



CONGREGATIO PRO CLERICIS



DECREE

Prot. No. 20170521

THE FACTS:

1. Whereas, the Most Rev. Frederick Bernard Henry, Bishop of Calgary [hereinafter, the Ordinary], closed the church of St. Patrick in All Saints Parish, Lethbridge, [hereinafter, the church], *de facto* on 01 August 2011, and subsequently issued a decree in the same sense on 10 July 2014;
2. Whereas, on 12 August 2015, Mr. Francis Noronha, a member of the aforesaid parish [hereinafter, the Recurrent], on his own behalf and as lawfully mandated procurator for 500 persons, petitioned the Ordinary to reopen the church, in accordance with the norm of can. 1214 (cf. can. 57 §1); in view of the Ordinary's administrative silence (cf. can. 57 §1), the petition was reiterated on 12 November 2015;
3. Whereas, on 23 December 2015, the Recurrent proposed hierarchical recourse before this Congregation for the Clergy [hereinafter, the Congregation], against the Ordinary's presumed negative reply, in accordance with the norm of cann. 1735, 1737 §2;
4. Whereas, in accordance with the provisions of cann. 1222 §2 and 127, the Ordinary consulted the Presbyteral Council on 21 June 2016 and 21 September 2016 regarding the question of reducing St. Patrick's Church, Lethbridge, to secular but not unbecoming use;
5. Whereas, on 01 October 2016, the Ordinary issued a Decree whereby the church was reduced to secular but not unbecoming use, in accordance with the norm of can. 1222 §2 [hereinafter, the Decree]; by this action, the object of the recourse regarding the application of can. 1214 ceased to exist and the action was thus extinguished;
6. Whereas, the Recurrent sought a revocation of the Decree on 06 October 2016, in accordance with the norm of c. 1734 §1;
7. Whereas, the Ordinary declined to revoke or modify his Decree by a response given on 11 October 2016;
8. Whereas, on 31 October 2016, within the prescribed canonical time limits and in accordance with the norm of cann. 1737; 1735, the Recurrent proposed hierarchical recourse against the Decree to this Congregation;
9. Whereas, hierarchical recourse being by its nature a documentary process that proceeds on the basis of an examination of authentic documents provided by interested parties at

the request of the Dicastery, it is deemed that the interested parties have had ample opportunity to respond and the Dicastery considers as complete the documentation in its possession so as to proceed to its decision *per cartas*;

10. Whereas the hierarchical recourse is accepted from the recurrent and those who have mandated him to act on their behalf and who enjoy *ius standi* by virtue of domicile or quasi-domicile in All Saints Parish, Lethbridge;

THE LAW:

11. Along with the requirement to consult the Presbyteral Council, for the lawful relegation of a church to secular but not unbecoming use, can. 1222 §2 *CIC* requires the existence of a grave and not merely a just cause.
12. Although a single element may constitute a grave cause, the same gravity can at times arise from a combination of just causes, each of which might be insufficient in itself, but, considered together, manifest the seriousness of the situation. Such a series of causes may arise from a diligent examination of various factors, including the circumstance of the place, economic or financial considerations, and the challenges facing the particular community of the faithful. However, the objective gravity of the situation as a result of cumulative factors must nonetheless be shown clearly and without arbitrariness (cf. Definitive Sentence of the Supreme Tribunal of the Apostolic Signatura, N. 24388/93, issued on 4 May 1996: “*causae...a lege requiruntur graves, nec gravissimae: excluduntur igitur nugae vel causae quae suapte natura graves haberi nequeunt, dum e contra gravitas causae, etsi apparentur levi ininitur fundamento, diversimode aetimari potest si diligenter considerentur circumstantiae vel loci, vel rei oeconomicae vel personarum, quae Ordinario apprime innotescunt*”).
13. It must be noted in this respect that the evaluation of grave reasons on this basis must be related to the concrete circumstance of time and place, the prudent consideration of the historical, architectural and artistic patrimony of the sacred edifice, the feasibility of fundraising, the prospects for ongoing maintenance as well as the retention of the building for ecclesiastical use for purposes other than sacred worship.
14. In the present instance, the question arises: when it has been determined that a new church is required for the parish community, does this legitimise the reduction of previous churches in the parish or on the same site to secular but not unbecoming use? In this respect, it has been the Church’s constant praxis to consider it lawful to reduce to secular but not unbecoming use churches that have been superseded by the construction of a more stable, more capacious or more suitable place of worship. However, it may be asked whether there is a just and proportionate correspondence between the construction of a new parish church and the reduction to secular but not unbecoming use of existing churches.
15. The norm of can. 1254 §2 places the regulation of divine worship - which certainly includes the construction and maintenance of sacred buildings - as first among the proper objectives for which the Church has a native right to acquire and administer temporal goods.



16. It is lawful for a Pastor to determine, in accordance with the norm of can. 1254 §2, the priorities that might influence decisions concerning the administration of ecclesiastical goods under his care, including the purpose of fundraising activities (cf. cann. 1279 §1; 1284).
17. Further procedural matters are specified in the canons on singular administrative acts. Four specific requirements are to be observed before issuing a singular decree: the competent authority is to seek the necessary information and proof (cf. can. 50); as far as possible, he is to consult those whose rights could be harmed (cf. *ibid.*); the decree must be issued in writing (cf. can. 51); when it contains a decision, the reasons for that decision should be expressed, at least in summary form (cf. *ibid.*).

THE LAW APPLIED TO THE FACTS:

18. The Decree reducing St. Patrick's Church, Lethbridge, to secular but not unbecoming use provides in summary fashion the motivations that are shown in the *acta* to have been considered at length, but principally the necessity of building a new parish church and parish centre to replace three existing churches, including St. Patrick's (cf. can. 51);
19. The *acta* illustrate that the future and configuration of All Saints Parish has been under discussion since 2001. In fact, by a decree of 7 July 2001, St. Patrick's Parish and Assumption Parish were "twinned", presumably in accordance with the norm of can. 526 §1; by a decree of 4 July 2006, the extinctive union of the parishes of St. Patrick, the Assumption and St. Basil was brought about; and on 1 August 2011, St. Patrick's church was *de facto* closed, a decision further ratified by a decree of 10 July 2014.
20. The Pastor of All Saints Parish has determined, having obtained the consent of the Ordinary in accordance with the norm of can. 1215 §§1-2, and after wide consultation among his parishioners, that the needs of his parish will best be served by the construction of one large parish church, with a parish centre, to replace the three existing churches. The *acta* make it clear that this decision is not arbitrary and that, despite some disagreement concerning this plan, the process of fundraising has already begun to a significant degree and enjoys broad support. The land for the new construction has been purchased and the project is in a phase of definite advancement.
21. Since All Saints Parish enjoys financial stability, the question might be asked why the three existing churches cannot be maintained. In this regard, it is clear from the *acta* that the Ordinary did not intend the *de facto* closure of the church in 2011 to constitute its reduction to secular but unbecoming use. In fact, the preference of the Ordinary had been for the continuance of St. Patrick's as a church even after the construction of the new parish church, in view of its significance in the faith history of the Catholic community in Lethbridge. The *acta* make it clear that one proposal in particular, which might have secured the ongoing financial viability of the church even after the building of a new parish church, namely the conversion of the church basement into a "columbarium", failed to win the consensus considered necessary. While the Congregation makes no declaration regarding the merit or demerit of this proposal, the fact remains that the Ordinary had sought with considerable effort to preserve the church of St. Patrick in conjunction with the planned construction of a new parish church and pastoral centre.



22. It can be asked, therefore, if it is reasonable to determine, for the good of the parish and the pastoral care of the faithful, that their offerings should be directed to those ends determined by the Pastor to be for their true good, which in this instance is the construction of a new parish church. This Congregation must answer in the affirmative. This is not only on account of the consensus which supports the consent given by the Ordinary in accordance with the norm of can. 1215 §2, but also the broad support for the project found among parishioners. The Pastor's mode of proceeding demonstrates no arbitrariness and shows considerable dedication and patience in charting the future of this portion of the people of God entrusted to his care (cf. can. 519). Although the parish of All Saints appears able to afford the maintenance of the three churches that currently exist, it cannot afford both to maintain these churches and build a new parish church and centre.
23. Given the lawful priority given to the construction of a new parish church, the lawful administration of the parish's goods to this end, the extensive consultation and broad support for this decision, the unsuccessful efforts expended to preserve St. Patrick's church, the lack of arbitrariness in these decisions, this Congregation forms the view that the lawful administration of ecclesiastical goods constitutes a sufficiently grave reason to motivate the reduction to secular but not unbecoming use of St. Patrick's Church, Lethbridge.

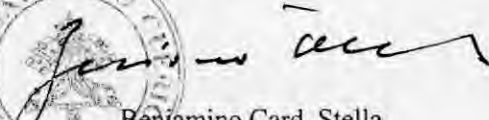
Wherefore,

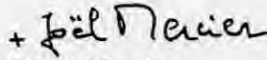
This Congregation hereby decrees that this petition for recourse, as presented against the Decree issued on 1st October 2016 by the Most Rev. Frederick Bernard Henry, Bishop of Calgary, whereby the church of the St. Patrick, Lethbridge, was reduced to secular but not unbecoming use (c. 1222, §2), does not have canonical basis in law or in fact, for which reason the present recourse is rejected and the said Decree is upheld *de procedendo* and *de decernendo*.

Recourse against this Decree may be made before the Supreme Tribunal of the Apostolic Signatura within the peremptory time limit of sixty days established in the Apostolic Letter *Motu Proprio Antiqua Ordinatione*, Art. 34 §1.

Given at the Seat of the Congregation for the Clergy
14 March 2017




Beniamino Card. Stella
Prefect


✠ Joël Mercier
Titular Archbishop of Rota
Secretary