
THE 2006 ANNUAL CHURCH & CHARITY LAW™ SEMINAR

Toronto – November 8, 2006

Obtaining Recognition as a Religious Denomination in Ontario

By Suzanne E. White, B.A., LL.B.

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WHAT IS A RELIGIOUS DENOMINATION?

- Many church congregations are governed by an umbrella organization commonly know as a religious denomination
- A denomination normally provides the structure by which new churches of that particular faith are founded, through church planting, administrative support, financial support and, most importantly, interpretation of the religious doctrine adhered to by the various member congregations

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- Most denominations wish to have their clergy solemnize marriages
- According to Statistics Canada, there are approximately 100 standard classifications of denominations in Canada

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**SOLEMNIZATION OF MARRIAGE IN
ONTARIO – A BRIEF HISTORY**

- Under the *Constitution Act, 1867* the federal government has jurisdiction over marriage and divorce, more specifically which persons can or cannot marry each other
- At the same time, the *Constitution Act, 1867* also authorizes the provinces to regulate solemnization of marriages. This includes determining which individuals may perform marriage ceremonies

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- In Ontario, the *Marriage Act, R.S.O. 1990, c. M.3* is the statutory framework which governs the procedural aspects of the solemnization of marriage, which is functionally administered by the Marriage Office, a department of the Office of the Registrar General, in the Ministry of Consumer and Business Services
- A national religious denomination seeking marriage solemnization privileges in a number of provinces would have to consult each provincial and territorial authority in order to obtain recognition in that province

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- See *Church Law Bulletin No. 9*, “Becoming a Recognized Religious Denomination in Ontario” for a list of the appropriate provincial and territorial government contacts across Canada as set out in Schedule “A”

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**PROCEDURE FOR OBTAINING
RECOGNITION AS A NEW DENOMINATION
IN ONTARIO**

- Section 20 of the *Marriage Act* provides that no one may solemnize a marriage unless registered to do so under section 20 or authorized by under section 24 of the *Marriage Act*, which authorizes a judge, a justice of the peace or any other person of a class designated by the *Marriage Act* regulations to solemnize marriages

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- The Marriage Office has established a “Memorandum of Requirements for Recognizing a New Denomination” which is comprised of a checklist of the required documentation that must be submitted to the Marriage Office by a denomination seeking recognition in Ontario

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Requirement No. 1

- **Appointment and Dismissal of Clergy:** Please supply us with the by-laws or rules of your denomination, which clearly sets out how your clergy members are appointed and dismissed

Requirement No. 2

- A copy of your denomination’s rites and usages respecting solemnization of marriage, An actual copy of your marriage ceremony is required

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Requirement No. 3

- A copy of the form of worship, namely actions or practices of displaying reverence or veneration paid to a being or power regarded as supernatural or divine displayed by appropriate acts, rites and ceremonies

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Requirement No. 4

- A registration package for each clergy member is required to include:
 - (i) a completed application
 - (ii) a copy of your ordination or proof of appointment
 - (iii) a letter of authorization from the governing official of your denomination permitting you to solemnize marriages according to that denomination's rites and usages

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Requirement No. 5

- A letter signed by three board members stating who will be the governing official for the denomination. The governing official will be responsible for keeping the records of all clergy registered under the denomination and report to the Registrar General any changes in status or addresses of clergy registered under their denomination

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Requirement No. 6

- A certified copy of the incorporation papers for your denomination is required. This will reflect the date and place of incorporation or founding of the religious body. A copy of your registration as a charity with Revenue Canada is also required

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Requirement No. 7

- A statement is required which reflects information about the congregation you will be serving. Please show the name and location of the church, and the number of members and adherents showing the extent and continuous growth. Include evidence that would indicate the length of time the denomination has been functioning inside or outside of Ontario

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Requirement No. 8

- A statement showing the organizational structure of your denomination explaining the procedure by which your governing official would be appointed or relieved of jurisdictional authority

Requirement No. 9

- Signatures and addresses of at least 25 members of the denomination, excluding clergy and their families, petitioning us to register the denomination

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**IMPLICATIONS FOR RELIGIOUS
DENOMINATIONS IN ONTARIO**

Required Documentation

- The Memorandum of Requirements is revised periodically by the Office of the Registrar General
- Denominations that intend to apply for recognition may find that other denominations were registered in the past with either less or more documentation than is presently requested in the Memorandum of Requirements

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Processing Period

- The current processing time for new application is two (2) years. As such, new applicants wishing to have its clergy perform marriages must take this time period into consideration when planning future activities of the denomination
- Religious denominations must ensure that the documents included in their application are complete and conform to the Memorandum of Requirements

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- The Marriage Office reserves the right to ask for supplementary information after receiving the denomination's initial application, thereby prolonging the processing period

Proof of Ordination or Appointment

- While licensure of its clergy may be sufficient within the denomination to permit its clergy members to carry out pastoral duties, the Marriage Office does require a copy of the clergy member's ordination certificate or proof of appointment

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Governing Official

- The governing official must ensure that all records for the denomination itself and all clergy members registered to solemnize marriages under the particular denomination are current, as notices of change, including clergy registrations and cancellations, are a matter of public record
- Recognized denominations should have a system in place to ensure that any changes, particularly with respect to registered clergy members who have died or are not longer associated with the denomination, are reported to the Marriage Office

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- As noted above, discrepancies in the denomination's records at the Marriage Office or the failure to keep records updated can cause the Marriage Office to demand further information

Protection of Clergy Members

- Upon registration of the denomination, each clergy member authorized by the Minister of Consumer and Business Services at the time of the registration of the denomination, as well as future clergy members who apply separately, will receive a certificate of registration

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- In light of the *Spousal Relationships Statute Law Amendment Act, 2005*, which received Royal Assent on March 9, 2005, the *Marriage Act* has been amended to include provisions exempting registered clergy members from solemnizing marriages or permitting marriages to be held in a sacred place that would be contrary to the clergy members' religious beliefs or the doctrines, rites, usages or customs of the religious body to which the person belongs

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Registration Across Canada

- There are many denominations that operate nationally, and as such, will need to pursue recognition by the appropriate bodies within each province or territory
- This could result in a situation whereby a denomination's clergy have the authority to solemnize marriage in one province or territory, but not in another, should the appropriate provincial or territorial jurisdictions come to different decisions

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REMINDERS – CONCLUDING COMMENTS

- It is entirely possible that a denomination will be unable to perform marriages due to a decision of the Marriage Office to refuse to accept the denomination's application
- The *Marriage Act* permits the Minister of Consumer and Business Services to cancel the registration of any person authorized to solemnize marriages if it appears that this person no longer possesses the stipulated qualifications to do so

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- Recognized religious denominations should ensure that any changes to the denomination's file with the Marriage Office are reported in order to prevent confusion or possible de-registration due to insufficient or incorrect information
- Due to the two year application processing period, the denomination's churches may not be able to solemnize marriages for members for a significant period of time while the application is being processed

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