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Ontario
CHAPTER 103

An Act respecting
St. Andrew's Church, Ottawa

Assented to April 23rd, 1976

WHEREAS the Congregation of St. Andrew's Church, Ottawa, established in 1828 in connection with the Church of Scotland, and continuing since 1875 in the Presbyterian Church in Canada, hereby represents that it is desirable to revise and consolidate the Statutes enacted with respect to the said St. Andrew's Church, namely, 31 Victoria, chapter 61, 38 Victoria, chapter 86, 53 Victoria, chapter 144, 56 Victoria, chapter 108 and 6 George V, chapter 114; and whereas the Congregation of St. Andrew's Church hereby applies for special legislation for such purposes; and whereas it is expedient 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:

INTERPRETATION

1. In this Act,

(a) "adherent" means one who attends public worship regularly and regularly supports the work and ordinances of the Church, but who has not been received into the communicant membership of the Church;

(b) "Church" means St. Andrew's Church, Ottawa;

(c) "communicant member of the Church" means one who has been received into the fellowship of the Presbyterian Church in Canada and into the membership of St. Andrew's Church, Ottawa by Resolution of the Kirk Session;

(d) "Congregation" means the company of persons, together with their children, who are associated at St. Andrew's Church, Ottawa for Christian worship, instruction, fellowship and work, with the
sanction of the Presbytery of Ottawa of the Presbyterian Church in Canada;

(c) "Glebe Trustees" means the Glebe Trustees of St. Andrew's Church, Ottawa;

(f) "Kirk Session" means the Kirk Session of St. Andrew's Church, Ottawa and consists of its minister or ministers and ruling elders as defined in the Book of Forms of the Presbyterian Church in Canada and as may be amended from time to time by the General Assembly of the Presbyterian Church in Canada;

(g) "Temporal Committee" means the Temporal Committee of St. Andrew's Church, Ottawa.

MEETINGS

2.—(1) An annual meeting of the members of the Congregation shall be called by the Kirk Session and, subject to subsection 2, shall be held on such day, or days, in each year as may be fixed by by-law of the Congregation for,

(a) the election of members of the Temporal Committee, of the Glebe Trustees, and of such other committees and officers of the Church as may be authorized by by-law of the Congregation;

(b) the transaction of all matters and things relating to the affairs of the Congregation;

(c) the receiving of reports of the different committees or organizations of the Church; and

(d) the transaction of any such business as may be brought before the meeting, save and except those matters which are properly the responsibility of the Kirk Session as defined in the Book of Forms.

(2) Unless otherwise provided by by-law, the annual meeting of the Congregation shall be held on the second Monday of the month of February in each year.

3.—(1) A special meeting of the Congregation may be called at any time by the Kirk Session, by the Temporal Committee or by the Glebe Trustees.
(2) It shall be the duty of the Kirk Session, of the Temporal Committee, or of the Glebe Trustees, as the case may be, upon receiving a requisition signed by not less than ten communicant members of the Congregation, to call a special meeting of the Congregation, to be held as soon as due notice can be given after the receipt of such requisition.

(3) A requisition or notice calling a special meeting of the Congregation shall specify the purpose or object of the meeting, and no business shall be transacted at any special meeting other than that specified in the notice calling the same.

4. Notice calling an annual or special meeting of the Congregation shall be given during the regular service of worship on each of two consecutive Sundays immediately preceding the day appointed for such meeting, or may be given in such other manner and for such period, not less than seven days prior to such meeting, as may be provided by by-law of the Congregation duly sanctioned for that purpose.

5.—(1) The minister of the Congregation or in lieu thereof the minister appointed by the Presbytery, shall preside at all meetings of the Congregation.

(2) If a minister under subsection 1 is absent, or declines to preside, a chairman elected by the meeting shall preside.

(3) A secretary shall be appointed to keep the minutes or record of annual or special congregational meetings, which minutes shall be signed by the chairman and the secretary, and maintained by the Temporal Committee in trust for ever.

BY-LAWS

6.—(1) The Congregation, in an assembled annual or special meeting, may pass such by-law or by-laws respecting the temporal affairs of the Congregation, as shall not be contrary to the laws of the Province of Ontario or to the established laws and usages of the Presbyterian Church in Canada, or to the provisions of this Act, as may appear necessary or expedient for the interest of the Congregation.

(2) No by-law of the Congregation, of the Temporal Committee, or of the Glebe Trustees, shall have any force or effect unless and until the same is ratified and approved by a majority of those members of the Congregation who are present at an annual or special meeting of the Congregation.
(3) Before a by-law of the Congregation, of the Temporal Committee or of the Glebe Trustees is presented for ratification and approval to any annual or special meeting of the Congregation, notice of such by-law shall be given during the regular service of worship on each of two successive Sundays immediately preceding the day appointed for such meeting, or in such other manner and for such period, not less than seven days prior to such meeting, as may be provided by by-law of the Congregation duly sanctioned for that purpose.

(4) Unless and until otherwise provided by by-law of the Congregation, the quorum for the transaction of business at any annual or special meeting of the Congregation shall be twenty-five.

(5) Without limiting the general powers of passing by-laws, the Congregation may pass by-laws to,

(a) vary the quorum for the transaction of business at any annual or special meeting of the Congregation; and

(b) establish such other committees as it may deem necessary.

(6) The powers herein conferred may be exercised from time to time and as often as the Congregation may consider it advisable to do so.

(7) The Congregation shall have the power to repeal or amend any by-law passed by them and to re-enact the same in whole or in part.

(8) The by-laws of the Congregation, of the Temporal Committee and of the Glebe Trustees, in effect at the time of the passing of this Act shall continue to have force and effect unless and until the same are amended or repealed.

7.—(1) Only the following persons shall have the right to vote,

(a) for the election of members of the Temporal Committee;

(b) for Glebe Trustees; and

(c) upon all matters submitted at meetings of the Congregation, namely,
(i) communicant members of the said Congregation,

(ii) adherents of the said Congregation, except upon matters affecting,

a. the order of worship,

b. the discipline of the Church, or

c. the acquisition or disposal of property.

(2) In the event of a tie vote, the chairman shall have the casting vote.

TEMPORAL COMMITTEE

8. The members of the Temporal Committee currently in office, and their successors in office to be elected in the manner hereinafter provided, are hereby constituted and declared to be a body politic and corporate, by the name and style of "The Temporal Committee of St. Andrew's Church, Ottawa", and shall have all the rights and powers vested in corporations generally by The Interpretation Act.

9.—(1) Unless and until otherwise provided by by-law of the Temporal Committee, the Temporal Committee shall be composed of eighteen members who shall hold office for three years, six of such members retiring annually in rotation.

(2) The qualifications for membership in the Temporal Committee, the order in which the members of the Temporal Committee shall retire, and the period for which each member shall hold office, shall continue for each of the members of the Committee, as they exist at the time of the passing of this Act, until otherwise provided by by-law of the Committee.

10.—(1) Subject to the provisions of subsection 2 of section 6, the Temporal Committee may pass by-laws to,

(a) vary the number of members of the Temporal Committee;

(b) vary the qualifications of persons to be elected members of the Temporal Committee;

(c) declare and define the method of election or appointment of members to the Temporal Committee;
(d) prescribe the period for which members of the Temporal Committee shall hold office;

(e) appoint such officers for the care and management of the property of the Congregation as may be deemed expedient;

(f) provide for the election by the Temporal Committee, or by such other method of election as may seem expedient, of an executive committee with such powers and subject to such supervision or control by the Temporal Committee, as may seem advisable; and

(g) provide for the payment out of the capital held by the Glebe Trustees, designating the purpose to which it is to be applied, duly sanctioned by the votes of not less than two-thirds of those present at an annual or special meeting of the Congregation, and who are duly qualified to vote.

(2) Upon the authority of a by-law duly approved pursuant to clause g of subsection 1, the Glebe Trustees shall pay to the Temporal Committee so much of the capital in their hands as is designated by such by-law.

11. The Temporal Committee shall have general charge of the collection, management and administration of the revenues and property of the Congregation, but nothing in this Act shall affect, impair, or take away,

(a) any powers or duties vested in the Kirk Session,

(i) in regard to the collection of moneys for charitable or benevolent purposes, or

(ii) in aid of the general funds of the Presbyterian Church in Canada; or

(b) any of the powers and duties of the Glebe Trustees as hereinafter defined.

12. All property, real and personal, funds and assets of every kind or description vested in or held by the Congregation are hereby vested in the Temporal Committee, save and except the assets, money and securities vested in or held by the Glebe Trustees.

13. Where bequests, legacies or gifts are subject to testamentary or other directions requiring the immediate
disbursement of the capital of such bequests, legacies or gifts for specific purposes, the Temporal Committee shall ensure that such bequests, legacies or gifts are applied in accordance with the directions given.

14. It shall be lawful for the Temporal Committee to acquire real estate by any lawful title, whether by purchase, donation, exchange, legacy or otherwise.

15. It shall be lawful for the Temporal Committee to lease, sell, alienate or mortgage the lands and premises or any part thereof, held or to be held by them for the trusts and purposes declared and expressed in respect thereof, and to invest the same or a part thereof in other property, in such manner and for such purposes and uses of the Congregation, as the Congregation may decide at any annual or special meeting.

16.—(1) Within ten days after each annual meeting, the members of the Temporal Committee shall elect one of their number as chairman, one as vice-chairman, one as secretary and one as treasurer, and the same person may be chosen to fill the offices of both secretary and treasurer.

(2) The chairman, or in the absence of the chairman, the vice-chairman or such one of the members of the Temporal Committee as a majority of such meeting shall name shall preside at all meetings of the Temporal Committee.

(3) In the case of an equality of votes at any such meeting, the chairman or other person presiding shall have the casting vote.

(4) The secretary shall keep in books for that purpose minutes or records of the proceedings of the meetings of the Temporal Committee, which shall be signed by the secretary and the chairman or other person presiding at such meeting, and shall be maintained by the Temporal Committee in trust for the Congregation.

(5) The treasurer shall collect and receive all moneys due to the Temporal Committee, and keep and disburse the same under the direction of the Temporal Committee, and keep a true and faithful account of all such receipts and disbursements.

17. All deeds, mortgages, leases and other conveyances shall be sealed with the common seal of the Temporal Committee, and signed by the chairman and the secretary of that Committee, or by either of them together with one of
the two other members of the Temporal Committee designated for that purpose by by-law of that Committee.

**GLEBE TRUSTEES**

18. The members of the Glebe Trustees currently in office, and their successors in office to be elected in the manner hereinafter provided, are hereby constituted and declared to be a body politic and corporate, by the name and style of "The Glebe Trustees of St. Andrew's Church, Ottawa", and shall have all the rights and powers vested in corporations generally by *The Interpretation Act*.  

19.—(1) Unless and until otherwise provided by by-law of the Glebe Trustees, the Glebe Trustees shall be composed of seven persons, one of whom shall be appointed annually by the Temporal Committee, and six of whom shall hold office for three years with two of such persons retiring annually in rotation.

(2) Upon the first election held after the passing of this Act, two members of the Glebe Trustees shall be elected for three years, two members for two years, and two members for one year.

(3) No member of the Temporal Committee, other than the one appointed under subsection 1, shall be eligible to hold the office of Glebe Trustee.

(4) Any retiring member of the Temporal Committee, or any one of the Glebe Trustees, not otherwise disqualified, shall be eligible for election.

(5) To be eligible for election to the office of Glebe Trustee, a person shall be a communicant member of the Church.

(6) The balance of any unexpired term of any Glebe Trustee who resigns or dies shall be filled by the election of a new Glebe Trustee at an annual or special meeting of the Congregation.

20.—(1) Subject to the provisions of subsection 2 of section 6, the Glebe Trustees may pass by-laws to,

(a) vary the number of members of the Glebe Trustees;

(b) vary the qualifications of persons to be elected members of the Glebe Trustees;
(c) declare and define the method of election, or the appointment of such members;

(d) prescribe the period for which such members shall hold office;

(e) appoint such officers for the care and management of the assets vested in the Glebe Trustees as may be deemed expedient; and

(f) govern,

(i) the mode of executing the powers and duties of the Glebe Trustees and of their servants and agents,

(ii) the books of account to be kept,

(iii) the deposit, withdrawal and investment of money,

(iv) the employment and remuneration of a secretary-treasurer,

(v) any other assistance that may from time to time be required, and

(vi) all other matters relating to the said trust which they may deem expedient for and in the interest of their trust;

(g) govern the bona fide payment of any money to and the receipt thereof by the secretary-treasurer of the Glebe Trustees.

(2) A payment made pursuant to clause (g) of subsection 1 shall effectually discharge the person paying such from seeing to the application or being answerable for the misapplication thereof.

**DUTIES OF GLEBE TRUSTEES**

21. — (1) The Glebe Trustees shall hold and administer the assets, moneys and securities arising from the sale of the Glebe Lands in the City of Ottawa, and in the hands of the Glebe Trustees in office as at the date of the passing of this Act.

(2) The Glebe Trustees shall hold and administer all investments or funds representing bequests, legacies or gifts.
that have been, or shall in the future be received in the name of St. Andrew's Church, Ottawa, or other moneys that shall be directed to be held and administered by the Glebe Trustees, save and except those which contain directions requiring the immediate disbursement for specific purposes of the capital of such bequest, legacy or gift.

(3) Where bequests, legacies or gifts are subject to testamentary or other directions with respect to the application of the income therefrom, the Glebe Trustees shall pay over to the Temporal Committee the net income earned on the investments representing such bequests, legacies or gifts, as soon as conveniently possible, specifying the amount of income earned on each bequest, legacy or gift, and the purpose to which it is to be applied.

(4) The net income referred to in subsection 3, as determined by sound accounting principles, shall be calculated after making provision for the amortization of the net premium or discount on bonds or debentures representing such bequests, legacies or gifts.

(5) The net income earned by the Glebe Trustees on all assets, other than those referred to in subsection 3, shall be paid over to the Temporal Committee annually within sixty calendar days following the close of each calendar year, and payments on account may be made during the progress of each year.

(6) The net income referred to in subsection 5, as determined by sound accounting principles, including, if deemed advisable, provision for the amortization of the net premium or discount on bonds or debentures purchased or held by the Glebe Trustees, shall be calculated after providing for all necessary carrying charges or expenses incurred in connection with the management of the assets or bank loans of the Glebe Trustees, but no sum shall be paid for the personal services of the individual Glebe Trustees.

(7) The Glebe Trustees may borrow moneys to the maximum amount of fifty thousand dollars ($50,000) upon the collateral of securities held by such Glebe Trustees, and may advance the same without interest to the Temporal Committee, upon receipt of a request in writing from the Temporal Committee, signed by the chairman and the treasurer of the Temporal Committee.

(8) A loan under subsection 7 shall be repaid by the Temporal Committee before the expiry of twelve months from the date of such loan.
(9) The Glebe Trustees have all the powers of investment of trustees in the Province of Ontario.

(10) In general, the Glebe Trustees shall do all things and make all contracts and agreements, and sign all documents that may be necessary to carry out the objects and to exercise the powers of Glebe Trustees.

(11) All contracts, agreements, instruments and documents shall be sufficiently executed by the Glebe Trustees if sealed with their corporate seal and signed by two of their members.

22.—(1) Within thirty days after each annual meeting, the Glebe Trustees then in office shall elect one of their number as chairman.

(2) The chairman, or in the absence of the chairman, such one of the Glebe Trustees as a majority of such meeting shall name, shall preside at all meetings of the Glebe Trustees.

(3) In the case of an equality of votes at any such meeting, the chairman or other person chosen under subsection 2 to preside shall have the casting vote.

(4) The Glebe Trustees shall appoint a secretary-treasurer who is not a Glebe Trustee and is a communicant member or adherent of the Congregation.

(5) The secretary-treasurer shall keep, in books for that purpose, minutes or records of the proceedings had at the meetings of the Glebe Trustees, which shall be signed by the secretary-treasurer and the chairman or other person presiding at such meeting and shall collect and receive all moneys due to the Glebe Trustees, and keep and disburse the same under the direction of the Glebe Trustees, and keep a true and faithful account of all such receipts and disbursements.

23. The following are repealed:

1. An Act to Incorporate the Temporal Committee of St. Andrew’s Church, in the City of Ottawa, in connection with the Church of Scotland, and to vest certain property in the said Temporal Committee, being chapter 61 of the Statutes of Ontario, 1868.
2. An Act to amend the Act passed by the Legislature of Ontario in the thirty-first year of Her Majesty's reign and intituled "An Act to incorporate the Temporal Committee of St. Andrew's Church in the City of Ottawa in connection with the Church of Scotland, and to vest certain property in the said Temporal Committee, being chapter 86 of the Statutes of Ontario, 1874.

3. An Act respecting St. Andrew's Church, Ottawa, being chapter 144 of the Statutes of Ontario, 1890.

4. An Act to amend an Act respecting St. Andrew's Church, Ottawa, being chapter 108 of the Statutes of Ontario, 1893.

5. An Act respecting St. Andrew's Church, Ottawa, being chapter 114 of the Statutes of Ontario, 1916.

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

25. This Act may be cited as The St. Andrew's Church, Ottawa Act, 1976.