

1980

c 108 The Knox Presbyterian Church, Ottawa, Act, 1980

Ontario

© Queen's Printer for Ontario, 1980

Follow this and additional works at: http://digitalcommons.osgoode.yorku.ca/ontario_statutes

Bibliographic Citation

The Knox Presbyterian Church, Ottawa, Act, 1980, SO 1980, c 108

Repository Citation

Ontario (1980) "c 108 The Knox Presbyterian Church, Ottawa, Act, 1980," *Ontario: Annual Statutes*: Vol. 1980, Article 110.

Available at: http://digitalcommons.osgoode.yorku.ca/ontario_statutes/vol1980/iss1/110

CHAPTER 108

An Act to incorporate Knox Presbyterian Church, Ottawa

Assented to June 17th, 1980

WHEREAS the Temporal Committee of Knox Presbyterian Church, Ottawa, in communion with The Presbyterian Church in Canada hereby represents that it was incorporated by a special Act entitled *An Act to incorporate "The Temporal Committee of Knox Church, in the City of Ottawa"* being chapter 137 of the Statutes of Ontario, 1873; that it is desirable that the corporate structure of Knox Presbyterian Church, Ottawa, be re-organized by incorporating the members of the Church as a corporation without share capital and that the existing corporation be dissolved; and whereas the applicant hereby applies for special legislation in respect of such matters; and whereas it is expedient to grant the application;

Preamble

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

1.—(1) In this Act,

Interpre-
tation

- (a) "Church" means the corporation incorporated by section 2;
- (b) "Kirk Session" means the Kirk Session of Knox Presbyterian Church, Ottawa;
- (c) "member of the Church" means a person whose name is on the Communion Roll of Knox Presbyterian Church, Ottawa;
- (d) "Presbyterian Church in Canada" means the congregations, members and adherents of The Presbyterian Church in Canada who did not on the 10th day of June, 1925, become part of the United Church of Canada and those persons who have since that date joined or may hereafter join with them as members or adherents;

- (e) "Temporal Board" means the Temporal Board of the Church established under section 4;
- (f) "Temporal Committee" means the Temporal Committee of Knox Church, in the City of Ottawa, in communion with the Canada Presbyterian Church, as incorporated by chapter 137 of the Statutes of Ontario, 1873.

Conflict
with
R.S.O. 1970,
c. 89

(2) In the event of a conflict between any provision of this Act and any provision of *The Corporations Act*, the provision of this Act prevails.

Members of
Church
Incorporated

2.—(1) The members, from time to time, of Knox Presbyterian Church, Ottawa, in communion with The Presbyterian Church in Canada, are hereby incorporated as a corporation without share capital under the name of "Knox Presbyterian Church, Ottawa".

Objects

(2) The objects of the Church are to maintain and conduct the temporal affairs of Knox Presbyterian Church, Ottawa and thereby to support and promote the practice of Christian Religion and the teaching of the Gospel.

Kirk
Session

3. This Act does not affect, impair or take away any powers or duties vested in the Kirk Session of Knox Presbyterian Church, Ottawa.

Temporal
Board

4.—(1) The Church shall have a Temporal Board that shall consist of the persons holding office on the Temporal Committee immediately prior to the coming into force of this Act, until the members of the Temporal Board are elected or appointed in accordance with the by-laws of the Church.

Duties of
Temporal
Board

(2) Subject to the by-laws of the Church, the Temporal Board shall have general charge of the financial affairs of the Church and of the maintenance and administration of the property of the Church.

Quorum and
procedures

(3) The Temporal Board may,

- (a) determine the number of members of the Temporal Board that shall constitute a quorum, but in no case shall a quorum be fewer than one-third of the members of the Temporal Board; and
- (b) regulate all matters pertaining to meetings of the Temporal Board.

By-laws

5.—(1) The Church has the power, by by-law, to,

- (a) declare and vary the number of members of the Temporal Board;

- (b) declare and vary the qualifications for membership on the Temporal Board;
- (c) declare and define the method of election or appointment of members of the Temporal Board;
- (d) prescribe the period for which members of the Temporal Board shall hold office, but such period shall not exceed five years;
- (e) provide for any matter described in sections 6, 7, 8, 9, 10 and 11 which may be provided by by-law;
- (f) prohibit voting by proxy;
- (g) provide for any other matter relating to the temporal affairs of the Church;
- (h) borrow money on its credit in such amount, on such terms and from such persons, firms or corporations including chartered banks, as provided in the by-laws of the Church;
- (i) make, draw and endorse promissory notes or bills of exchange;
- (j) mortgage, hypothecate, pledge or charge any part or all of the property of the Church to secure any money so borrowed or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;
- (k) issue bonds, debentures and obligations on such terms and conditions as provided in the by-laws of the Church and pledge or sell such bonds, debentures and obligations for such sums and at such prices as provided in the by-laws of the Church and mortgage, charge, hypothecate or pledge all or any part of the property of the Church to secure any such bonds, debentures and obligations.

(2) No proposed by-laws or any proposed amendment to or repeal of any existing by-law shall be presented to any meeting of the Church or be voted on by the Church unless the text of such proposed by-law or such proposed amendment to any existing by-law or intention to repeal any existing by-law is set out in the notice calling that meeting and notice of that meeting is given not less than twenty-one days before the date on which that meeting is held.

Notice of
by-laws

Power to
acquire
property

6.—(1) The Church, without obtaining a licence in mortmain and without limitation as to the period of holding, has the power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property whatsoever, whether real or personal, and to grant, convey, mortgage, hypothecate, pledge, charge, borrow or otherwise dispose of the same or any part thereof from time to time as the occasion may require, and to acquire other estate or property, in addition thereto or in place thereof.

Right to
refuse
property

(2) Nothing in this Act shall require the Church to accept any property or any interest therein which the Church shall decide not to accept.

Investments

7. The funds of the Church not immediately required for its purposes and the proceeds of all property that come into the Church, subject to any trust affecting the same, may be invested and re-invested in the manner provided in the by-laws of the Church, and all property and revenue of the Church shall be applied for the attainment of any Church purposes and to the payment of expenses incurred for objects legitimately connected with or depending on its purposes.

Title of
property

8.—(1) All property heretofore or hereafter granted, conveyed, devised or bequeathed to the Temporal Committee or the Church or to any person in trust for or for the benefit of the Temporal Committee or the Church, subject to any trust affecting the same, vests in the Church.

Rights and
obligations
of Temporal
Committee
continued

(2) The property, rights, privileges and powers of the Temporal Committee are hereby continued and vested in the Church, and the liabilities of the Temporal Committee together with the benefits and burdens of all contracts and covenants of the Temporal Committee are hereby continued in and assumed by the Church.

Proof of
conveyance

(3) For the purposes of any Act affecting title to property it shall be sufficient to cite this Act to establish the conveyance, transfer or transmission of title from the Temporal Committee and the vesting in the Church of all real and personal property or any interest in real or personal property, including the land, and the Church buildings thereon, described in Instrument No. 204248 registered in the Registry Office for the Registry Division of the City of Ottawa on May 30th, 1931, less the portion conveyed to The Corporation of the City of Ottawa by deed registered 31st October, 1968, as No. 550541, which on the date this Act comes into force, was vested in the Temporal Committee.

By-laws, et
of Temporal
Committee
continued

(4) Subject to this Act, all by-laws, resolutions and appointments of the Temporal Committee shall continue as by-laws,

resolutions and appointments of the Church until amended or revoked by the Church.

(5) The Temporal Committee is dissolved on the day this Act comes into force. Temporal
Committee
dissolved

9. For the purposes of fulfilling the objects of the Church, the Church may, Additional
powers of
Church

- (a) procure, alone or in conjunction with others, the establishment of corporations;
- (b) directly or indirectly, acquire shares of a corporation whether or not the effect of such acquisition would be to make the corporation, the shares of which are so acquired, subsidiary to the Church;
- (c) sell or otherwise dispose of or cause to be sold or otherwise disposed of,
 - (i) all or substantially all of the shares or assets of a corporation established as provided in clause *a*,
 - (ii) the shares of a corporation acquired as provided in clause *b*.

10.—(1) The annual meeting of the Church shall be called by the Kirk Session upon such notice and be held on such day or days in each year, as provided by the by-laws of the Church. Annual
meeting

(2) Unless otherwise provided by a by-law of the Church, the annual meeting of the Church shall be held the second Wednesday of the month of February, in each year. Date

(3) The annual meeting shall be conducted in the manner provided in the by-laws of the Church. Procedures

(4) At the annual meeting, the Temporal Board shall, Financial
statements

- (a) submit to the members of the Church, full, correct and audited accounts of its receipts and expenditures, its dealings with the funds and property respectively vested in the Church; and
- (b) present for consideration of the members of the Church, annual budget projections for the current operating year.

Special
meetings

11.—(1) A special meeting of the Church may be called at any time by the Kirk Session on its own motion and the Kirk Session shall call a special meeting,

(a) at the request of the Temporal Board on such date as the Temporal Board may specify; or

(b) upon receiving a requisition signed by not less than ten members of the Church.

Notice

(2) Notice of a special meeting of the Church shall be given in accordance with the by-laws of the Church.

Voting at
meetings

12. No person may vote at an annual or special meeting of the Church unless he is a member of the Church.

Repeal

13. *An Act to incorporate "The Temporal Committee of Knox Church, in the City of Ottawa"*, being chapter 137 of the Statutes of Ontario, 1873, is repealed.

Commence-
ment

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

Short title

15. The short title of this Act is *The Knox Presbyterian Church, Ottawa, Act, 1980*.