



**Anglican Network  
in Canada**

## **News release**

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### **Parishes File Application for Leave to Appeal to Supreme Court of Canada**

**FOR IMMEDIATE RELEASE: 14 January 2011**

**Vancouver, BC** – Today, the Trustees of four Vancouver-area Anglican Network in Canada (ANiC) churches filed an application for leave to appeal to the Supreme Court of Canada, the BC Court of Appeal decision (November 15, 2010) which removed their right to use their church buildings and awarded the church properties to the Anglican Church of Canada (ACC) Diocese of New Westminster. The four churches are St John's (Shaughnessy), St Matthews (Abbotsford), Good Shepherd (Vancouver), and St Matthias & St Luke's (Vancouver)

The Anglican Communion is in the midst of a worldwide split due to deep and profound theological differences between the more liberal and conservative (or orthodox) member churches. ANiC members, while in the minority in Canada, are theologically aligned with the worldwide majority.

The Trustees submit the Court of Appeal was correct in holding that the church properties are held on religious purpose trusts for Anglican ministry, but that it erred in finding that Anglican ministry is as defined by a majority in the ACC, and in awarding the properties to the ACC Diocese.

"The Court of Appeal acknowledged that the awarding of these properties to the Diocese of New Westminster could well mean that the churches would have "vastly reduced or non-existent congregations", said Cheryl Chang, Special Counsel to ANiC. "But this result actually serves to defeat the religious purpose and results in the trust property being empty or underused. The evidence at trial showed the awarding of the properties to the ANiC congregations would mean that the original purposes of Anglican Ministry would continue to be fulfilled in those church properties. In contrast, the Diocese is in a process of closing and selling churches."

The Diocese led no evidence at trial of any need for these buildings. In addition, an approximately \$2.2 M bequest was awarded to the ANiC congregation of the Church of the Good Shepherd because the trial judge found that it was unlikely the Diocese would have any need for a building for the Chinese community, which was a term of the trust. The Court of Appeal upheld this part of the trial judgment.

Although impossible to predict the timing, a decision from the Supreme Court of Canada on whether they will allow the appeal will likely take a few months.

You can read the [Trustees' Memorandum of Argument](#) on the ANiC website.

**Contact:**

Cheryl Chang\*  
604-375-7358

\*Marilyn Jacobson is on holidays

## **About the Anglican Network in Canada**

The [Anglican Network in Canada](#) now numbers 40 parishes and 14 congregations in various stages of formation – with more than 3500 in church on an average Sunday. Members of the Anglican Network in Canada are committed to remaining faithful to Holy Scripture and established Anglican doctrine and to ensuring that orthodox Canadian Anglicans are able to remain in full fellowship with their Anglican brothers and sisters around the world.

ANiC is under the Episcopal authority of Bishop Donald Harvey and is one of 20 dioceses in the [Anglican Church in North America](#) which unites about 100,000 faithful Anglicans in over 600 churches across this continent. ANiC is also affiliated with South America's Anglican Province of the Southern Cone, one of the 38 Anglican Churches officially in the worldwide Anglican Communion.

The Anglican Church in North America has been growing rapidly since its inception and has set a goal of planting 1000 new churches in five years – primarily through reaching unchurched North Americans with the life-transforming good news of Jesus Christ.