



# Anglican Network in Canada

## News release

Anglican Network in Canada NEWS RELEASE

### BC Supreme Court issues mixed decision in church property dispute

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**Vancouver, BC** – Mr Justice Stephen Kelleher of the British Columbia Supreme Court issued a mixed decision today in the case involving the Anglican Church of Canada (ACoC) Diocese of New Westminster and four Greater Vancouver parishes in the [Anglican Network in Canada](#).

The four parishes – St Matthew's (Abbotsford), St Matthias & St Luke's (Vancouver), St John's Shaughnessy (Vancouver) and Church of the Good Shepherd (Vancouver) – had asked the courts in early September 2008 to clarify their Trustees' responsibilities in light of hostile action taken by the Diocese of New Westminster. After all four parishes voted overwhelmingly in February 2008 to disaffiliate with the ACoC and realign with the Anglican Network in Canada (ANiC), the bishop purported to terminate and replace the Trustees and take control of two of the churches' properties and their bank accounts. ANiC is now part of the Anglican Church in North America (ACNA), a new Anglican province formed as a result of the worldwide split in the Anglican Church over profound disagreement on issues of doctrine.

Mr. Justice Kelleher found that the Bishop of New Westminster did not have legal or canonical authority for his purported termination and replacement of the Trustees, who were validly elected by the congregations and who control the use of the properties. However, he said the Trustees were required to exercise their authority "in relation to the parish properties in accordance with the Act, as well as the Constitution, Canons, Rules and Regulations of the Diocese." He then said he would "leave it to the parties to arrive at a workable solution". This clearly leaves the parties in a difficult position as they dispute the interpretation of those documents, particularly the Constitution.

Mr Justice Kelleher preferred to follow American legal principles rather than apply British and Canadian cases which have held that "*As a rule, where a church organization is formed for the purpose of promoting certain defined doctrines of religion, the church property which it acquires is impressed with a trust to carry out that purpose, and a majority cannot divert the property to inconsistent uses against the protest of a minority however small.*" (See *Anderson v. Gislason* 1920 Man. CA) He also chose not to apply established British and Canadian "cy pres" trust principles in dealing with the church properties.

However, he did apply trust principles in finding that the \$2.2 million bequest of Dr. Daphne Chun to "the building fund of the Church of Good Shepherd" should be held on trust for the building needs of the ANiC congregation.

"We are very grateful that Mr. Justice Kelleher understood and respected Dr. Chun's intention when she left her bequest to our building fund" said Eric Law, a Trustee of the congregation of Good Shepherd. "We look forward to using those funds toward the building we currently worship in."

Without deciding the issue, Mr. Justice Kelleher also expressed his opinion that "the parish properties are held on trust for Anglican ministry as defined by the [Anglican Church of Canada]."

In recent years, the ACoC's governing body has changed church doctrine to the dismay of the global Anglican Communion.

"The 98 page decision is very complex and our lawyers will need some time to review it before we make any decisions about whether to appeal" said Cheryl Chang, Chancellor (in-house legal advisor) to the ANiC. "It is a great concern to hear that a majority can redefine and change the doctrine of the church and that those who wish to remain faithful to the church's teaching must change their beliefs or sacrifice their buildings. At the end of the day, if forced to choose, we will have to choose our faith over our buildings."

"People will turn to what is true," said Bishop Donald Harvey. "So, as Archbishop Bob Duncan, our ACNA Primate said last week, even if we have to leave our properties, *"We'll have the souls and they'll get the stuff. We'll get the future, they'll get the past. I'd rather have the souls and the future"*. Our greatest concern is for the congregations and the ministries. We will continue to preach the unchanging gospel of Jesus Christ, even if called to sacrifice buildings and money in the process."

ANiC now numbers 33 parishes and eight forming congregations in North America 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 Anglicans are able to remain in full communion with their Anglican brothers and sisters outside North America.

ANiC is under the Episcopal authority of Bishop Harvey and is a diocese in the [Anglican Church in North America](#) which unites over 100,000 faithful Anglicans from across this continent. ANiC is also affiliated with the Anglican Province of the Southern Cone (in South America) under Primate Gregory Venables.

For more information see [the ANiC website](#).

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# Anglican Network in Canada

## Backgrounder

25 November 2009

### About the four ANiC parishes

**St Matthias and St Luke Anglican Church (Vancouver)** - [www.stmstl.org](http://www.stmstl.org)

- Average Sunday attendance of 145; over 200 members
- St Matthias and St Luke's was formed a decade ago when two congregations were merged
- It is a multicultural church with a 9:30am English service, followed by a 11:15am Cantonese/Mandarin service

**St Matthew's (Abbotsford)** - [www.stmatthewsanglicanchurch.com/](http://www.stmatthewsanglicanchurch.com/)

- Average Sunday attendance of 250
- Ministries to children, youth, men, women and seniors
- Holds two services Sunday mornings (8:30 and 10:15 am), a service Wednesday mornings and a healing service the first Sunday of the month

**St John's Shaughnessy (Vancouver)** - [www.stjohnsvancouver.org/](http://www.stjohnsvancouver.org/)

- Is the largest Anglican parish in Canada with average Sunday attendance of 800
- Has ministries to children, youth, young adults, women, men and the community
- Is renowned for its music ministry
- Traces its roots to 1925, although the current structure was completed in 1950

**Church of the Good Shepherd (Vancouver)** - <http://goodshepherdchurch.no-ip.org/>

- Average Sunday attendance of 247
- Holds English and Cantonese services: 9am English service; 11am Cantonese service
- Is the largest Chinese Anglican congregation in Canada
- Celebrated its 120<sup>th</sup> anniversary in October 2009

### Why the four Vancouver-area ANiC parishes are involved in litigation

The four parishes – St. Matthew's (Abbotsford), St Matthias and St Luke's (Vancouver), St John's Shaughnessy (Vancouver) and Church of the Good Shepherd (Vancouver) – had asked the courts in early September 2008 to clarify their trustees' responsibilities in light of hostile action taken by the ACoC diocese.

In a move designed to take control of the parish properties, Bishop Michael Ingham, of the Diocese of New Westminster, had informed the elected wardens and trustees of two parishes in late August that they had been summarily dismissed and replaced by officials appointed by the bishop. Bank accounts for the churches were frozen causing administration difficulties for the congregations that had raised the funds in those accounts. The other two parishes expected similar actions to be taken against them as well.

All four parishes voted overwhelmingly in February 2008 to disaffiliate with the Anglican Church of Canada and realign with the Anglican Network in Canada as a result of a growing doctrinal disagreement.

The four congregations have been in "serious theological dispute" with the Diocese of New Westminster since June 2002, when the diocese unilaterally proceeded with same sex blessings in clear defiance of leaders of the global Anglican Communion and the beliefs of the vast majority of Anglicans worldwide that such action is contrary to Scripture.

Since 2003, the Primates of the Anglican Communion have repeatedly asked the Anglican Church of Canada and the Diocese of New Westminster to return to Biblically-faithful Anglican practice and teaching and to provide adequate episcopal oversight for dissenting parishes, but to no avail.

In fact, the communion-breaking actions of the Diocese of New Westminster sparked the current crisis and the global realignment which is now taking place in the Anglican Communion.

### **About the Anglican Network in Canada (ANiC)**

Since the Anglican Network in Canada launched its ecclesial (Church) structure in November 2007 under the jurisdiction of the Anglican Province of the Southern Cone and the ecclesial authority of Bishop Donald Harvey, it has received 17 church congregations which voted to leave the Anglican Church of Canada, as well as other congregations. These parishes elected to seek episcopal oversight from Bishop Harvey and ANiC because they are determined to stay biblically faithful and true to historic Anglican doctrine and teaching and within mainstream Anglicanism.

In addition, three bishops who had previously retired from the Anglican Church of Canada – the Rt Rev Donald Harvey, the Rt Rev Malcolm Harding and the Rt Rev Ronald Ferris – joined ANiC together with numerous clergy members.

Today, ANiC is comprised of:

- 33 churches and eight forming congregations
- Over 3500 parishioners in church on an average Sunday
- 84 clergy members (deacons, priests and bishops) in ANiC today

While retaining affiliation with the Anglican Province of the Southern Cone, ANiC became one of 28 dioceses in the Anglican Church in North America in June 2009.

### **About the Anglican Province of the Southern Cone**

Archbishop Gregory Venables, Primate (or leader) of the Anglican Province of the Southern Cone, responded in late 2007 to the needs of biblically faithful Canadian Anglicans for spiritual protection and care on an emergency and interim basis – pending a resolution to the crisis in the worldwide Anglican Communion.

Archbishop Venables is highly esteemed as an orthodox leader in the global Anglican Communion. He leads the Anglican Province of the Southern Cone which is one of 38 Provinces that make up the global Anglican Communion. It encompasses much of South America and includes Bolivia, Chile, Paraguay, Peru, Uruguay and Argentina.

By accepting the Primatial oversight of Archbishop Venables, these Canadian Anglicans, who are in the mainstream of global Anglicanism, were able to re-establish full communion status with the global Church by being aligned with a Province which is in “full communion with the Church of England throughout the world” – unlike the Anglican Church of Canada, which is currently in a broken relationship with many of the largest Anglican Provinces.

Now, with ANiC joining the newly constituted Anglican Church in North America (ACNA) with the full blessing of Archbishop Venables, we temporarily hold “dual citizenship”. In addition to ANiC being a diocese in ACNA, our bishops have retained their full membership in the House of Bishops of the Southern Cone to ensure there can be no question of our status as full members in the Anglican Communion.

### **About the Anglican Church in North America – a new orthodox Anglican Province**

On 22-25 June 2009, bishops, clergy and lay delegates from across the United States and Canada met in Bedford, Texas to constitute the Anglican Church in North America (ACNA) and hold an inaugural provincial assembly. The Anglican Network in Canada is one of 28 dioceses in the ACNA.

ACNA unites approximately 700 orthodox Anglican congregations, representing roughly 100,000 people, in an organization that has already been recognized by the largest Anglican provinces in

the Communion and, we believe, will be recognized eventually by most Provinces and their bishops as the 39<sup>th</sup> Province in the global Anglican Communion.

The Anglican Network in Canada (ANiC) was one of the many North American Anglican groups which joined together to form ACNA in response to a request by a number of Primates (global Anglican leaders). ACNA is working to heal many years of division within Anglicanism by uniting Anglicans committed to Scripture and traditional Anglican beliefs.

ACNA will hold its first Church-wide assembly in June 2009 in Bedford, Texas, where the constitution and canons will be ratified by all those who choose to be part of the Anglican Church in North America.

### **About Anglicanism in Canada and around the world**

While orthodox Anglicans are in a minority in Canada, they are in the majority worldwide. ANiC parishes stand firmly in the mainstream of global and historic Anglican teaching and orthodoxy. Our beliefs are shared by at least two-thirds of the 77 million Anglicans worldwide.

Since 2003, the Primates of the Anglican Communion repeatedly asked the Anglican Church of Canada to return to biblically faithful Anglican practice and teaching and to honour its own founding principles – summarized in the *Solemn Declaration* of 1893. They also called upon the Anglican Church of Canada (ACoC) to provide adequate episcopal oversight to dissenting parishes while the Communion addresses the resulting division, but to no avail. This forced distressed parishes in Canada to seek protection and Communion connection through ANiC.

Many international leaders have acknowledged their support and fellowship with ANiC. This was evidenced by the inclusion of ANiC representatives at the milestone Global Anglican Future Conference in Jerusalem in June 2008.

We stand for historic Christian and Anglican teaching and want to faithfully preserve what has been entrusted to us by our forebears so we can pass it on, intact and unaltered, to future generations. We are determined to stay true to the established and historic tenets of Anglican Christianity and stay in full communion with the global Anglican Church.

### **About the crisis in the Anglican Church of Canada**

Because the Anglican Church of Canada has departed from the faith of, and is “walking apart” from, the global Anglican Communion, parishes have felt compelled to align with ANiC and the Anglican Church in North America in order to uphold the trusts and founding principles upon which the churches were established and built.

By choosing to join ANiC, parishes, parishioners and clergy realign with orthodox Communion-committed Anglicans worldwide and receive the care and protection of a biblically faithful Anglican bishop, Bishop Donald Harvey – who is a member of both the Anglican Church in North America College of Bishops and the Anglican Province of the Southern Cone House of Bishops (under the highly regarded leadership of Archbishop Gregory Venables).

### **Why Canadian parishes, clergy and parishioners are leaving the Anglican Church of Canada**

A number of Canadian Anglicans and parishes have chosen to realign with the ANiC and the Anglican Church in North America in order:

- To be faithful to historic Christian and global Anglican teaching.
- To have the freedom to “further the mission of Christ in the Anglican tradition”
- To be recognized as in “full communion with the Church of England throughout the world” per the Solemn Declaration 1893 - the founding statement of the ACoC.

- To keep the faith of our spiritual forebears who built the parishes on established Christian convictions and historic Anglican practices.
- Because they value their Anglican heritage and want to stay true to global and historic Anglican teaching and orthodoxy

This is fundamentally about staying true to historic Christian teaching that the Bible is the inspired Word of God and that there is only one way to God through faith in Jesus Christ. The issue of the Bible's teaching on sexual practice is merely the tip of the iceberg. The realignment of ANiC parishes with an orthodox Anglican Province was an act of conscience.

More information can be found at: [www.anglicannetwork.ca](http://www.anglicannetwork.ca)