of the congregation pass them to a Regional representative for transfer to Archives after the service of celebration), the Region needs to ensure these items are transferred to the Archives.

Property Options to Consider when ending/Disbanding/ Ceasing to Exist

- **The building and the land may be sold**

Now and then, a church building is remodeled to serve as a family home or artisan's studio, a community centre etc.

- **The building may be taken down**

Sometimes a person will take it down and reuse the lumber; some parcels of land have significant value. In such cases, the congregation may wish to provide for the erection of a marker (as many former rural schools have done). This will acknowledge a building that was home to a people in their years of worship and witness. Again, it is important to make sure that the *Certificate of Title* to the property is clear and allows for this. If the congregation is disbanding, it is necessary to transfer title to the property to another appropriate body or the Region. When the congregation disbands, so does the authority of the existing Trustees.

- **The congregation may decide to do nothing**

This is not a recommended option. Almost always interest will wane over the years and the building finally falls apart in ruins. It is an option some congregations choose, but it is a sad way to see a building end. In cases of congregational inaction or dispute, the Region should name Trustees to act around disposal of properties.

Care should be taken that appropriate liability insurance is in place on any vacant property. When a congregation has ceased to exist, there are no longer financial resources to provide for long term insurance. Persons injured on such property might have a claim against the registered owners.

- **Contents Inventory**

The congregation should make a complete inventory of contents and decide on their disposal. Some contents may go to neighbouring congregations, some will not be worth retaining, and some may be sold/auctioned or given to other churches.

There is not usually a large market for the contents of a church building. Sometimes local families like to purchase church pews, or light fixtures, for example. NOTE: Contents with no financial value might be given to individuals or families; however, there are tax implications for personal property "of value".

A gift in kind/Memorial Gift: is some form of property and not money i.e. stock shares, a box of supplies or even a memorial window. It requires a different format of tax receipting specifying what it is and how a valuation is done.

In most cases, a registered charity cannot return a donor's gift. At law, a gift transfers ownership of the money or other gifted property from the donor to the charity. Once the transfer is made, the charity is obliged to use the gift in carrying out its charitable purposes.

In most circumstances, a charity disposing of an asset should be seen to be seeking market value. Offering it to the donor for the receipt value alone does not help because they got the tax advantage for it at the time of donation. It is important to assess fair market value. In rare and unique circumstances, there may be a legal requirement for a donee to return a gift. As a general rule, however, a registered charity cannot return a gift. The Income Tax Act requires a registered charity to devote its resources exclusively to its charitable purposes and activities, and prohibits it from making gifts to non-qualified donees.

Please see the link:

<https://www.canada.ca/en/revenue-agency/services/charities-giving/charities/operating-a-registered-charity/receiving-gifts/returning-a-gift-a-donor.html>

The trustees and board members of a charity have a duty to realize fair market value from the sale of church property. In addition, at a minimum should make a public effort to sell items on a best offer basis.

As a practical matter, certain church items often sell for less than replacement value (ie Memorial items, pews, stained glass windows). Indeed sometimes, it is even hard to give things away. However, as governors your duty is to realize the best price you can balanced against the need for timely orderly closure. Another avenue would be gifting it to another United Church because then the charitable use continues.

Proceeds from the property sales, combined with remaining financial assets, all bank accounts, monies on hand, outstanding debts if any and any investments become part of the final disposition proposal.

A proposal developed by the people of the congregation about the disposal, of the building contents needs to be developed and the approval of Region obtained.

AMALGAMATION OF ONE OR MORE CONGREGATIONS/COMMUNITIES OF FAITH

MANUAL REFERENCES

The Manual, sections G.1.3 (*Changes during the Congregation's Lifetime*) and G.1.4 (*Amalgamation of Congregations*).

Some other relevant sections are: B.1.1 (Community of Faith); B.3 (Membership and Other Participation in a Community of Faith that is a Congregation); A.5 (Records).

All property in The United Church of Canada is governed by *The United Church of Canada Acts* at both the Federal and Provincial levels.

PLEASE SEE APPENDIX E for more detailed information to assist with amalgamations.

What You Need to Know if You Have a Cemetery

While churches with cemeteries are more common in eastern parts of Canada than western, many of them have historic roots dating back to before church union. Regardless of their age or stage, cemeteries need to be managed, and congregations have an obligation to ensure this occurs now and into the future.

Church Board/Trustees vs. Cemetery Board/Trustees

A governance structure needs to be in place to oversee the functioning of the cemetery and to ensure necessary local and provincial requirements are met. If the cemetery is using the name of the United Church in any way, there needs to be accountability of this governing body to a court of the church. Here are three different governance models:

- **Church Trustees:** Under this model, the existing trustees also act as trustees of the cemetery. Possibly the easiest model, these trustees are accountable to the official board/church council. Finances for the cemetery must be clearly identified as being related to the operation of the cemetery property, particularly in terms of revenue related to the sale of plots and burials, or donations and payments to the perpetual trust fund.
- **Cemetery Trustees:** Under this model, the trustees are accountable to the church board. Tracking of finances is still very important.
- **Separate Cemetery Board:** Under this model, property ownership comes into play. If the board is to own the property, then they most likely need to be incorporated. Accountability then moves to the region if a United Church affiliation is to be maintained.
- **Private Cemetery Board:** If the cemetery is to be given to a private cemetery board, it would require Regional Council (property Committee) approval. (**See Appendix A and B**) to request the transfer of title. The cemetery shall no longer be the responsibility of or affiliated with the United Church of Canada.

What Happens When the Congregational Structure Changes

Where a cemetery exists in conjunction with congregational property, it is important to understand what happens if the congregational structure changes. This may be due to either amalgamation or closure, but how governance and accountability for the cemetery continues must be considered.

- **Amalgamation:** Property belonging to congregations that amalgamate flows automatically through to the new congregational structure. The governing structure that was in place before amalgamation continues as well. Trustees continue to take instruction from and be accountable to the board/council of the newly formed congregation. New trustees may be named in due course by the newly formed congregation. If the cemetery board was separate from other trustee boards, they continue as is, taking direction from and being accountable to the new board/council.

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- Closure: When a congregation closes, ideally provisions for the cemetery are made before the closure. This includes identifying a governing body if there is no remaining Pastoral Charge. Arrangements may be made with the local municipality, another church, or a community organization to assume operations. An agreement to transfer the perpetual care fund to the new operating body may be an incentive for the group to take on ownership.

If the congregational property is to be sold, a portion of the sales may also be designated for the ongoing maintenance of the cemetery. If the cemetery is part of the congregational property, it may be necessary to sever the land in order to be able to sell the congregational property. It is important to check local legislation around this; do not assume it is a simple transaction. Regional Council (Property Committee) permission is required. (**See Appendix A and B**)

Congregations must ensure a decision is made about the Cemetery and its oversight before it disbands. The Regional Council will need to be informed about the arrangements.

Note: There is Provincial Legislation in the Province of Nova Scotia

NS Cemetery and Funeral Services Act http://nslegislature.ca/legc/statutes/cem_funs.htm

STEPS TO BE FOLLOWED IN THE SALE OF PROPERTY

The procedures to be followed in the sale of property are found in *The Manual 2022* section G.2.3.2.

This section outlines the various steps to be followed by the trustees and the governing body of the congregation or pastoral charge and also by the regional council. In Region 15, the regional council has delegated responsibility to the Region 15 Property Committee to handle all matters relating to the sale or purchase of property so that any reference in Section G.2.3.2 to “regional council” will mean the Region 15 Property Committee.

The Manual provides the following outline of the process for a typical sale or purchase transaction:

- a) **Governing Body Decision:** The governing body decides to enter into a congregational property transaction.
- b) **Consultation with regional council (Property Committee):** The governing body consults with the Property Committee on how the congregation or pastoral charge will use any proceeds to be received from a sale transaction. The governing body must ensure that the transaction costs and any trustee debt are paid out of the proceeds.
- c) **The governing body directs trustees:** The governing body directs the trustees to proceed with the transaction and to seek approval from the Property Committee.
- d) **Trustee Decision:** the trustees hold a special meeting. They follow the direction of the governing body and decide to proceed with the transaction and to seek approval from the Property Committee.
- e) **Request for Region 15 Property Committee approval:** The trustees request that the Property Committee approve the transaction. The Trustees complete the appropriate Appendix A for the type of transaction and submit it to the Property Committee together with all information and documentation about the transaction that the Property Committee requires to make a decision. This includes full details of:
 - i) the terms of the transaction;
 - ii) in a purchase transaction the proposed source of any funds that the congregation or pastoral charge requires for the purchase;

- iii) in a sale transaction the proposed distribution of the net proceeds based upon the Region 15 Guidelines for Property Assets Distribution found on page 30
- f) **Consultation for new buildings:** If the transaction involves construction or purchase of a church building or manse, other communities of faith may be affected. The Property Committee must consult with them and consider their opinions before making a decision on the transaction.
- g) **Region 15 Property Committee decision:** The Property Committee makes a decision whether to approve the transaction and the proposed distribution of net proceeds to be received by the congregation or pastoral charge in a sale transaction or the proposed source of funds required for a purchase.

(Refer to Contents Inventory on pages 21-22 and Distribution of Assets on page 31)

A key point to be considered in any sale transaction is that a congregation or pastoral charge is required to obtain fair market value on the sale of any property.

The definition of “fair market value” is the highest dollar value that can be obtained for the property in an open and unrestricted market between a willing buyer and a willing seller who are acting independently of each other.

In a transaction where the property is to be listed for sale with a licensed realtor, the realtor should be able to assist in establishing fair market value for purposes of the listing agreement and the preparation of Appendix A-1.

In a transaction where the property is not listed for sale with a realtor, the trustees must arrange to have the fair market value established before fixing an asking price.

The trustees can arrange for an appraisal to be completed by a qualified appraiser or can obtain letters of opinion from 2 licensed realtors and use the average of the 2 opinions to establish the fair market value.

The appraisal or letters of opinion will need to be included with the submission to the Property Committee of Appendix A-2.

Property Transaction To Do List

2022 Manual – Section G – Congregational Life

1. The Governing Body has made a decision to enter into a property Transaction.
Date of Decision_____
2. The meeting of the Congregation/Board/Church Council was called and a decision was made.
Date of the decision _____
3. The Trustees are informed regarding the wishes of the Congregation for the Property Transaction.
Date the trustees were informed_____
4. The Governing body consults with the Regional Council Property Committee about the plans for the transaction.
Date of Consultation_____
5. The Governing Body (in the case of a sale) sent a proposal to the Regional Property Committee on how there proceeds from the sale might used.
Date of the Letter/Email_____
6. The Governing Body (in the case of a purchase/renovation) informs the region of the cost and how the congregation will fund the transaction.
Date of the Letter/Email_____
7. The governing body directs the trustees to proceed with the transaction and seek Regional Council approval
Date the Trustees were directed to proceed_____
8. The trustees hold a meeting and decide to proceed with the transaction and seek Regional approval
Date of the Trustees Meeting_____
9. The Trustees provide to the Regions property Committee the terms of the transaction.
 - a. The trustees have established the fair Market value **(pg.26)**
 - b. The trustees have decided on the proposed source of funding
 - c. The trustees have decide on the proposed use of the net proceeds **(pg. 30)**
 - d. The trustees have made an inventory list and decided on distribution(see pg19)
 - e. The trustees have completed Appendix A
 - f. The trustees have sent all pertained information to the Regional Council Property Committee

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Date information was sent to the Regional Council for approval_____

- The Regional Council Property Committee makes a decision on whether to approve the transaction and the source of funding or the use of funds whichever is applicable.

Date of Regional Approval_____

(Date Received Appendix B)

- The trustees proceed to acquire the source of funding (in the case of a purchase)

Date of completion_____

- The Trustees contact a lawyer and proceed with the purchase or sale

Date of Completion_____

- In the case of a sale, the Trustees distribute the proceeds as directed by the Regional Council Property Committee

Date of completion_____

PROPERTY ASSETS DISTRIBUTION

When a property is being sold because of an **amalgamation / disbanding / ending / surplus property** the Community of Faith would need to make a list of all associated assets and put in a proposal for the use/distribution of the items/funds remaining as well as the funds from the sale. The polity of the United Church states in cases of congregations ceasing to exist, the disposal of any assets should be to existing or future ministries of The United Church of Canada.

When a congregation decides to close, it is important to make sure the assessments are paid for the current year and if possible, for the next fiscal year, this is important for the budgeting process and for the granting back to the Regional Council.

When there is a sale of a property but there is a remaining **Congregation** who will continue in an **alternate building (Rental)**, or when there are, remaining **Communities of Faith as part of the Multi Point Pastoral Charge** and the assets exceed \$5000.00 (five thousand dollars) the Regional Council *suggests* the following distribution formula for net proceeds:

5% Archives
10% New Ministry Initiatives
85% to the remaining Communities of Faith on the Pastoral Charge

When a property is being sold where there are no remaining communities of faith, the community of faith needs to make a list of all the assets and make a proposal for the use/distribution of the items/funds remaining and a proposal for the funds from the sale.

The Regional Council suggests the following distribution formula:

20% Mission and Service
20% Indigenous Church
20% New Ministry Initiatives
30% Incorporated Ministries/Outreach ministry/cemetery upkeep/Regional Council 15 Property Fund.
10% Archives

Where property is Surplus Property (Held by the Region) the distribution will be:

20% Mission and Service
20% Indigenous Church
20% New Ministry Initiatives
30% Regional Council 15 Property Fund.
10% Archives

The Lawyer for the vendor should send the entirety of the net proceeds to the Pastoral Charge—who then make cheque payable to Regional Council 15 and mail one cheque for the total amount to:

Jennifer Whittemore, Office Manager, Regional Council 15, United Church of Canada
21 Wright Street, Sackville, NB E4L 4P8.

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Useful Addresses (with links to Property)

The United Church of Canada: www.united-church.ca

Canada Revenue Agency – Charities Directorate: www.cra-arc.gc.ca/charities

Client Services (General Enquiries) phone: 1-800-267-2384

Region 15 – info4rc15@united-church.ca

Executive Minister – FMacCuish@united-church.ca

Regional Council Archivist – Swallace@united-church.ca

Regional Minister – dhewitt@united-church.ca

Office Manager Finance - jwhitemore@united-church.ca

HST ISSUES FOR SALE OF CHURCH PROPERTIES

The Region 15 Property Committee has been made aware that there is some confusion concerning those property sales which require HST to be paid and those which do not. The following information is intended to provide guidance to a Pastoral Charge (PC) or Community of Faith (CoF).

SALE OF VACANT LAND

A sale of vacant land by a PC or CoF is subject to HST and the Agreement of Purchase and Sale must show that HST is to be paid by the Purchaser in addition to the purchase price. The PC or CoF must report and remit applicable HST to Canada Revenue following completion of the sale.

SALE OF CHURCH BUILDINGS

Assuming that the PC or CoF is registered with Canada Revenue as a Charitable Organization, then the sale of a church building that has been used for church purposes will be exempt from HST.

SALE OF MANSES

The sale of a manse, being a used residential unit, will be exempt from HST.

If a PC or CoF has any questions or concerns as to whether HST is applicable to any particular transaction, then advice should be obtained from a Tax Accountant or lawyer before an Agreement of Purchase and Sale is signed.

(APPENDIX A)

Appendix A-1 (Listing)

CERTIFICATE OF TRUSTEES ASKING CONSENT OF REGIONAL COUNCIL 15 LISTING A PROPERTY

The United Church of Canada Act, and The Manual, The United Church of Canada (2022 edition) section G. Congregational Life 2.3.2 *(suggested format, by following this format, Trustees will meet the requirements of The Manual, The United Church of Canada (2022 edition) section G. Congregational Life 2.3.2)*

IN THE MATTER OF:

Property Description _____,

ADDRESS _____ PID _____

AND IN THE MATTER OF the **Listing of said property for sale.**

We, the undersigned, do hereby certify that the following is a just and true copy of a resolution duly passed at a meeting of the Trustees duly held for that purpose at

_____, on the _____ day of _____ {month}, _____ {year}.

"Moved by _____, seconded by _____, that the Trustees of

_____, a Community of Faith of The United Church of Canada and part of the _____ PASTORAL CHARGE, having

received the direction of the Governing Body of the said Pastoral Charge / Community of Faith to do so, request the consent of Regional Council 15 To List The above described property for sale at an amount of _____ (determined to be fair market value** of property) with

_____ (realtor name) at a commission rate of _____%

and in pursuance of the said resolution, we hereby apply to Regional Council 15 Property Committee for its consent to the listing.

**Please consult the Region 15 Handbook for communities of Faith for the definition of "Fair Market Value" on page 27

Dated this _____ day of _____ {month}, _____ {year}.

Signature: Trustee Chair

Printed Name

Signature: Trustee Secretary

Printed Name

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Appendix A-2 (Sale)

CERTIFICATE OF TRUSTEES ASKING CONSENT OF REGIONAL COUNCIL SALE OF PROPERTY

The United Church of Canada Act, and The Manual, The United Church of Canada (2022 edition) section G. Congregational Life 2.3.2 (By following this suggested format, Trustees will meet the requirements of *The Manual, The United Church of Canada (2022 edition) section G. Congregational Life 2.3.2*).

IN THE MATTER of _____ United Church;
Property Description _____,
ADDRESS _____ PID _____

AND IN THE MATTER OF the **sale of this property to** _____

We, the undersigned, do hereby certify that the following is a just and true copy of a resolution duly passed at a meeting of the Trustees duly held for that purpose at

_____, on the _____ day of _____ {month}, _____ {year}.

"Moved by _____, seconded by _____, that the Trustees of _____, a Community of Faith of The United Church of Canada and part of the _____ PASTORAL CHARGE, having received the direction of the Governing Body of the said Pastoral Charge / Community of Faith to do so, request the consent of Regional Council 15 to sell the above described property pursuant to an agreement between the above mentioned Trustees and _____, as buyer, dated the _____ (day) day of _____ (month), _____ (year) and subject to the approval of the Regional Council, the terms of which are as follows:

Purchase price is \$ _____ for building, property and remaining contents, Scheduled closing date to be _____ (day) day of _____ (month), _____ (year).

Deposit _____ Balance due _____

Request for the distribution of Funds:

We understand and agree to the following disposition of the net proceeds arising from the transaction:

5% Regional Council Archives,

10% Regional Council New Ministries Fund

85% to the remaining communities of faith in the pastoral charge to be distributed as follows: _____

and in pursuance of the said resolution, we hereby apply to Region 15 Council (Property Committee) for its consent to the sale and distributions of funds.

Dated this _____ {day} day of _____ {month}, _____ {year}.

Signature: Trustee Chair

Printed Name

Signature: Trustee Secretary

Printed Name

Appendix A-3 (Purchase)

CERTIFICATE OF TRUSTEES ASKING CONSENT OF REGIONAL COUNCIL PURCHASE OF PROPERTY

The United Church of Canada Act, and The Manual, The United Church of Canada (2022 edition)
section G. Congregational Life 2.3.2 (. By following this format, Trustees will meet the requirements of
The Manual, The United Church of Canada (2022 edition) section G. Congregational Life 2.3.2.

IN THE MATTER of _____ United Church;

AND IN THE MATTER of the purchase from _____ (vendor).

We, the undersigned, do hereby certify that the following is a just and true copy of a resolution duly
 passed by the Trustees of _____, a Community of Faith of
 The United Church of Canada and part of the _____ Pastoral
 Charge, at a meeting of the Trustees duly held for that purpose at _____,
 on the ____ (day) day of _____ (month)____, (year)-

“Moved by _____, seconded by _____, that the Trustees of the
 above mentioned community of faith having received the direction of the Governing Body of the said
 Pastoral Charge / Community of Faith to do so, request the consent of Region 15 Council:

to the purchase of certain real property, the legal description of which is _____ (PID),
 and the municipal address of which is _____
 pursuant to an agreement between the above mentioned Trustees as Purchaser, and
 _____, as vendor, dated the ____ (day) day of
 _____ (month), _____ (year), and subject to the approval of the Regional Council 15, the terms
 of which are as follows:

\$_____ for building, property and contents etc., _____ deposit,
 _____ Balance due. Scheduled closing date to be _____ day of _____ Month,
 _____ year.

(Please include any conditions, and warranties in the space above)

Source of Funds:

The following is the source of Funds for this transaction:

(for a mortgage, please include: the principle, the interest rate, the term, payments, prepayment privileges in the space above)

And in pursuance of the said resolution, we hereby apply to Regional Council (Property Committee) for its consent to the real property purchase as described above.

Dated this _____ {day} day of _____ {month}, _____ {year}.

Signature: Trustee Chair

Printed Name

Signature: Trustee Secretary

Printed Name

Appendix A-4 (Lease)

CERTIFICATE OF TRUSTEES ASKING CONSENT OF REGIONAL COUNCIL LEASE of PROPERTY

The United Church of Canada Act, and The Manual, The United Church of Canada (2022 edition) section G. Congregational Life 2.3.2 (By following this format, Trustees will meet the requirements of *The Manual, The United Church of Canada (2022 edition) section G. Congregational Life 2.3.2.*)

IN THE MATTER of _____ United Church (Lessor/Lessee);

the municipal address of which is _____

AND IN THE MATTER of the lease from the United Church of Canada
to _____, (Lessor/Lessee).

We, the undersigned, do hereby certify that the following is a just and true copy of a
Resolution duly passed by the Trustees of (name of church) _____
A Community of Faith of The United Church of Canada and part of the

_____ Pastoral Charge, at a meeting of the Trustees duly held for that purpose at
_____ {place of meeting}, on the _____ {day} of _____ {month},
_____ {year}.

“Moved by _____ {full name of mover},
seconded by _____ {full name of seconder}, that the Trustees of the above
mentioned pastoral charge having received the direction of the Governing Body of the said Pastoral
Charge / Community of Faith to do so, request the consent of Regional Council 15

Details of the Lease Agreement must be included:

*(Make sure to include, description of the premises and exclusive use of premises, fixtures and chattels,
rental, commencement date, term, responsibility for taxes, insurance, repairs, rights to assign sublet,*

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dispute resolution and arbitration, early termination, renewal option. The terms of the lease should not be "assumed" - be specific)

and in pursuance of the said resolution, we hereby apply to Regional Council 15 (Property Committee) for its consent to the described lease terms.

Dated this _____ {day} day of _____{month}, _____{year}.

Signature: Trustee Chair

Printed Name

Signature: Trustee Secretary

Printed Name

Appendix A-5 (Major Renovations)

CERTIFICATE OF TRUSTEES ASKING CONSENT OF REGIONAL COUNCIL

The United Church of Canada Act, and The Manual, The United Church of Canada (2022 edition) section G. Congregational Life 2.3.2 (by following this format, Trustees will meet the requirements of The Manual, The United Church of Canada (2022 edition) section G. Congregational Life 2.3.2.)

Major Property Renovations:

Regional Council defines "Major Renovations" as renovations, maintenance, or repairs requiring expenditures of the greater of \$10,000 or 15% of the annual operating budget and/or requires the borrowing of funds from any source"

IN THE MATTER OF _____
(NAME, ADDRESS AND PID OF CHURCH building)

AND IN THE MATTER OF the renovation of said property:

We, the undersigned, do hereby certify that the following is a just and true copy of a Resolution duly passed by the Trustees of (name of church) _____

A Community of Faith of The United Church of Canada and part of the _____
Pastoral Charge, at a meeting of the Trustees duly held for that purpose at
_____ {place of meeting}, on the _____ {day} of _____ {month},
_____ {year}.

"Moved by _____ {full name of mover},
seconded by _____ {full name of seconder}, that the Trustees of the above
mentioned pastoral charge having received the direction of the Governing Body of the said Pastoral
Charge / Community of Faith to do so, request the consent of Regional Council 15: to carry out the
following major renovations

Please attach the plans for renovations and the costs of same, copy of the contract bids, the terms of payment and any arrangements for financing.

And in pursuance of the said resolution, we hereby apply to Property Committee for its consent to Regional Council 15 for permission to renovate.

Dated this _____ {day} of _____ {month}, _____ {year}.

Signature: Trustee Chair

Printed Name

Signature: Trustee Secretary

Print Name

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(APPENDIX B)

RESOLUTION OF REGIONAL COUNCIL GIVING CONSENT

The United Church of Canada Act, and
The Manual, The United Church of Canada (2022 edition) section G. Congregational Life 2.3.2

(Suggested format. By following this format, the Region will meet the requirements of The Manual, The United Church of Canada (2022 edition) section G. Congregational Life 2.3.2., and the direction of the Regional Council that the Property Committee can act on its behalf in all matters that fall within its mandate and the policy of Regional Council 15. This format may be adapted to suit the specific circumstances.)

IN THE MATTER OF {Civic Address and PID Number of real property};

AND IN THE MATTER OF {type of transaction} from {party} to {party}.

I, {full name of Chair of Regional Property Committee}, of {place of residence}, do hereby certify and declare as follows:

1. That I am the Chair of the Region 15 Regional Council Property Committee, and authorized by the Regional Council to act on its behalf, for The United Church of Canada;
2. That the following is a just and true copy of a resolution duly passed by the said Property Committee at a meeting of the said Committee held {at place of meeting OR by conference call, etc.}, on the {day} day of {month}, {year};

“Moved by {full name of mover}, seconded by {full name of seconder}, that Region 15 Regional Council give its consent:

- a) to the {type of transaction (i.e. sale, list, rent, renovate, repair etc.)} of certain real property, the description of which is {Civic Address and PID Number of real property of real property}, and the municipal address of which is {municipal address of real property}, pursuant to an agreement between the Trustees of {full name of Community of Faith}, a Community of Faith of The United Church of Canada, as {capacity}, and {other party}, as {capacity}, dated the {day} day of {month}, {year}, and subject to approval of the Regional Council, the terms of which are as follows:

{for a listing, the terms would include: the agent, any exceptions, the commission rate, the asking price, the proposed possession date}

{for a sale, the terms would include: the purchaser, the sale price, the deposit, the balance due, the terms of any mortgage back, conditions, warranties, the scheduled closing date}

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{for a purchase, the terms would include: the vendor, the purchase price, the deposit, the balance due, conditions, warranties, the scheduled closing date, the source of funds}

{for a mortgage, the terms would include: the principal, the interest rate, the term, payments, prepayment privileges}

{for a lease, the terms would include: premises and exclusive use premises, fixtures and chattels, rental, commencement date, term, responsibility for taxes, insurance, repairs, rights to assign or sublet, dispute resolution and arbitration, early termination, renewals, options}

3. {in the case of transactions generating proceeds} to the following disposition of the proceeds arising from the transaction: {disposition of proceeds}
4. The real property referred to in the above resolution is within the bounds of Region 15;
5. The said real property is held by the Trustees of {full name of Community of Faith}, a Community of Faith of The United Church of Canada and part of the {full name of Pastoral Charge} Pastoral Charge, in trust for {full name of Community of Faith} as a part of The United Church of Canada; and,
5. The said Community of Faith and Pastoral Charge are subject to the oversight of, and are in covenant relationship with Region 15 Regional Council Regional Council.

Dated this {day} day of {month}, {year}.

{full name of Chair},

Chair of Property Committee

(APPENDIX C)

CERTIFICATE WHERE EXISTING TRUSTEES ARE NOT THE TRUSTEES IN WHOSE NAMES THE TITLE TO THE PROPERTY STANDS IN THE LAND REGISTRY OFFICE OR LAND TITLES OFFICE

(Suggested format. By following this format, Trustees will meet the requirements of The Manual, The United Church of Canada (2022 edition) section G. Congregational Life 2.3.2. This format may be adapted to suit the local circumstances.)

Certificate of minister in charge, as to Trustee.

N.B. In the event of the absence or want of appointment or inability to act of any minister, this certificate may be given by the Pastoral Charge Supervisor, Presiding Officer of the Region.

In the matter of a mortgage, sale or lease (as the case may be) by the Trustees of _____,
a Community of Faith of The United Church of Canada at _____ in the Province of Nova
Scotia, regarding property located at _____, Nova Scotia

I, {name}_____, of {address}_____, in the Province of
Nova Scotia, a minister of religion/or authorized person do hereby certify, pursuant to Section 20
of Chapter 59 of Statutes 1924

1. That I am the minister or authorized person in charge of _____, a
Community of Faith of The United Church of Canada at _____ in the Province
of Nova Scotia, [which congregation prior to June 10th, 1925, was known as the
_____ congregation of _____.]
2. That the following is a full and complete list of the Trustees of the said congregation with
their addresses:

(Here set out list of Trustees, giving names in full and addresses)

Trustee: _____

Trustee: _____

Trustee: _____

Trustee: _____

Trustee: _____

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3. That the said Trustees are the parties who, or a majority of whom, are named in the said (mortgage, deed, lease as the case may be) and did execute the said document.
4. That the said Trustees are the Trustees of the said Community of Faith and there were no other Trustees of the said Community of Faith, on the _____ day of _____, 20__ being the date of said instrument.

Signed in the presence of

Witness

Signature

(APPENDIX D)

APPENDIX E

Memo to Nova Scotia Lawyers Regarding United Church Property Transactions and Act to Amend Chapter 122

MEMO TO NOVA SCOTIA REAL ESTATE LAWYERS

RE: TRANSACTIONS INVOLVING PROPERTIES OF UNITED CHURCH
CONGREGATIONS/COMMUNITIES OF FAITH

The governance structure of The United Church of Canada was revised in 2019 and the changes have resulted in a new process to be followed for land transactions involving the sale or mortgage of property of United Church Congregations/Communities of Faith.

Chapter 42, SNS 2019, being An Act to Amend Chapter 122 of the Acts of 1924, An Act Respecting the Union of Certain Churches Therein Named, was passed by the Nova Scotia Legislature and given Royal Assent on October 30, 2019. A copy of the legislation is attached hereto and the relevant provision is Section 2(2) which outlines the requirement for written consent to be obtained from the Regional Council of The United Church of Canada.

All United Church Congregations/Communities of Faith located in Nova Scotia are part of Region 15 with offices located in Sackville, New Brunswick. The Property Committee of Region 15 has been given authority to review all proposed transactions and to provide the required certificate of consent as referenced in the legislation. Region 15 has created a Property Handbook which has been distributed to all Congregations/Communities of Faith and which includes the relevant forms required for a property transaction. The Property Handbook can be viewed on the Region 15 website at www.ucceast.ca/regional-council-15/region-15-policies.

The Trustees of the Congregation/Community of Faith must complete and submit the form designated Appendix A to the Property Committee of Region 15 for review and decision. Once the Committee has approved the transaction, the Committee Chair will send a completed and signed Appendix B being the Certificate of Consent back to the Trustees to enable the transaction to be completed. The lawyer representing the Congregation/Community of Faith will need to provide the lawyer representing the Purchaser with a copy of the signed Appendix B to confirm that the required consent has been obtained.

In any transaction involving a sale of land by a Congregation/Community of Faith, the Agreement of Purchase and Sale should contain a condition that the sale is subject to obtaining a Certificate of Consent from the Region 15 Property Committee.

L.K. (Larry) Evans, Q.C. (Retired) Vice-Chair, Region 15 Property Committee
September 22, 2020

revised February 16, 2022



BILL NO. 195

Private Bill

*2nd Session, 63rd General Assembly
Nova Scotia
68 Elizabeth II, 2019*

**An Act to Amend Chapter 122
of the Acts of 1924,
An Act Respecting the Union
of Certain Churches Therein Named**

CHAPTER 42
ACTS OF 2019

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
OCTOBER 30, 2019**

Gary Burrill
Halifax Chebucto

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

revised February 16, 2022

**An Act to Amend Chapter 122
of the Acts of 1924,
An Act Respecting the Union
of Certain Churches Therein Named**

WHEREAS The United Church of Canada (the “Church”) was incorporated by chapter 100 of the Statutes of Canada, 1924, *An Act incorporating The United Church of Canada*;

AND WHEREAS the Church’s 42nd General Council adopted a restructuring motion on August 14, 2015, and subsequently undertook a remit process, the results of which were confirmed by the Church’s 43rd General Council on July 22, 2018;

AND WHEREAS Bill S-1003, *An Act to amend The United Church of Canada Act*, which received Royal Assent on April 11, 2019, amends the federal Act to reflect the changes to the Church’s governance structure pursuant to the restructuring motion and remit process;

AND WHEREAS the Church has requested special legislation to amend Chapter 122 of the Acts of 1924, *An Act Respecting the Union of Certain Churches Therein Named*, to make those same changes;

THEREFORE be it enacted by the Governor and Assembly as follows:

1 Section 2 of Chapter 122 of the Acts of 1924, *An Act Respecting the Union of Certain Churches Therein Named*, is repealed and the following Section substituted:

2 In this Act, unless the context otherwise requires,

(a) “Act of Incorporation” means chapter 100 of the Statutes of Canada, 1924, *An Act incorporating The United Church of Canada*;

(b) “Basis of Union” means the Basis of Union set forth in Schedule A to the Act of Incorporation, as amended from time to time by The United Church under paragraph 28(b) of the Act of Incorporation;

(c) “college” means any college, school or other educational institution incorporated or unincorporated, under the government or control of, or in connection with, any of the negotiating churches, or established or maintained in whole or in part by any of them, and includes the colleges and institutions set out in Schedule B to this Act;

(d) “conference” includes, where the context requires, the Regional Council of The United Church or any successor to that entity that is established in accordance with the process set out in the Basis of Union;

(e) “congregation” means any local church, charge, circuit, congregation, preaching station, community of faith or other local unit for purposes of worship in connection or in communion with any of the negotiating churches or with The United Church, or any successor to those entities that is established in accordance with the process set out in the Basis of Union;

(f) “General Council” means the General Council of The United Church and includes, where the context requires, the Denominational Council of The United Church or any successor to that Council that is established in accordance with the process set out in the Basis of Union;

(g) “negotiating churches” means the churches mentioned in the Preamble, and also includes every congregation that, prior to June 10, 1925, was in connection or in communion with any of the negotiating churches that, prior to June 10, 1925, had joined with any one or more congregation or congregations of any of the other negotiating churches for purposes of worship, and every congregation affiliated with any of the negotiating churches, and every congregation ordinarily known as a local union church, whether it holds its property separately from or as a part of any of the negotiating churches, and every congregation having any representation in or connection with the General Council of local union churches;

(h) “presbytery” includes, where the context requires, the Regional Council of The United Church or any successor to that entity that is established in accordance with the process set out in the Basis of Union;

(i) “property” includes any debt, any thing in action and any right or interest;

(j) “The Congregational Churches” includes The Congregational Union of Canada, The Congregational Union of Nova Scotia and New Brunswick, The Canada Congregational Missionary Society, The Canada Congregational Foreign Missionary Society, The Congregational Provident Fund Society and all congregations of the Congregational denomination which are represented by The Congregational Union of Canada for the purposes of this legislation, whether the same are separately incorporated under any statute or have been organized under the provisions of any statute or deed of trust or as union or as joint stock churches or otherwise howsoever;

(k) “The Methodist Church” includes the body corporate known as The Methodist Church and all bodies corporate established or created by The Methodist Church or any conference thereof under the provisions of any statute and all Methodist congregations separately incorporated under any statute of the Province;

(l) “The Presbyterian Church in Canada” includes the Board of the Presbyterian College, Halifax; the Board of trustees of The Presbyterian Church in Canada, Eastern Section; the Board of trustees of the Century Church and Manse Fund of The Presbyterian Church in Canada, Eastern Section; the Church and Manse Board of The Presbyterian Church in Canada; the Board for the management of the Temporalities Fund of The Presbyterian Church of Canada, the Trustees of the Ministers’, Widows’ and Orphans’ Fund of the Synod of the Maritime Provinces of The Presbyterian Church in Canada and all Presbyterian congregations in the Province separately incorporated under any statute and all congregations that were, on or before June 10, 1925, connected or in communion with The Presbyterian Church in Canada whether the same shall have been organized under the provisions of any statute or deed of trust or act of incorporation or as union or as joint stock churches or otherwise however;

(m) “The United Church” means The United Church of Canada.

2 (1) Column One of paragraph 6 of Schedule A of Chapter 122 is amended by striking out “Presbytery” in the last line and substituting “Regional Council”.

(2) Column Two of paragraph 6 of Schedule A of Chapter 122 is repealed and the following paragraph substituted:

6. The trustees or a majority of them may, but only with the consent in writing of the Regional Council within the bounds of which the lands are situate (such consent to be under the hand of the presiding officer or secretary or clerk thereof), sell the said lands or any part thereof either by public sale or private contract and either for cash or upon credit and upon such terms as to price and for such price and upon such terms as to payment or otherwise as they may deem expedient; mortgage, hypothecate or exchange the said lands or any part thereof; let any church, chapel or meetinghouse upon the same for such rent and upon such terms as they may deem expedient; and make all such conveyances, mortgages, leases and assurances as may be required to complete any such sale, mortgage, hypothecation, exchange or lease. The said trustees after first paying or otherwise providing for all indebtedness of the trustees shall apply the money arising from such sale, mortgage, hypothecation, lease or exchange for the purposes of such congregation as the official board thereof shall direct but, should such congregation cease to exist as an organized body, such proceeds, less any expense incurred in the execution of these trusts, shall be paid to The United Church to be applied for such purposes for the benefit of The United Church as the Regional Council within the bounds of which the said lands are situate may determine under the by-laws, rules and regulations of the Denominational Council. Every application by trustees for the consent of a Regional Council as aforesaid shall be in writing and shall state the purpose for which the money arising from such intended sale, mortgage, hypothecation, lease or exchange will be applied. Any decision of a Regional Council with regard to the sale, mortgage, hypothecation, lease or exchange of the said lands or any part thereof shall be subject to appeal to the Denominational Council at the instance of not fewer than any five members of the congregation affected thereby. In every case where the consent of such Regional Council or the Denominational Council has been obtained as aforesaid, it shall not be incumbent upon the purchaser, mortgagee or lessee of the said lands or of any part thereof to inquire into the necessity, expediency or propriety of any such sale, mortgage, hypothecation, lease or exchange, or to see to the application of the money paid to the trustees. A certificate of the secretary or clerk of any Regional Council or the Denominational Council that any such consent has been given shall be sufficient and conclusive evidence of such consent.

(APPENDIX E)

APPENDIX E

Steps to follow for Amalgamation of Congregations

INTRODUCTION

Change is not easy and an amalgamation of one Congregation with one or more Congregations can be both a time of challenge and a time of opportunity within the Church. There can be a sense of giving up what was known over against the taking on of something quite new. Even when Congregations accept that changing demographics, resources, and mission needs within the congregation or community require it, the experience can be difficult and take time for people to move from "Good Friday" to those of "Easter morning".

As many who have lived through the process and possibilities of amalgamation have learned, it requires that the parties considering this change come to a spirit of truly caring about each other. Amalgamation will produce gain and loss for all participants. People need to be prepared to grieve with each other over the losses and celebrate the gains.

Congregational Governing Body

The Governing Body of a Congregation, community of faith, or Pastoral Charge is responsible for having a governing body. Common structures are Council/Board/Official Board. While Members of the Congregation must be called to vote on a motion to amalgamate, the Congregation is not the "Governing Body". [See *the Manual* (2022), B.7]

Since this is a Handbook on Church Property Matters, it is assumed that participants in possible amalgamation talks avail themselves of other current resources concerning Pastoral Relations. Communication in these matters should be with the Pastoral Relations committee of the Region and the Regional Minister.

Amalgamation will require significant energy and time - much longer than most people realize (12-18 months for the amalgamation is not unusual and another year to set the direction for the new entity). Amalgamation is not just pooling financial resources in order to pay for shared costs. There are lasting positive benefits for all in taking the necessary time and energy versus hurrying to meet any artificial or self-imposed deadline.

Ministry Personnel considerations:

There are different considerations depending on the configuration of ministry personnel in each Congregation in the amalgamation.

If there are existing ministry personnel, they should not be expected to be the resource regarding property or procedures for amalgamation. However, there needs to be communication and consultation with the ministry personnel, so they are informed of future directions. This must be addressed with sensitivity and in the case of ministry personnel no longer being in the employment of the amalgamated congregation, we must follow all of the employment and Human Resource laws/policies.

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Other staff members:

If an amalgamation results in staff (including volunteers, such as treasurers) becoming redundant, this must be addressed with sensitivity as well. For guidance regarding paid staff, including those with United Church Pension and Benefits coverage. See the current issue of the "Financial Handbook for Congregations" (Bibliography/Resources).

Initial Steps:

Contact the Region to request assistance. If in doubt regarding whom to call, begin with the Regional Future Directions Committee or Call the Regional Executive Minister.

Regional Future Directions Committee will liaise with the Congregation Governing Body and be part of ongoing discussions.

Each Congregation should have an up to date ongoing Living Faith Story. These documents can be used in an amalgamation process to help with the following questions:

- What are the core values/needs that we would find hard to compromise?
- Where can we compromise?
- Since an amalgamation could result in 'spreading a Ministry Personnel's resources thinner', what do we not need done?
- What can the lay people do?
- What can others be asked to do?

Throughout the process there should be several opportunities planned to create a congregational understanding around the need for change and allow the Congregation to discuss various options. This provides the Congregation with a greater sense of ownership of the direction and future decision; i.e. which of the following options could be the right direction for the Congregation?

- Closure
- Amalgamation
- Sharing facilities
- Ecumenical shared ministry
- Creating a multi-point charge
- Relocating

A motion "to investigate amalgamation" rather than "to amalgamate" is appropriate in the early stages. It would be important then to establish working group to help move through the discussions.

TASKS OF THE AMALGAMATION WORKING GROUP (AWG)

When there is enough information to determine that amalgamation is the chosen journey:

- At the instruction of the Church Board, make a contact with the board of the congregation with which possible amalgamation talks might begin.
- Each congregation names representatives to an Amalgamation Working Group (AWG) to explore possibilities. [Naming a broad representative sample of the Congregation should apply.]

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- Keeping both congregations regularly updated on the AWG's tasks and progress is vital to the congregation's sense of involvement and their pastoral care.
- The tasks of the Working Group are two-fold: prayerful discussion and visioning towards the birth of a new entity out of the two congregations; and, the practical steps required by United Church polity, Canadian law and institutions with which congregations deal. These dual tasks might be characterized as the 'spiritual' and the 'temporal'. The spiritual (working together, caring about one another seeking the faithful way) will take longer.

Some Practical Matters:

- a. Utility companies - make sure the name/title they have as an authorized contact person is current and appropriate so that the necessary changes can be made when needed
- b. Bank/Credit Union - discuss what is involved in closing and opening accounts. Is there a need for additional names to be added for cheque-signing authority, due to illness or vacation scheduling?
- c. Canada Revenue Agency - Charities Directorate. Should all but one of the existing Canada Business Numbers be terminated? If so, when and how?
- d. GST re: partial rebate, when and what process
- e. Charity Return Form needs to be submitted within six months of ceasing to worship. Check with Charities Directorate as to specific requirements as some cases may be different than others.
- f. ADP - the United Church Payroll Service provider - a new company code may need to be established and this can take time to process
- g. Workers' Compensation Board of NB, PEI, QC: ask if there are regulations re: accounts, remittances, etc. that could come into play when an amalgamation takes place. What needs to be in place? How long should that take?
- h. Government of Nova Scotia re PST: The same kinds of questions need to be posed here as the other organizations so there are no surprises later
- i. Record of Employment (ROE) either through ADP (for employees being paid via ADP) or forms obtained from Service Canada for other staff.
- j. Statistical and Information Officer of The United Church of Canada re: Mission & Service number(s); and, final statistical report to be completed for each Congregation/Pastoral Charge entering the amalgamation
- k. Once Region has granted permission for an amalgamation to take place, all these organizations require formal confirmation of the change of name (effective with the date of amalgamation).
- l. The Regional Executive Assistant is the one who provides this correspondence.

MAKING BUILDING DECISIONS

The Amalgamation Working Group will need to recommend building decisions.

- Be careful! This is where many amalgamation efforts break down, don't be in a hurry!
- Options include
 - Moving into one building and selling the other, but which one?
 - Renovating the building chosen to be the new entity's church
 - Building a new structure
 - Buying another building and selling both existing buildings

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Have independent professional evaluations of the buildings conducted to assist in making this important decision.

Once the direction has been set to amalgamate, the process is set out in the (**Manual 2022 G.1.4**). The congregation and regional council are each responsible for the steps assigned to them.

Decision by Congregations

Each congregation meets separately to make a decision on a proposal to amalgamate.

Regional Council Consultation

The regional council holds separate meetings with each congregation to hear their opinions on the proposed amalgamation.

Regional Council Decision

The regional council makes a decision on whether to approve the amalgamation as a change in the covenantal relationship between the regional council and each of the congregations.

New Covenant

The regional council and the amalgamated congregation enter into a new covenantal relationship.

Property

The regional council consults with the congregations on the property needs of the new amalgamated congregation. A congregation may ask its governing body to represent it in this consultation.

a. **Surplus property of amalgamating congregations:** The regional council may decide that some of the congregations' property will not be needed for the new amalgamated congregation. Any property that will not be needed is called "surplus property."

b. **Use of surplus property:** The regional council is responsible for all surplus property after the amalgamation and decides how to use the surplus property for the benefit of the United Church.

c. **Change in property ownership:** Before an amalgamation, the trustees of a congregation hold all property for that congregation. After an amalgamation, the trustees:

- i) hold the surplus property for the United Church, to be used as the regional council decides; and
- ii) hold all other property for the new amalgamated congregation.

This change is automatic when the amalgamation takes place.

Amalgamations Involving More Than One Regional Council

If the amalgamation involves congregations that are within the bounds of more than one regional council, the regional councils involved must:

- a) each approve the amalgamation as a change in the covenantal relationship between that regional council and the applicable congregation;
- b) agree on any conditions to be included; and
- c) get the approval of the General Council. The General Council may make adjustments to the boundaries of the regional councils involved as a result of the amalgamation.

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Congregation Continues to Exist

A congregation's life does not end when it amalgamates with another congregation. Rather, the congregation continues to exist in ministry as the new amalgamated congregation.

Gifts and Bequests

This section (G.1.4.8) applies to gifts made to a congregation that has amalgamated, whether the gifts are made before or after the amalgamation. "Gifts" include bequests made in a person's will. The gift automatically goes to the new amalgamated congregation, even if the gift document refers to the congregation by its former (pre-amalgamation) name.

NOTES:

Once Region has approved the amalgamation, practical steps regarding membership, sale of property are identical to those when a Congregation closes. These are referenced elsewhere in this Handbook under STEPS PRECEDING THE CLOSING OF A CHURCH and STEPS to be FOLLOWING in the SALE OF PROPERTY.

- a. Prior to the effective date of the amalgamation, members of each Congregation need to decide where their membership will reside (to the new entity? to another United Church congregation? kept by the individual member who wishes to decide later?)
- b. The official records of the amalgamating Congregations (Baptism, Historic Roll, and/or any other Membership Rolls, Wedding Records, Burial Records, Minutes of Session, Stewards, Congregation, Official Board, etc.) become a part of the official records of the "new" Congregation.
- c. Sort records and send those records no longer in current use to the Regional Archives.
- d. Arrange for the safekeeping of financial records.
- e. Consult Canada Revenue Agency with regard to their requirements for retention of records and for the filing of the final charitable status return.
- f. Ensure that the changed details of the charitable number are completed.
- g. Amalgamating Congregations make a complete inventory of all contents.
- h. Decide what will become of contents of the "new" Congregation and what needs to be disposed of, how and when.
- i. Consider inclusion or incorporation of artifacts and memorabilia into the new congregation
- j. Send a copy of this list to the Regional Archives.
- k. Prepare a photo record of the building(s) and congregational activities for the record in the Regional Archives
- l. Ensure that all photographs are clearly and carefully labelled to identify people, places, and dates
- m. Organize a service of worship to honour the years of life, work and worship of the congregation(s).
- n. Organize a service of worship to mark the beginning of the new congregation.

(APPENDIX F)

Cemetery Guidelines

Cemetery Operation & Maintenance

Ownership of a Cemetery (active or inactive) results in an ongoing responsibility for care and upkeep. The Governing body of a Community of Faith/Pastoral Charge has the responsibility to set the Policy for the Cemeteries under their care. The Regional Council Property Committee offers the following Policy Guidelines as a tool to assist Communities of Faith/Pastoral Charges in this regard.

The United Church of Canada considers this responsibility as a sacred trust as outlined in the following extracts from the United Church of Canada publication *“What You Need to know If You Have A Cemetery”*:

<https://www.united-church.ca/sites/default/files/cemetery-guidelines.pdf>

- Provincial/Territorial Legislation-All Cemeteries and Crematoria are regulated by Provincial or Territorial Legislation.
- Church Board/Trustees vs. Cemetery Board/Trustees. A Governance structure needs to be in place to oversee the functioning of the Cemetery and to ensure necessary Local and Provincial requirements are met. If the Cemetery is using the name of the United Church in any way, there needs to be accountability of this governing body to a court of the Church.

In Nova Scotia the relevant Legislation - The Cemetery and Funeral Services Act and Regulations (Nova Scotia)

<https://nslegislature.ca/sites/default/files/legc/statutes/cemetery%20and%20funeral%20services.pdf>

specifically exempts “a Church in respect of its Burial Ground and the Burial Ground from provisions of the Act except for Sections 22 & 23. Sections 22 & 23 outline Rights and Responsibilities of both the Cemetery owner and the purchaser of a Burial Lot (see # 5 below).

There is an expectation by Government that when a Religious Organization sells off or closes buildings, the Organization would not also be selling or closing its adjoining Cemeteries. They expect that proper maintenance would be continued unless other arrangements have been made to carry out this responsibility.

The Cemeteries and Monuments Protection Act (Nova Scotia) makes provision for the abandonment of a Cemetery.

We are aware that some Pastoral Charges/Communities of Faith do not have adequate Perpetual Care Funds (in some instances no fund exists); Perpetual Care Funds are being held outside of the Pastoral Charge and/or not being accounted for in Annual Reports; uncertainty as to the location of the Deed, Site Plan, Burial Permits.

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Administrative Guidelines

1. All Cemetery documentation (Deed; Site Plan showing Burial Lot ownership, Burials* and available Burial Lots; Burial Permits) must be located and kept in an accessible but secure location. The Vital Statistics Act, S21 (1), requires that Burials are not permitted unless a Burial Permit is given to the Cemetery owner.

*The Site Plan must show: the name and location of every deceased person whose human remains (including cremated human remains) are interred; the date of every interment; the details of every disinterment or removal.

Future Interments are not permitted unless and/or until all of the above documentation has been reviewed and brought up to date.

2. Pastoral Charge Cemetery Committee to determine, for future lot Purchaser:

(A) Type of Interment permitted i.e. Casket; Urn– ground; Urn- above ground Columbarium; Scattering Memory Garden.

(B) Type of Memorial marker or stone permitted to best facilitate maintenance of grounds.

(C) Cemetery lots to be sold for an amount decided upon by the Governing body of the Pastoral Charge. The Property Committee recommends, as a guide, a minimum of \$500.00 to be deposited in the Perpetual Care Fund. Grave opening and closing charges are extra. Church Members & Non-Members MUST be charged the same-as per Canada Revenue Agency.

3. Every Cemetery must have a Perpetual Care Fund. Individual Cemetery Perpetual Care Funds, where applicable, must be consolidated into a single Pastoral Charge Cemetery Perpetual Care Fund. Cemetery Financial Reports must be included in the Pastoral Charge Annual Report.
4. Interest has been expressed in converting some Church Cemeteries into Community Cemeteries under Provincial Legislation (e.g. Societies Act; Cemetery Companies Act). Regional Council 15 supports and encourages these initiatives where circumstances warrant such a change in status.
5. The Purchaser of a Burial Lot acquires the RIGHT to (1) reasonable access to the Lot; (2) to use the Lot for the burial of Human remains; (3) to erect a Memorial marker-as permitted by the Cemetery.

The Burial Lot owner is RESPONSIBLE, at the lot owner's cost, for the maintenance and repair of the Memorial Marker.

LIMITATIONS: Borders, fences, railings, walls, cut stone copings, or hedges in and around individual Burial Lots are NOT permitted, unless otherwise indicated at the time of purchase.

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6. The size of a single traditional Burial Lot shall be: Width: 36- 40 inches, Length: 120 inches, Depth: 48 inches. This allows for an Urn Burial depth of 18 inches. A Single Lot may be used for either:

(A) a single Casket burial;

(B) three Cremation burials on top of a single Casket burial;

(C) Up to six Cremation burials

The size of a Cremation Lot (holds up to 4 cremations) is up to 40 inches x 40 inches. The purchase price of a Cremation lot will be determined by the Cemetery Committee/Trustee Board. The Regional Council Property Committee recommends, as a guide, \$300.00 to be deposited in the Perpetual Care Fund. Grave opening and closing charges are normally extra. Church Members and Non-Members must be charged the same -as per Canada Revenue Agency.

Consideration will be given to permitting a second Casket burial in a Single Burial Lot following the passage of forty years since the initial Burial and when neither a Metal Casket or Burial Vault is present.

A newly purchased or unused single Burial Lot may be used, with Cemetery approval, for a double Burial if the first Burial is able to be at a depth of 7-8 feet.

7. Those responsible for a Cemetery should be satisfied of ownership of a Burial Lot before giving permission for a lot to be used for a Burial.
8. Burial Lot owners and families of those interred in Cemeteries without a Perpetual Care Fund should be asked to consider making a financial contribution to help with the setup of a Perpetual Care Fund.

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