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68 ELIZABETH II, 2019

# Bill Pr10

## An Act respecting The United Church of Canada

Ms K. Wynne

Private Bill

1st Reading      May 28, 2019

2nd Reading

3rd Reading

Royal Assent



## EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

## An Act respecting The United Church of Canada

### Preamble

The United Church of Canada has applied for special legislation to amend *The United Church of Canada Act*, being chapter 125 of the Statutes of Ontario, 1925. That Act provided for the formation of The United Church of Canada by way of union of The Presbyterian Church in Canada, The Methodist Church and The Congregational Churches of Canada.

The applicant represents that the corporation was incorporated by *An Act incorporating The United Church of Canada*, being chapter 100 of the Statutes of Canada, 1924. The applicant represents that The United Church of Canada's 42nd General Council adopted a restructuring motion on August 14, 2015 and subsequently undertook a remit process, the result of which was confirmed by The United Church of Canada's 43rd General Council on July 22, 2018. 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 changes to the church's governance structure made in accordance with the restructuring motion and remit process. The applicant would like to amend the Ontario Act to make similar changes.

It is appropriate to grant the application.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1 Section 2 of *The United Church of Canada Act*, being chapter 125 of the Statutes of Ontario, 1925 is repealed and the following substituted:**

### Definitions

**2** In this Act, unless the context otherwise requires,

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

“Basis of Union” means the Basis of Union set forth in Schedule A to *An Act incorporating The United Church of Canada*, being chapter 100 of the Statutes of Canada, 1924, as amended from time to time under paragraph 28 (b) of that Act by The United Church of Canada;

“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 shall include the colleges and institutions set out in Schedule B to this Act;

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

“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 of Canada, or any successor to those entities that is established in accordance with the process set out in the Basis of Union;

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

“negotiating churches” means the churches mentioned in the preamble to *The United Church of Canada Act*, being chapter 125 of the Statutes of Ontario, 1925, and shall include also every congregation that, prior to June 10, 1925, was in connection or in communion with any of the negotiating churches and which, prior to June 10, 1925, 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;

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

“property” includes any debt and any thing in action and any right or interest;

“The Congregational Churches” shall include The Congregational Union of Canada; 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 joint stock churches or otherwise howsoever;

“The Methodist Church” shall include 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 The Methodist Union of Toronto, and all Methodist congregations separately incorporated under any statute;

“The Presbyterian Church in Canada” shall include the Board of Trustees of The Presbyterian Church in Canada; 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; and all Presbyterian congregations 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 howsoever;

“The United Church” means The United Church of Canada.

**2 Section 6 of Schedule A to the Act is repealed and the following substituted:**

**Power to sell, mortgage etc. trust property**

**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, either for cash or upon credit, 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 meeting-house 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 moneys 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 of Canada to be applied for such purposes for the benefit of The United Church of Canada 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 moneys 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 enquire into the necessity, expediency or propriety of any such sale, mortgage, hypothecation, lease or exchange, or to see to the application of the moneys 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.

**Commencement**

**3 This Act comes into force on the day it receives Royal Assent.**

**Short title**

**4 The short title of this Act is *The United Church of Canada Act, 2019*.**