

## HOUSING AND RELOCATION

### PART 1: PURPOSES AND APPLICATION

#### 1 Definitions

In addition to Regulation 7-1 Part 3 definitions, in this Regulation,

"occupant" means a person who occupies housing by virtue of a position as cleric and includes adult household members.

"owner" means the Synod or a Parish Corporation that owns or controls the housing, and includes an agent acting on behalf of the owner.

"property" includes the housing or part thereof and includes accessory buildings and the land on which they are located.

"church-owned housing" includes any residence provided for a cleric.

"standards" include all applicable municipal, provincial, and federal standards or regulations.

#### 2 Purposes

2(1) The purposes of this Regulation are:

- a) To establish minimum standards to govern the condition, occupancy, and maintenance of housing.
- b) To provide safeguards for the safety, health and welfare of occupants and users of properties by requiring owners to repair and maintain them in accordance with established minimum standards, as set out below.
- c) To establish standards for payment of utility bills.

#### 3 General Rule

3(1) The Synod or a Parish Corporation, as the case may be, shall provide housing or a housing allowance for the use of any employed cleric and household.

3(2) A regular part-time cleric is entitled to housing or a housing allowance on a pro rata basis, as defined by the terms of the appointment.

### PART 2: RECTORY STANDARDS

4 Church-owned housing shall have a kitchen, dining room, living room, a minimum of three bedrooms, a minimum of one full bath and a half-bath, a minimum of 25 square metres of dry storage space, and a study equipped with desk, chair, bookshelf, telephone, and Internet connection. Payment for telephone and Internet services are to be negotiated between the cleric and employer.

## 5 New Construction and Alterations

- 5(1) New buildings and additions or alterations must comply with any applicable municipal, provincial, and federal laws. Without limiting the generality of the foregoing, the owner shall ensure that they meet the standards set out in the current edition of the National Building Code of Canada.
- 5(2) The owner shall, before purchasing, constructing, adding to, or structurally altering housing, comply with [Policy A-9 Purchase of Real Property and New Construction and Renovation](#).

## 6 Fire Prevention Measures

- 6(1) The installation of smoke alarms and smoke detectors shall conform to the National Fire Code of Canada. If two or more detectors are installed, there shall be one of each of the ionization and photoelectric types.
- 6(2) The occupant shall not permit hazardous liquids (e.g., petroleum products) and hazardous waste (e.g., oily or paint-soaked rags) to be stored in church-owned housing, nor shall the occupant permit the accumulation of combustible waste (e.g., paper, boxes, Christmas trees).
- 6(3) The owner shall ensure that every kitchen is equipped with a wall-mounted fire extinguisher of the dry chemical type suitable for Class A, B and C fires and no smaller than 1.59 kg. This unit shall be inspected and periodically recharged by the owner.
- 6(4) It is the responsibility of both the owner and the occupant to correct a fire hazard as soon as possible after such hazard comes to their attention.
- 6(5) The installation of all masonry or factory-built chimneys shall conform to the minimum standards as set forth in National Building Code.

## 7 Plumbing and Sewage

- 7(1) All church-owned housing shall have safe running water under normal circumstances. If the main water source is a well on the property, testing should be carried out on a yearly basis.
- 7(2) Plumbing fixtures and sewage disposal shall, as a minimum standard, comply with the provisions of the National Building Code.

## 8 Electrical Facilities

- 8(1) Electrical installations, including the service capacity of the installation and the number and distribution of circuits, shall meet the requirements of the appropriate provincial or municipal laws, or, in the absence of such laws, shall conform to the Canadian Electrical Code.
- 8(2) Aluminum wiring shall not be used in any new installation or rewiring project. Where aluminum wiring is now installed in a property, the owner and/or occupant shall

immediately notify the territorial Archdeacon. An immediate inspection shall be arranged to eliminate possible fire hazards.

## 9 Owner's Responsibilities

- 9(1) In addition to any other owner responsibilities for church-owned housing included in this Regulation, the owner shall:
- a) Prohibit the occupation or use of any church-owned housing or part thereof that does not conform to the standards set out in this Regulation.
  - b) Ensure that housing is in a clean, sanitary, and safe condition and free from infestation by insects, rodents, or other pests before occupation.
  - c) Pay the electrical, heating and water and sewer bills and for any other utilities agreed between the owner and the occupant.
  - d) Be responsible for normal repair and maintenance of the premises in accordance with the standards set out herein including, without limiting the generality of the foregoing, renewal of interior and exterior painting, floors, stoves, refrigerators and other appliances or fixtures.
  - e) Provide snow-ploughing services so to permit access to driveways, parking areas, carports and entrances.
  - f) Provide grounds-keeping services.
  - g) Provide the following appliances and other movables:
    - i) An efficient kitchen stove in excellent working order.
    - ii) A refrigerator of not less than twelve cubic feet capacity in excellent working order.
    - iii) Automatic washer and dryer.
    - iv) Drapes or curtains for all dining and living rooms.
    - v) Blinds for all bedroom and bathroom windows.
    - vi) A dishwasher in excellent working order.
  - h) Carry out any direction given by the territorial Archdeacon with respect to the housing.

## 10 Occupant's Responsibilities

- 10(1) In addition to any other occupant responsibilities included in this Regulation, the occupant shall:
- a) Secure tenant's insurance.
  - b) Maintain the property in a reasonably clean, sanitary and safe condition, free from infestation by insects, rodents and other pests.
  - c) Maintain lands and accessory buildings in a clean, sanitary and safe condition.
  - d) Remove kitchen waste at least once weekly.
  - e) Keep the grounds of the property reasonably neat at all times and not allow the property to be littered with unsightly material.
  - f) Maintain all plumbing, cooking and refrigeration fixtures and appliances, as well as other building equipment and storage facilities, in a clean and sanitary condition.
  - g) Keep all exits clean, safe and unobstructed.

- h) Be financially responsible for damage to the property caused by negligence or misuse of the property by anyone on the property with permission of the occupant or his/her household member.
- i) Cooperate with the owner to ensure that painters and other contractors and trades people have reasonable access to carry out normal maintenance.
- j) Not alter any part of the property without the consent of the owner.

## 11 Access

- 11(1) With the exception of the provisions that follow, the owner shall not have access to occupied church-owned housing without the express consent of the occupant.
- 11(2) The owner shall have immediate access to occupied church-owned housing without the consent of the occupant in the case of an emergency involving the life or health of persons or damage or potential damage to property.
- 11(3) The occupant shall provide reasonable access to the owner at a time or times to be agreed on at least 24 hours in advance for the purpose of examination of the structure or systems of the property and their proper maintenance.
- 11(4) The occupant and owner shall agree on a date and time for an annual review of the property.
- 11(5) Either the owner or the occupant may, on reasonable notice, request an inspection of the property by the territorial Archdeacon.
- 12 Unoccupied church-owned housing may be rented only in accordance with [Policy A-3 Disposition of Real Property and Demolition of Buildings](#).

## PART 3: CLERIC-OWNED HOUSING

- 13 Where the Synod or a Parish Corporation does not own suitable housing, it shall provide a housing allowance to the cleric.
- 14 The following principles apply:
  - a) The Synod or Parish Corporation shall provide a housing allowance, based on the equivalent fair rental value of an adequate property, including a fair value for the utilities and services that would be included if church-owned housing were provided. A fair rental value may be obtained from the Canada Mortgage and Housing Corporation or a licensed realtor.
  - b) If the cleric is employed on a permanent part-time basis, the housing allowance shall be determined on a pro rata basis.
  - c) If the cleric decides to purchase a home, the Parish Corporation shall not be responsible for real property taxes or property insurance. These two items are usually included in a fair rental value, and as such, are covered through the housing allowance.

- 15 Where church-owned housing is available and conforms to the standards set out in this Regulation but the cleric decides not to occupy it, the parties shall adhere to the following practice:
- a) The Synod or Parish Corporation and the cleric shall negotiate an adequate housing allowance based on the fair rental value of the existing church-owned housing.
  - b) The housing allowance shall include an allowance for heat and utility costs, which should not exceed the cost that would be incurred for these items if the church-owned housing were occupied.
  - c) In order to recover its costs, the Synod or Parish Corporation may, subject to [Policy A-3 Disposition of Real Property and Demolition of Buildings](#), rent the existing church-owned housing. In such a case, the rental income received, less any additional costs attributable to renting the rectory, shall form the basis of the negotiation of the housing allowance.
  - d) Where church-owned housing is available, but the cleric refuses to occupy it due to its physical condition, the territorial Archdeacon is responsible to resolve the issue.
- 16 The housing allowance shall be indexed annually by a factor set by Diocesan Council.

#### **PART 4: MOVING EXPENSES**

##### **17 Moving from Outside New Brunswick**

- 17(1) If a cleric moves to the Diocese, moving expenses shall be negotiated with the Synod.
- 17(2) If a cleric who has moved to the Diocese leaves his or her original ministry or a similar one within a three-year period after commencement, the cleric shall repay the Synod a pro rata share of the moving expenses: one third of the moving cost repayable for each year not served.

##### **18 Moving Within New Brunswick - Eligible Expenses**

- 18(1) Payment of moving expenses for a cleric relocating within New Brunswick shall be shared between the Synod and the cleric, based on the following considerations:
- a) The cleric shall use the moving company designated by the Synod.
  - b) The Synod shall pay the cost of moving, which shall include packing of breakable objects and insurance on contents, subject to the following exceptions:
    - The cleric shall pack all non-breakable items (e.g., books, bedding, clothing, and kitchenware) in acceptable packages.
    - The cleric shall be solely responsible for the cost of moving vehicles, including boats, trailers, snowmobiles and recreational vehicles.
  - c) The cleric shall be solely responsible for the cost of insuring calculable valuables, (e.g., jewelry, furs, art, antiques and collectibles, valuable papers).

##### **19 Moving Within a Parish**

- 19(1) Where the Parish Corporation requires a cleric to move, the Parish Corporation shall pay all relocation expenses, including packing.

## 20 Moving at Retirement

- 20(1) On providing receipts for expenditures as outlined in section 18(1b), the Synod shall reimburse the moving expenses of a retiring cleric up to an amount established by the Diocesan Council.

Adopted

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