

**THE
UKRAINIAN ORTHODOX
CHURCH OF CANADA**

**THE
1929
CHARTER**

AND

**THE
1990
AMENDMENT**

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**THE
CHARTER
OF
THE UKRAINIAN ORTHODOX
CHURCH OF CANADA
(1929)**

**AN ACT TO INCORPORATE
THE UKRAINIAN GREEK-ORTHODOX
CHURCH OF CANADA**

*Assented to by the Governor General of Canada,
on the first day of May 1929*.*

Preamble

Whereas a petition has been presented on behalf of the congregations and parishes of The Ukrainian Greek-Orthodox Church of Canada, scattered throughout the different provinces of this Dominion, praying that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

**Faith and
dogma**

1. The Ukrainian Greek-Orthodox Church of Canada hereby declares that its faith and dogma are the same as that of the various already existing Greek-Orthodox Churches, and it adheres to the faith and dogma adopted by the First Seven Ecumenical Councils of the Christian Church.

Incorporation

2. All the congregations, parishes, missions, of The Ukrainian Greek-Orthodox Church of Canada, which are now included and are a part thereof, and which may at any

* Bill 35, An Act to Incorporate The Ukrainian Greek-Orthodox Church of Canada, was passed by the House of Commons on 5 May 1929. Errata have been corrected.

Corporate name time in the future become a part thereof, are hereby constituted a corporation, public and politic under the name of "The Ukrainian Greek-Orthodox Church of Canada", hereinafter called "the Corporation", for the purposes of administering the property and other temporal affairs connected with the spiritual jurisdiction of the said Corporation.

Head office 3. (1) The head office of the Corporation shall be in the City of Winnipeg, in the Province of Manitoba, or at such other place in the Dominion of Canada as may be decided by the said Corporation under the powers hereinafter conferred.

Notice of change (2) Notice in writing shall be given by the Corporation of any change of the head office to the Secretary of State, and a copy of such notice shall be published in the *Canada Gazette*.

Objects 4. The objects of the Corporation shall be the maintenance and carrying on of charities or missions, erection, maintenance and conduct of churches, cemeteries, schools, colleges or orphanages and hospitals in any of the provinces of Canada, the advancement in other ways of education, religion, charity and benevolence, and to administer in Canada such of the property, business and other temporal affairs of the said Ukrainian Greek-Orthodox Church of Canada as may be entrusted by the said Ukrainian Greek-Orthodox Church of Canada to the Corporation.

Definitions:
"a member"

5. In this Act, unless the context otherwise requires, the expression (a) "A member" means any person who adheres to the faith, dogma and rite of The Ukrainian Greek-Orthodox Church, and who submits to the rules and regulations of the Corporation.

"a congregation"

(b) "A congregation" means a group of members of the Corporation who already have organized and built the church, which is officiated by a regular priest of the said Ukrainian Greek-Orthodox Church.

"a mission"

(c) "A mission" means a group of members of the said church who have declared themselves of the faith and dogma of The Ukrainian Greek-Orthodox Church of Canada, and who are in the process of formation of a congregation and have no church building.

"a parish"

(d) "A parish" means congregation or a group of congregations or missions officiated by one priest of the said Church.

Affiliation

6. (1) Any congregation or mission of The Ukrainian Greek-Orthodox Church of Canada, whether now in existence or which may be formed at any time in the future, shall signify its intention to become a part of the Corporation by a resolution passed at a duly called meeting thereof, according to the constitution thereof.

(2) The copy of such resolution shall be certified by the chairman and the secretary of the said meeting, and shall be sent to the Consistory of the Corporation, and the Consistory may then issue a certificate admitting such congregation or mission to the Corporation.

Hierarchy

7. Only persons of Ukrainian descent and of the faith, dogma and rite of The Ukrainian Greek-Orthodox Church of Canada shall be eligible for the office of priests, bishops, metropolitans, or other spiritual and administrative offices of the Corporation.

Management

8. (1) The Corporation shall be managed by a Board of the Consistory of at least five members, or such other number of members as may be determined upon under the powers hereinafter conferred.

(2) Such Board of the Consistory shall be composed of even numbers of the clergy and laity, and the head bishop of The Ukrainian Greek-Orthodox Church of Canada, if resident in Canada, shall be the president of the Board of the Consistory. In the absence of the head bishop, the administrator, who must be a clergyman, elected at the last general council, shall act as the president of the Board of the Consistory.

(3) The supreme power in all temporal matters of the Corporation shall be vested in the General Council of the Corporation to be held and called according to the rules and by-laws hereinafter referred to.

(4) Each congregation, mission or parish shall have the right of representation at such General Council of the Corporation, subject to the rules and by-laws as aforesaid.

(5) Every clergyman of any rank in good standing in the said church shall have the right to be present at the General Council, and vote and take part in the proceedings at such Council.

Power to make
by-laws

9. The Corporation may from time to time at its General Council, make by-laws not contrary to law for:

(a) The appointment, subject as herein provided of a Board of the Consistory, for the administration, management, and control of property, business and other temporal affairs of the Corporation;

(b) The appointment, functions, duties and remuneration of all officers, agents and servants of the Corporation;

(c) The appointment or deposition of the Consistory, bishops, administrators, special committees or boards from time to time for the purposes of the Corporation;

(d) The calling of General Council meetings, regular or special, of the Corporation or of the committee;

(e) Fixing the necessary quorum and procedure in all things at such meetings;

(f) Generally for the carrying out of the objects and purposes of the Corporation.

Power to
acquire and
hold property

10. (1) The Corporation may purchase, take, have, hold, receive, possess, retain and enjoy property, real or personal, corporeal or incorporeal, whatsoever, and for any or every estate or interest whatsoever given, granted, devised or bequeathed to it, or appropriated, purchased or acquired by it in any manner or way whatsoever, to, for, or in favour of the uses and purposes of the Corporation or to, for, or in favour of any religious, educational, eleemosynary or other institution established or intended to be

established by, under the management of, or in connection with, the uses or purposes of the Corporation.

Limitation as to value

(2) The annual value of the real estate held by or in trust for the Corporation in any province of Canada shall not exceed at any one time fifty thousand dollars.

Holding of real property by way of security

(3) The Corporation may also hold such real property or estate therein as is *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered.

Investment in and disposal of real property

11. Subject always to the terms of any trust relating thereto, the Corporation may also sell, convey, exchange, alienate, mortgage, lease or demise any real property held by the Corporation, whether by way of investment for the uses and purposes of the Corporation or not, and may also from time to time, invest all or any of its funds or moneys and all or any funds or moneys vested in or acquired by it for the use and purposes aforesaid, in and upon any security by way of mortgage, hypothec or charge upon real property in any part of Canada; and for the purposes of such investment may take, receive and accept mortgages or assignments thereof, whether made and executed directly to the Corporation or to any corporation body, company or person in trust for it; and may sell, grant, assign and transfer such mortgages or assignments either wholly or partly.

Obligation to dispose of lands

12. (1) No parcel of land or interest therein at any time acquired by the Corporation and not required for its actual use and occupation, and not held by way of security,

shall be held by the Corporation, or by any trustee on its behalf, for a longer period than ten years after the acquisition thereof, but shall, at or before the expiration of such period, be absolutely sold or disposed of, so that the Corporation shall no longer retain any interest or estate therein, except by way of security.

Extension of
time

(2) The Secretary of State may direct that the time for the sale or disposal of any such parcel of land, or any estate or interest therein, shall be extended for a further period or periods not to exceed five years.

Fifteen years
limit

(3) The whole period during which the Corporation may hold any such parcel of land, or any estate or interest therein, under the foregoing provision of this section, shall not exceed fifteen years from the date of the acquisition thereof, or after it shall have ceased to be required for actual use or occupation by the Corporation.

Forfeiture of
property held
beyond time
limit

(4) Any such parcel of land, or any estate or interest therein, not within the exceptions hereinbefore mentioned, which has been held by the Corporation for a longer period than authorized by the foregoing provisions of this section without being disposed of, shall be forfeited to His Majesty for the use of Canada.

Statement

(5) The Corporation shall give the Secretary of State, when required, a full and correct statement of all lands, at the date of such statement, held by the Corporation, or in trust for it, and subject to the provisions of this section.

Application of
mortmain laws

13. In regard to any real property which, by reason of its situation or otherwise, is subject to the legislative

authority of the Parliament of Canada, a licence in mortmain shall not be necessary for the exercise of the powers granted by this Act; but otherwise, the exercise of the said powers shall in any province of Canada be subject to the laws of such province as to the acquisition and holding of lands by religious corporations, insofar as such laws apply to the Corporation.

Authority for
transfer of
property held
in trust

14. In so far as authorization by the Parliament of Canada is necessary, any person or corporation in whose name any property, real or personal, is held in trust or otherwise, for the use and purposes aforesaid, or any such person or corporation to whom any such property devolves, may, subject always to the terms and conditions of any trust relating to such property, transfer such property, or any part thereof, to the Corporation.

Execution of
deeds

15. Any deed or other instrument relating to real estate vested in the Corporation or to any interest in such real estate shall, if executed within the jurisdiction of the Parliament of Canada, be deemed to be duly executed if there are affixed thereto the seal of the Corporation and the signature of any officer of the Corporation duly authorized for such purpose, or his lawful attorney.

Gifts, loans, etc.

16. The Corporation may make a gift of or loan any of its property, whether real or personal, for, or to assist in, the erection or maintenance of any building or buildings deemed necessary for any church, college, manse, school

or hospital, or for any other religious, charitable, educational, congregational or social purpose upon such terms and upon such conditions as it may deem expedient.

**Borrowing
powers**

17. The Corporation may, from time to time, for the purposes of the Corporation:

(a) borrow money upon the credit of the Corporation;

(b) limit or increase the amount to be borrowed;

(c) make, draw, accept, endorse or become party to promissory notes, and bills of exchange; every such note or bill made, drawn, accepted or endorsed by the party thereto authorized by the by-laws of the Corporation and countersigned by the proper party thereto authorized by the said by-laws, shall be binding upon the Corporation, and shall be presumed to have been made, drawn, accepted or endorsed with proper authority until the contrary is shown; and it shall not be necessary in any case to have the seal of the Corporation affixed to any such note or bill;

(d) mortgage, hypothecate or pledge any property of the Corporation, real or personal, to secure the repayment of any money borrowed for the purposes of the Corporation.

Limitation

(2) Nothing in this section shall be construed to authorize the Corporation to issue any note or bill payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note or bill of a bank, or to engage in the business of banking or insurance.

**Investment of
funds**

18. The Corporation may also invest and reinvest any of its funds and money:

(a) in any bonds or debentures of any municipality or public school corporation or district in the Dominion of Canada, in bonds, stock and debentures or other securities of the Dominion of Canada or of any province thereof, or in any security the payment of which is guaranteed by the Dominion of Canada or any province thereof; or

(b) in first mortgages or freehold property in Canada and for the purposes of the same may take mortgages or assignments thereof, whether such mortgages or assignments be made directly to the Corporation in its own corporate name or to some company or person in trust for it, and may sell and assign the same.

**Exercise of
powers when
bishop
incapable to act**

19. In the event of the death, deposition, resignation, absence, illness, infirmity, or other incapacity of the head bishop of this Corporation, the duly elected administrator, at the last General Council, or such other person appointed by such General Council, shall for the time being and until another General Council will be called, perform the duties conferred upon such bishop by this Corporation insofar as the Canons of the church give him the power, until a new head bishop is elected and ordained, or during his absence, illness, infirmity or incapacity.

**THE
AMENDMENT
TO THE
CHARTER
OF
THE UKRAINIAN ORTHODOX
CHURCH OF CANADA
(1990)**

AN ACT TO AMEND AN ACT TO INCORPORATE THE UKRAINIAN GREEK-ORTHODOX CHURCH OF CANADA

*Assented to by the Governor General of Canada,
on the tenth day of May 1990**

Preamble

WHEREAS the Corporation, known as "The Ukrainian Greek-Orthodox Church of Canada" and incorporated by chapter 98 of the Statutes of Canada, 1929 (hereinafter referred to as the "said Act"), has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petitioner;

1929. c. 98

NOW, THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Change of
corporate name

1. (1) The name of the Corporation known as "The Ukrainian Greek-Orthodox Church of Canada" is hereby changed to the "Ukrainian Orthodox Church of Canada".

Existing rights
not affected

(2) The change of its name does not in any way impair, alter or affect:

- (a)** the rights or liabilities of the Corporation;
- (b)** any bequest, gift or donation made to the Corporation, whether under its original or its new name; or

* The Act was published in the Statutes of Canada, Chapter 51, 1990. Errata have been corrected.

(c) any suit or proceeding now pending or judgment existing either by or in favour of or against the Corporation, which, notwithstanding the change of name, may be enforced and continued as if subsection (1) had not been enacted.

Name of religious denomination

2. A reference in the said Act to the religious denomination at one time known in Canada as The Ukrainian Greek-Orthodox Church of Canada shall, for the purpose of that Act, be deemed, after the commencement of this Act, to be a reference to the Ukrainian Orthodox Church of Canada however subsequently denominated in Canada.

3. Section 5 of the said Act is repealed and the following substituted therefor:

"5. In this Act,

**Definitions:
"member"**

(a) the expression "member" means any person who, from time to time in accordance with the by-laws of the Corporation, is a member of the Corporation;

Other expressions

(b) the expressions "congregation", "mission" and "parish" have the meanings assigned to them under the by-laws of the Corporation."

4. Sections 7 and 8 of the said Act are repealed and the following substituted therefor:

General Council

"7. (1) A General Council of the Corporation shall be convened and held at such intervals as are prescribed by the by-laws of the Corporation but no less frequently than once every five years.

Eligibility to attend General Council

(2) All persons who, in accordance with the by-laws of the Corporation, are elected or appointed to attend a General Council of the Corporation as a delegate, and such deacons, priests and bishops of the church as the by-laws of the Corporation prescribe, may attend the General Council and vote thereat or otherwise take part in its proceedings.

Consistory

8. (1) Subject to the by-laws of the Corporation and to such resolutions and directives as are made from time to time by the General Council of the Corporation, the affairs of the Corporation shall be managed by a board of not less than eighteen members, to be known as the Consistory.

Members of Consistory

(2) The members of the Consistory shall be elected or appointed in such manner and number and at such times as the by-laws of the Corporation prescribe.

Delegation to committees

(3) Subject to the by-laws of the Corporation, the Consistory may delegate any of its duties or functions to an executive committee or other committees of the Consistory."

5. Subsection 10(2) of the said Act is repealed.

6. Section 12 of the said Act is repealed.



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