

CANON 41 PARISH DIFFICULTIES

1. Whenever the Bishop believes from trustworthy information laid before him or her that differences have arisen between a rector or other member of the clergy in charge of any parish or mission in the diocese (the "**Incumbent**"), and communicants resident in the said parish or mission (the "**Parish**"), or that the condition of the Parish is in any respect such as to require investigation, the Bishop may:
 - (a) upon his or her own motion;
 - (b) upon a request in writing signed by not fewer than 20% of the Communicants (**the "Petitioners"**) in the Parish as reported to the Diocese in the Parish's last annual parochial return;
 - (c) upon a request made by the Incumbent; or
 - (d) upon the request made by the archdeacon or the regional dean

appoint a regional dean, an archdeacon or a committee consisting of one clerical and one lay member of the Synod of the Diocese (the "**Investigator**"), whose duty it shall be to proceed to the Parish, carry out an investigation, and report to the Bishop.

2. The person or persons requesting the investigation shall provide written reasons when making a request in writing to the Bishop for an investigation.
3. The Investigator shall contact the Incumbent, the Parish Council, the Petitioners, and any other persons whom the Investigator wishes to consult, and shall make enquiries and endeavour, if possible, to bring about a settlement of the differences existing in the Parish or the removal of any grievances or cause of scandal, or other hindrances to the peace or prosperity of the Parish.
4. The Investigator shall advise the Incumbent, the Parish Council, and the Petitioners, as the case may be, of the reasons for the requested investigation as provided to the Bishop, and shall give the Incumbent, the Parish Council, and the Petitioners, as the case may be, an opportunity to make written and oral submissions in respect of the reasons.
5. Within one month of the appointment the Investigator shall report in writing to the Bishop, and if the Investigator declares that the Investigator has failed to bring about a settlement of the differences or a satisfactory condition of affairs, and that for causes named in the report (not being subjects for investigation under the Canon on Discipline),

the Investigator considers that it may be detrimental to the interests of the Parish that the differences not be addressed, the Investigator may recommend that a mediator, a mentor, or a commission of inquiry be appointed to enquire into such differences in the Parish as may be recited in said report.

6. Upon receiving the report and any recommendation from the Investigator, the Bishop may do one or more of the following:
 - a. Appoint a mediator, who may be a clergy or lay communicant residing in another Parish in the Diocese, to work with the Petitioners, the Parish Council, and the Incumbent to resolve the concerns giving rise to the request for an investigation;
 - b. Appoint a mentor to assist the Incumbent in addressing the concerns raised; and
 - c. Issue a commission to two members of the clergy and two members of the laity (one of whom shall be either the Chancellor of the Diocese or some other member of the Synod, being a Barrister of at least 10 years standing, and who shall be the chair of the said commission) empowering the commissioners therein named to hold an investigation.
7. As soon as conveniently may be after the issue of the commission, the commissioners shall give notice to the Incumbent in charge of such Parish, and to the Parish Council thereof, and to the Petitioners for the commission of enquiry (if any), of the time and place at which the commissioners will hold their meetings.
8. The commissioners may proceed with the enquiry *ex parte* if any one or more of the parties affected thereby, refuse or neglect to attend before them after due notice of not less than twenty days, to be given by service by registered mail or personal delivery if the person is known to be in Nova Scotia or Prince Edward Island; if not, the notice is to be posted on the Parish church door for thirty days.
9. The commissioners shall hold their meetings in public and shall provide an opportunity for the Incumbent and communicants of the Parish to make written or oral submissions in respect of the differences and the reasons provided in the request for an investigation submitted to the Bishop. The members of the congregation attending the meeting, and the Incumbent, shall be provided with copies of all written submissions.
10. The Incumbent shall be given an opportunity to respond to all written and oral submissions made to the commissioners, which the Incumbent may do orally or in writing.

11. The commissioners, or a majority of them, shall report with all convenient speed to the Bishop the result of their enquiry and may recommend that such action be taken as they may deem advisable.
12. The Bishop may take such action and make such order upon the report of the commissioners as may seem desirable to the Bishop, and the Bishop may suspend or remove the Incumbent of such Parish from his or her benefice upon a day to be fixed by the Bishop, allowing him or her what the Bishop may consider reasonable time to seek employment elsewhere.
13. Any member of the clergy neglecting or refusing to obey any order so made by the Bishop under this Canon shall be punishable as for contumacy under the Canon of Discipline.