

The following By-laws of the Archdiocese of Canada were promulgated in 1990. Revisions, additions, and corrections since then are not included in this provision.



**THE BY-LAWS
OF
THE ARCHDIOCESE OF CANADA**

Orthodox Church in America

Adopted 29 June 1990

ORTHODOX CHURCH IN AMERICA
P.O. BOX 676 • ROUTE 28A • SYOSSET NY 11791 • (516) 222-0990



**METROPOLITAN
THEODOSIUS
PRIMATE**

THE CORPORATION SHALL EXERCISE ITS POWERS BY AND THROUGH THE BOARDS AND COMMITTEES AND SHALL OPERATE ACCORDING TO THE RULES AND REGULATIONS AND PROCEDURES SET OUT IN THE ATTACHED BY-LAWS.

DATED AT THE CITY OF Oyster Bay Cove, N. Y.
THIS 28th DAY OF August AD 1990.

+Theodosius

+THEODOSIUS
Archbishop of Washington
Metropolitan of All America
and Canada

BY-LAWS OF THE ARCHDIOCESE OF CANADA ORTHODOX CHURCH IN AMERICA

Table of Contents

PREAMBLE

- 1.1 NAME OF CORPORATION
- 1.2 AFFILIATION OF THE CORPORATION
- 1.3 ROLE OF THE STATUTE IN THE CORPORATION
- 1.4 OPERATIONS OF THE CORPORATION

- 2.1 COMPOSITION OF CORPORATION
- 2.2 OFFICERS OF CORPORATION
- 2.3 DIRECTORS OF CORPORATION
- 2.4 MEMBERS OF CORPORATION

- 3.1 PROCESS FOR ELECTION OF ARCHDIOCESAN BISHOP
WHO SHALL BE THE PRESIDENT OF THE CORPORATION
- 3.2 COMPETENCE OF THE BISHOP
- 3.3 REMUNERATION OF THE BISHOP
- 3.4 VACANCY IN THE OFFICE OF THE BISHOP
- 3.5 APPOINTMENT OF A LOCUM TENENS
- 3.6 RESPONSIBILITY OF LOCUM TENENS TO CALL FOR AN ELECTION
ASSEMBLY TO FILL VACANCY

- 4.1 APPOINTMENT OF OTHER OFFICERS BY THE BISHOP
- 4.2 REVIEW OF THOSE APPOINTMENTS BY THE BISHOP
- 4.3 THE ARCHDIOCESAN CHANCELLOR
- 4.4 REMUNERATION FOR THE ARCHDIOCESAN CHANCELLOR AND
ARCHDIOCESAN SECRETARY-TREASURER
- 4.5 REMOVAL OF ARCHDIOCESAN CHANCELLOR AND ARCHDIOCESAN
SECRETARY-TREASURER

- 5.1 ELECTION OF DIRECTORS OF THE CORPORATION
- 5.2 ELIGIBILITY OF DIRECTORS FOR RE-ELECTION
- 5.3 EX-OFFICIO MEMBERS OF THE BOARD OF DIRECTORS
- 5.4 NUMBER OF DIRECTORS
- 5.5 COMPETENCE OF THE BOARD OF DIRECTORS
- 5.6 THAT THE DIRECTORS SERVE WITHOUT REMUNERATION
- 5.7 REMOVAL OF DIRECTORS
- 5.8 FREQUENCY OF MEETING OF ARCHDIOCESAN COUNCIL
- 5.9 EXTRAORDINARY MEETINGS OF ARCHDIOCESAN COUNCIL

6.1 THAT THE ARCHDIOCESAN ASSEMBLY SHALL BE THE MEMBERS OF THE CORPORATION

6.2 MEMBERSHIP OF THE ARCHDIOCESAN ASSEMBLY

6.3 QUALIFICATIONS FOR VALID ELECTION, QUALIFICATION AND ACCREDITATION OF LAY DELEGATES TO THE ARCHDIOCESAN ASSEMBLY

6.4 DOCUMENTATION OF ELECTION AND ACCREDITATION OF LAY DELEGATES TO THE ARCHDIOCESAN ASSEMBLY

6.5 WITHDRAWAL OF MEMBERS OF THE CORPORATION

6.6 EXPENSES OF PASTORS AND LAY DELEGATES CONNECTED TO THE ASSEMBLY REQUIRED

7.1 FREQUENCY OF MEETING OF ARCHDIOCESAN ASSEMBLY

7.2 COMPETENCE OF THE ARCHDIOCESAN ASSEMBLY

7.3 PROCEDURE FOR THE AMENDMENT OF BY-LAWS OF THE CORPORATION

7.4 CONDITIONS UNDER WHICH AMENDED BY-LAWS MAY BE IMPLEMENTED

8.1 CHURCH COURTS

8.2 THE DIOCESAN COURT

8.3 COMPETENCE OF THE DIOCESAN COURT

8.4 GENERAL PROCEDURE

8.5 SPECIAL PROCEDURE FOR MARITAL PROBLEMS

1 **PREAMBLE**

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The Archdiocese of Canada The Orthodox Church in America
was initially founded by immigration in the late
19th century. Through the successful application of
Archbishop (St) Tikhon, the Archdiocese was
incorporated in the Northwest Territories in 1903.
An earlier attempt at obtaining Federal Letters
Patent was not successful, because the Archbishop
was not a citizen of the Dominion. (See Hansard
Volume XXXV, Nos. 41 and 45.)

The newly-established Archdiocese was part of the
continuing work of the original mission from the
Orthodox Church in Russia, which began in Alaska in
1794. The aim of that mission was two-fold: to
provide ministry to the Church's sons and daughters
who had immigrated to Canada; and to bring
Orthodox Christianity to the wider Canadian milieu.
The result of this double purpose was, and continues
to be, the creation of a distinct and truly local
Orthodox Church in Canada.

- 24 1.1 The name of this Corporation shall be *The*
25 *Archdiocese of Canada, Orthodox Church in America.*
26
- 27 1.2 *The Archdiocese of Canada, Orthodox Church in*
28 *America*, is a constituent Archdiocese of the
29 Orthodox Church in America, which is an
30 autocephalous Church with territorial jurisdiction in
31 Canada, the United States of America and Mexico. Its
32 doctrine, discipline, and worship are those of the
33 One, Holy, Catholic and Apostolic Church, as taught by
34 the Holy Scriptures, Holy Tradition, the Ecumenical
35 and Provincial Councils, and the Holy Fathers.
36
- 37 1.3 *The Archdiocese of Canada, Orthodox Church in*
38 *America* is bound by the Statute of the Orthodox
39 Church in America, adopted 19-21 October 1971,
40 with subsequent amendments. The Archdiocesan
41 Bishop of Canada is a full member of the Holy Synod
42 of Bishops, and the Archdiocese of Canada is fully
43 and by Statute of the Orthodox Church in America
44 represented at the All-American Council of the
45 Orthodox Church in America, and the Metropolitan
46 Council of the Orthodox Church in America.
47 Hereafter, *the Archdiocese of Canada, Orthodox*
48 *Church in America* is referred to in these by-laws
49 as "THE ARCHDIOCESE", save in by-law 1.1 and 1.2 ,
50 and the Statute of the Orthodox Church in America as
51 "THE STATUTE".
52
- 53 1.4 The By-Laws shall be interpreted so as to be
54 consistent with the Statute, and any aspect of the
55 operations of the Corporation, and any definition not
56 specifically addressed in the By-Laws shall be
57 determined in a way consistent with, and as defined
58 in, the Statute.
59

- 60 2.1 The Corporation shall consist of:
61 a. Officers;
62 b. Directors; and
63 c. Members.
- 64 2.2 The Officers of the Corporation are:
65 a. The Archdiocesan Bishop, being the President
66 of the Corporation;
67 b. The Archdiocesan Chancellor, being the Vice-
68 President of the Corporation; and
69 c. The Secretary/Treasurer, being the
70 Secretary/Treasurer of the Corporation.
71
- 72 2.3 The Directors of the Corporation are the Members of
73 the Archdiocesan Council duly elected by the
74 Archdiocesan Assembly.
75
- 76 2.4 The Members of the Corporation are those who are
77 "voting members" according to/as defined by the
78 Statute.
79

- 80 3.1 The election of the Archdiocesan Bishop shall
81 proceed as follows:
- 82 a. The Archdiocesan Assembly shall nominate a
83 candidate in accordance with the Canons, and
84 the Statute of the Church, and submit his
85 name to the Holy Synod of Bishops;
 - 86 b. If the Archdiocesan Assembly fails to
87 nominate a candidate acceptable to the Holy
88 Synod of Bishops, the Holy Synod shall elect
89 the Bishop of the Archdiocese;
 - 90 c. Upon the approval of a candidate by the Holy
91 Synod, he shall be summoned to a session of
92 the Holy Synod for the Canonical Election.
93
- 94 3.2 The Archdiocesan Bishop, by virtue of his Episcopal
95 Consecration and Canonical appointment to the
96 Archdiocese, shall possess full hierarchical authority
97 within the Archdiocese.
98
- 99 3.3 The Archdiocesan Bishop shall be entitled to
100 adequate financial support from the Archdiocese, and
101 an official residence and household.
102
- 103 3.4 The Office of the Archdiocesan Bishop shall be
104 deemed vacant by the Holy Synod of Bishops in the
105 event of the death, voluntary retirement, medically-
106 certified incapacity, transfer, or disposition by due
107 Canonical process.
108
- 109 3.5 In the event of such a vacancy in the Office of the
110 Archdiocesan Bishop, a *Locum Tenens* is to be
111 appointed by the Metropolitan. The *Locum Tenens*
112 shall be President *pro-tem* of the Corporation.
113
- 114 3.6 It shall be the responsibility of the Canonically
115 appointed *Locum Tenens* to convoke, and preside over
116 the Archdiocesan Assembly, whose sole purpose at
117 this time shall be the election of a new
118 Archdiocesan Bishop.
119

- 120 4.1 The Archdiocesan Bishop, upon the advice of the
121 Archdiocesan Council, shall appoint as Officers of the
122 Corporation:
- 123 a. The Archdiocesan Chancellor, who shall be
124 the Vice-President of the Corporation; and
 - 125 b. The Archdiocesan Secretary/Treasurer, who
126 shall be the Secretary/Treasurer of the
127 Corporation.
- 128
- 129 4.2 The appointment of the Archdiocesan Chancellor, and
130 Archdiocesan Secretary/Treasurer shall be reviewed
131 tri-annually by the Archdiocesan Bishop.
- 132
- 133 4.3 The Archdiocesan Chancellor shall be the senior
134 administrative assistant to the Archdiocesan Bishop,
135 and shall have the custody of the Corporate Seal, and
136 shall be charged with the certification of all
137 documents issued by the Archdiocese and
138 Corporation.
- 139
- 140 4.4 The Archdiocesan Chancellor and Secretary/
141 Treasurer are entitled to receive an honourarium
142 from the Corporation commensurate with their
143 duties in the effecting of the purposes of the
144 Corporation.
- 145
- 146 4.5 The Archdiocesan Chancellor, and Secretary/
147 Treasurer may be relieved from their appointments
148 through voluntary retirement, or upon the request of
149 the Archdiocesan Bishop.
- 150

- 151 5.1 The Directors of the Corporation are those members
152 the Archdiocesan Council elected by the
153 Archdiocesan Assembly for a three-year period.
154
- 155 5.2 Those elected as Directors are eligible to be re-
156 elected to further terms of office.
157
- 158 5.3 The following are ex-officio Directors of the
159 Corporation: The Officers (by-law 1.2), and the two
160 (2) representatives of the Archdiocese on the
161 Metropolitan Council (i.e.: one priest and one member
162 of the laity).
163
- 164 5.4 There shall be twelve (12) Directors elected by the
165 Archdiocesan Assembly; to wit, six (6) clergy, and
166 six (6) from among the members of the laity.
167
- 168 5.5 The Directors of the Corporation, subject to
169 paragraph 3.2, are competent:
- 170 a. to implement the decisions of the
171 Archdiocesan Assembly;
 - 172 b. to consider and act upon matters affecting
173 parishes and all Archdiocesan institutions in
174 accordance with the directions of the of the
175 Archdiocesan Bishop and the decisions of the
176 Archdiocesan Assembly;
 - 177 c. to consider and act on other matters
178 submitted by the Archdiocesan Bishop;
 - 179 d. to attend to legal matters affecting only the
180 interest of the Archdiocese;
 - 181 e. to forward Archdiocesan legal matters to the
182 central office of Church Administration;
 - 183 f. to approve the Archdiocesan budget and other
184 related financial questions;
 - 185 g. to determine the allocation, when necessary,
186 of general Archdiocesan funds to parishes,
187 monasteries, convents, missions, and other
188 Archdiocesan Institutions;
 - 189 h. to supervise the collection of assessments
190 fixed by the Archdiocesan Assembly;
 - 191 i. to reach a final decision regarding the
192 authenticity of the Minutes of the
193 Archdiocesan Assembly when a discrepancy
194 arises;
 - 195 j. to delineate the boundaries of parishes, and
196 deaneries;

- 197 k. to take an initiative in Archdiocesan fund-
198 raising projects;
199 l. to provide for the establishment, and
200 maintenance of institutions of charity, and
201 education within the Archdiocese;
202 m. to provide for the maintenance of
203 Archdiocesan administrative bodies, and the
204 allocation of general Archdiocesan funds; and
205 n. to make preparation for the Archdiocesan
206 Assembly.

207

208 5.6 The Directors of the Corporation shall serve without
209 remuneration, and shall not be entitled to receive
210 pecuniary profit from the earnings of the
211 Corporation.

212

213 5.7 Directors of the Corporation may be relieved of their
214 office before the expiration of their elected term of
215 office through voluntary retirement, or through
216 exclusion from communion in the Sacraments of the
217 Church by due Canonical process.

218

219 5.8 The Archdiocesan Council convenes no less than
220 twice (2) annually.

221

222 5.9 Extraordinary sessions of the Archdiocesan Council
223 are convened by decision of the Archdiocesan Bishop,
224 or at the request of at least one-half of the
225 membership of the Archdiocesan Council.

226

- 227 6.1 The Members of the Archdiocesan Assembly shall be
228 the Members of the Corporation.
229
- 230 6.2 Members of the Archdiocesan Assembly are:
231 EX-OFFICIO
- 232 a. the Archdiocesan Bishop;
 - 233 b. the Archdiocesan Chancellor;
 - 234 c. the Archdiocesan Secretary/Treasurer;
 - 235 d. the senior priest of the Cathedral, and Abbots
236 of Monasteries;
 - 237 e. the Priests, and Deacons of each Parish;
 - 238 f. the Priests not having Parishes, if accredited
239 by the Archdiocesan Council;
 - 240 g. the members of the Archdiocesan Council, and
241 of its Auditing Committee;
 - 242 h. the retired Bishops, and Priests residing
243 within the Archdiocese, with the right to
244 attend, and the right of a consultative voice,
245 but without the right to vote.
246
- 247 ELECTED
- 248 a. from each Parish of the Archdiocese which
249 has remitted all established assessments,
250 such a Parish being entitled to elect lay
251 delegates equal in number to the Priests, and
252 Deacons maintained by the Parish;
253
 - 254 b. one Lay Delegate from each Parish not having
255 a Priest, provided that Parish has remitted
256 all established assessments.
257
- 258 6.3 Lay delegates to the Archdiocesan Assembly must
259 meet the following requirements to be validly
260 elected, qualified, and accredited:
- 261
 - 262 a. be elected by a Parish Meeting, or Parish
263 Council;
 - 264
 - 265 b. be a Member of the Parish in good standing, at
266 least eighteen (18) years of age, having
267 received the Sacrament of Confession and
268 Communion at least annually for the past
269 three (3) years in his/her home Parish;
 - 270
 - 271 c. like all holders of all offices in the Church,
272 he/she may not be a person under

273 ecclesiastical interdict, who is in violation
274 of moral standards, who is married outside
275 the Church, who is a member of anti-Church
276 and/or secret societies.

277 6.4 The Archdiocesan Administration will supply a
278 uniform document to the elected Lay delegates of
279 each Parish.

280

281 The Parish Rector shall forward to the Secretary
282 of the Archdiocesan Council the name(s) and
283 address(es) of the elected Lay Delegate(s) two (2)
284 months prior to the date of the Archdiocesan
285 Assembly. The document of accreditation must be
286 signed by the Parish Rector (or Dean, in cases of
287 Parish Vacancy) and the Parish Secretary, and
288 sealed with the Parish Seal.

289

290 6.5 A Member of the Corporation withdraws from the
291 Corporation through voluntary retirement, or failure
292 to fulfil the conditions set forth in by-law 6.3 a, b,
293 and c.

294

295 6.6 The Parish will cover the expenses connected with
296 the participation of its Priest(s), Deacons(s), and Lay
297 Delegate(s) in the Archdiocesan Assembly.
298

- 299 7.1 The Archdiocesan Assembly shall meet at least once
300 in every three (3) years.
301
- 302 7.2 The competence of the Archdiocesan Assembly,
303 subject to paragraph 3.2, shall be to:
- 304 a. elect Members to the Archdiocesan Council,
305 and Members of the Auditing Committee of
306 the Archdiocesan Council;
 - 307 b. nominate candidates for Archdiocesan Bishop;
 - 308 c. discuss financial means to fulfil the aims of
309 strengthening Orthodox faith and piety;
 - 310 d. examine the financial reports of the
311 Archdiocese;
 - 312 e. authorize the Archdiocesan Council to
313 acquire, encumber or otherwise dispose of
314 Archdiocesan property; and
 - 315 f. participate in the implementation of the All-
316 American Council decisions on Archdiocesan,
317 and Parochial levels.
- 318 7.3 The Archdiocesan Assembly, being the meeting of
319 Members of the Corporation, shall have the further
320 competence by a two-thirds majority of its voting
321 members, subject to paragraph 3.2, to make, alter
322 amend, or repeal by-laws for the management of the
323 affairs of the Corporation, and the regulating of the
324 affairs of the Archdiocese, Parishes, and other
325 constituent bodies, or agencies of the Archdiocese.
326
- 327 7.4 The implementation, and adoption of such makings,
328 altering, amending, or repealing of the by-laws by the,
329 Archdiocesan Assembly is dependent upon:
- 330
 - 331 a. the conformity of such making, altering,
332 amending, or repealing to THE STATUTE;
 - 333 b. the approval of the Archdiocesan Bishop;
 - 334 c. the approval of the Minister of Consumer and
335 Corporate Affairs Canada, if required.
336

- 337 8.1 Every member of the Church is entitled to due
338 canonical procedure in the courts of the Church.
339
- 340 8.2 The Diocesan Court is composed of four (4) voting
341 members: two (2) members of the clergy and two (2)
342 members of the laity. Members of that Diocesan
343 Court shall be elected at the Archdiocesan Assembly.
344 The Ruling Bishop of the Archdiocese is a non-voting
345 *ex-officio* member, and the chairman of the Diocesan
346 Court. If the Ruling Bishop is unable to preside, he
347 will appoint a member of the clergy (normally the
348 Chancellor of the Archdiocese) to preside in his
349 absence. In cases involving accusations against
350 members of the clergy, the court shall be restricted
351 in its membership to the members of the clergy.
352
- 353 8.3 The Diocesan Court shall act as a court of first
354 instance in cases where the accused is a priest, a
355 deacon, or a member of the laity. It shall be
356 competent to judge cases involving allegations of
357 unorthodox belief, breaches of canonical, or moral
358 discipline, marital problems, disputes involving
359 clergy, and parish officers, disputes over parish
360 institutions, and any other matter involving the good
361 order of the Church.
362
- 363 8.4 The General Procedure of the Diocesan Court shall be
364 as follows:
- 365 a. Accusers shall present their accusations in
366 writing to the Ruling Bishop of the
367 Archdiocese of the accused.
368
- 369 b. The accuser shall agree in advance in writing
370 that the decision of these courts is final and
371 non-appealable to the civil courts. If the
372 court is not satisfied in these matters, or
373 considers that the accuser, by lodging his
374 accusation, pursues personal advantage or
375 acts out of personal animosity, the case shall
376 be dismissed.
377
- 378 c. If the court determines that there is a
379 probable cause to come to the trial, the
380 accused shall be summoned in writing by the
381 court. The summons shall specify the nature
382 of the accusation, and the name(s) of the

- 383 accuser(s) and the accused shall be given
384 appropriate time to prepare his defence. If he
385 does not answer two successive summonses,
386 the court shall try the case *in absentia*.
387
- 388 d. The accused is entitled to request that a
389 third party act as his defence. Both the
390 accuser, and the accused may request the
391 testimony of experts, and witnesses
392 acceptable to the court.
393
- 394 e. The Ruling Bishop, by his own judgement, is
395 empowered to impose temporary suspension
396 upon clerics, and temporary excommunication
397 upon members of the laity. The accused has
398 the right to trial in court within 30 days of
399 the day when the penalty is pronounced by the
400 bishop.
- 401 f. The decision of the court shall be made by
402 unanimous vote, approved by the Ruling
403 Bishop, and communicated to the accused in
404 writing within 30 days. If the decision is not
405 unanimous, upon the request of either party,
406 the Ruling Bishop shall appoint a court of four
407 (4) new voting members: two (2) members of
408 the clergy and two (2) members of the laity.
409 The new court shall make a decision by a
410 majority vote, approved by the Ruling Bishop.
411 If the bishop rejects the decision of the
412 court, upon the request of either party, the
413 case shall be referred to the Holy Synod, in
414 accordance with the provisions of the OCA
415 Statute.
416
- 417 g. Penalties imposed by the court (against
418 persons judged guilty after trial as well as
419 against false accusers) are prescribed by the
420 canons of the ecumenical, and local councils,
421 and the holy fathers. Their application is
422 subject to approval by the Ruling Bishop, who
423 must use the pastoral discretion, which
424 belongs to his office, in applying penalties.
425
- 426 h. If one of the parties is not satisfied with the
427 judgement of the Diocesan Court, he may
428 appeal to the Holy Synod, as the Supreme
429 Court of Appeals of the Church, within 30

430 days of receipt of said judgement.

431

432 i. Judgements requiring final deposition
433 (defrocking) of clerics are effective only
434 upon their confirmation by the Holy Synod.

435

436 j. Those protesting canonical penalties imposed
437 by presbyters, in the normal course of their
438 pastoral responsibilities, may appeal to the
439 Ruling Bishop within 30 days of the day when
440 the penalty was pronounced. Those protesting
441 canonical penalties imposed, or confirmed by
442 bishops, in the normal course of their pastoral
443 responsibilities, may appeal to the Holy Synod
444 of Bishops, as the Supreme Court of the
445 Church, within 30 days of the day when the
446 penalty was pronounced.

447

448 k. Trials are held subject to any other
449 procedural rules established by the Holy
450 Synod.

451

452 l. No one shall be brought to trial more than
453 once for the same alleged offence, excepting
454 as set out in these By-Laws.

455

456 8.5 The special procedure for marital problems shall be
457 as follows:

458 a. Whenever the parish priest is unable, through
459 pastoral counselling, to prevent the
460 dissolution of a marriage, and the conflict
461 results in a civil divorce, and if the interested
462 persons themselves seek from the Church a
463 definition of their status as divorcees, a
464 petition is filed with the Ruling Bishop, who
465 examines the documents, and makes a new
466 attempt at reconciling the parties.

467

468 b. If the reconciliation fails, the Ruling Bishop
469 shall come to a final decision. In issuing his
470 opinion, the Ruling Bishop may recommend
471 that penance be imposed upon the guilty
472 party/-ies. In matrimonial matters, the
473 Ruling Bishop is responsible for making
474 decisions. The Diocesan Court may act only in
475 an advisory capacity at the request of the
476 Ruling Bishop. On the basis of his decision,

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the Ruling Bishop issues the following
statement:
(Having heard the advice of the Diocesan Court
of the Archdiocese of Canada) Concerning the
judgment of divorce rendered by the
_____ Court of _____, dissolving the
marriage between (Name)
_____ and
(Name) _____, celebrated
at _____ on _____,
I, _____, Ruling Bishop of the
Archdiocese of Canada, hereby acknowledge the
conclusion of the civil court as final. (Invoking
God's mercy and compassion, I allow
(Name) _____ to enter into a new marital
union with (Name) _____ and receive the
sacraments of the Church starting on
_____.)