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# **THE GENERAL BY-LAWS OF THE ONTARIO PROVINCIAL COMMAND**

## **ARTICLE I - INTERPRETATION**

Unless otherwise stated within these By-Laws.

101. (1) **ACT.** When referred to herein, the "Act" shall be the Act to Incorporate The Royal Canadian Legion, Statutes of Canada, 1948, and amendments thereto.
- (2) **BRANCH** shall be a Branch of the Royal Canada Legion within the jurisdiction of the Ontario Provincial Command
- (3) **COMMAND** shall be the Ontario Provincial Command of The Royal Canadian Legion.
- (4) **CONVENTION** shall be the Convention of the Ontario Provincial Command of The Royal Canadian Legion.
- (5) **COUNCIL** shall be the Provincial Executive Council of the Ontario Provincial Command.
- (6) **DISTRICT COUNCIL** shall be a District Executive Council within the jurisdiction of the Ontario Provincial Command.
- (7) **EXECUTIVE DIRECTOR** shall import Secretary of the Command where necessary and appropriate.
- (8) **LADIES' AUXILIARY** shall mean Provincial and local bodies of women who assist and promote the purposes and objects of The Royal Canadian Legion and shall encompass the Ladies' Auxiliary to the Ontario Provincial Command and all of the Auxiliaries to Branches within the Command.
- (9) **LEGION** shall be the Royal Canadian Legion.
- (10) **MASCULINE** words shall import the feminine.

- (11) **MEMBER** means a person who has been duly admitted to any of the types of Membership provided for in the General By-Laws of The Legion.
- (12) **MEMBER IN GOOD STANDING** means a Member who has been initiated and is not under suspension or is not in arrears in payment of dues.
- (13) **SINGULAR** words shall import the plural.
- (14) **TERM OF OFFICE** for Command, District and Zone Officers shall be from the conclusion of one Provincial Convention to the conclusion of the next Provincial Convention. This Term of Office shall also apply to all Standing Committee Chairmen at the aforementioned levels with the exclusion of the Track and Field Chairmen, whose term shall be from 1 August to 31 July of the second year.
- (15) **ZONE COUNCIL** shall be a Zone Executive Council within the jurisdiction of the Ontario Provincial Command.

## **ARTICLE II - ORGANIZATION**

- 201. Command Territory. The Command shall include all Branches within the Province of Ontario east of Longitude 85 degrees west.
- 202. Real Property. The real property that may be held or acquired by the Command shall be held in the name of the Command.

## **ARTICLE III - CONVENTION**

- 301. Command Authority. The Convention shall be the supreme authority within the Command.

### **WHEN HELD**

- 302. The Convention shall meet once every two (2) years upon a date not later than 30 months after the adjournment of the preceding Convention; provided that with approval of two-thirds of the Members present at a properly convened Meeting of the Council, a three year interval may be allowed between Conventions.

In emergencies, a Convention may be called to be held on any date determined by the Council.

### **QUORUM**

303. Before a Command Convention may be opened there shall be present thereat duly accredited representation, including proxies, of at least ten percent (10%) of the Branches in the Command in good standing at the time of such Convention.
304. A quorum for the transaction of business at any Command Convention shall be the presence on the floor of the Convention chamber of at least twenty-five percent (25%) of the accredited representatives registered for that Convention, provided that if it is shown at any time during the Convention there is not a quorum, the Chairman will adjourn such Convention from time to time for the purpose of obtaining such a quorum.

### **DELEGATES**

305. (1) The Convention shall consist of delegates from Branches whose Membership strength is not less than the number required to form a Branch.
- (2) For the purpose of determining the number of Accredited Delegates which a Branch shall be entitled to send to the Convention, the Membership strength of a Branch shall be the number of fully paid up Life, Ordinary, Associate and Affiliate Voting Members carried on the files of Command at the end of the preceding calendar year. Each Branch shall be entitled to certify one Accredited delegate for the first 50 Life, Ordinary, Associate and Affiliate Voting Members or fraction thereof and one for each additional 100 or fraction thereof, provided that where a Branch has received its charter subsequent to the end of the last preceding calendar year, it shall be entitled to one delegate.
- (3) All Members of the Provincial Executive Council, Honorary Grand President and Command Past Presidents shall have the standing of Accredited Delegates.
- (4) Accredited Delegates shall be entitled to full privileges, including entitlement to vote at Provincial, District and Zone Conventions.

- (5) Any Life, Ordinary, Associate or Affiliate Voting Member in good standing shall be an Accredited Delegate, upon being appointed and certified by his Branch as well as Council Members of the level of the Legion at which the Convention is being held.
- (6) Any Life, Ordinary, Associate or Affiliate Member in good standing may register as an observer delegate.
306. Every Accredited delegate who presents authorized credentials duly certified by, or on behalf of the Branch, shall be registered with the Committee on Credentials.
307. The Committee on Credentials may also register Guest Delegates.
308. The Command shall not be responsible for expenses of delegates to Conventions, except as stated in Section 606.
309. No delegate shall be registered except on payment of a registration fee which amount shall be fixed by the Committee on Arrangements, subject to approval of the Provincial Executive Council. A delegate may pay by cash or with a Branch cheque covering the single payment of his delegate fee.

### **CONVENTION COMMITTEES**

310. (1) The Provincial President shall appoint the following Convention Committees in sufficient time prior to the assembly of the Convention to enable them to adequately perform their duties:
  - (1) A Committee on Arrangements;
  - (2) A Committee on Resolutions;
  - (3) A Committee on Credentials;
  - (4) A Committee on Ways and Means;
  - (5) A Committee on Constitution and Laws.
- (2) Other Convention Committees may be appointed in like manner as may be required.
- (3) The majority of any Committee shall constitute a quorum for the transaction of business.



- (4) All Committee reports shall be presented in writing and signed by the Chairman.
- (5) Unless otherwise directed, all Convention Committees shall be deemed to be discharged upon the adjournment of the last session of the Convention.

### **DUTIES OF COMMITTEES**

311. (1) The Committee on Arrangements shall make the necessary arrangements for the holding of the Convention.
- (2) The Committee on Resolutions shall receive all resolutions for amendment or consolidation and for report to the Convention.
- (3) (a) The Committee on Credentials shall examine and report upon the credentials filed by delegates. Note: The Executive Director shall ensure that authorized credential forms are in the hands of all Branch Secretaries not less than three weeks prior to the opening of the Convention.
- (b) Subject to an appeal, the Committee shall be the authority determining the status of every person attending the Convention.
- (4) The Committee on Ways and Means shall examine or cause to be examined the financial standing of the Command and recommend the per capita tax to be paid. The Honorary Treasurer shall be the Chairman of this Committee.
- (5) The Committee on Constitution and Laws shall report all proposed amendments to this By-Law to the Convention.
- (6) (a) The Office of the Executive Director shall prepare the Agenda and Convention Procedure Report subject to the approval of the Provincial President and Chairman respectively and which shall be contained in the Proceedings Booklet.
- (b) The Agenda shall provide for the presentation of the report of the Constitution and Laws Committee prior to Nomination of Officers and for the presentation of the

Report of the Ways and Means Committee, prior to the Election of Officers.

- (c) The rules of procedure adopted by the latest Convention shall form an integral part of this By-Law and when applicable, shall govern at all Meetings of the Command, Council, District or Zone.

## **RESOLUTIONS**

312. (1) Every Branch, Command and Standing Committee of Command may submit resolutions.
- (2) The Committee on Resolutions shall not be required to consider any resolution received by Command after January 15th of the Convention year.
  - (3) Resolutions received after January 15th of the Convention year, shall be referred to the respective Provincial Committee for their consideration and subsequent approval or otherwise by the Administrative Committee and Provincial Executive Council, and that late resolutions dealing with matters at the Dominion level only, shall be referred to Dominion Command for consideration at the ensuing Dominion Convention.
  - (4) (a) The foregoing sub-section does not preclude the presentation of an emergency resolution, approved by a Branch, and placed before the Convention by an Accredited Delegate, subject to the approval of a two-thirds majority of those in attendance and present on the Convention floor.
  - (b) Only those resolutions dealing with matters that require immediate action and which cannot be dealt with by Committee, as noted in Section 312. (3) shall be considered.
  - (5) A copy of the proceedings booklet containing all resolutions for the Convention shall be forwarded to each Branch at least fifteen (15) days prior to the Convention.
313. (1) In the event that any Committee reporting to the Convention does not concur in or does not report on any resolution duly submitted for its consideration, any Accredited Delegate may, subject to the following conditions, request that such

resolution emanating from within his own District be presented to the Convention:

- (a) The request has the support of the majority vote of the caucus from that delegate's District, written certificate to that effect, signed by the District Commander or the Chairman of the Caucus.
  - (b) The request to introduce such resolution has been submitted in writing on a form provided by Ontario Command.
  - (c) The request shall be submitted to the Convention Chairman not later than 12:00 noon on the second business day of the Convention.
- (2) These conditions having been completed, such delegate may present the resolution while resolutions dealing with the general topic with which the resolution is concerned are before the Convention.

### **ELECTION OF PROVINCIAL EXECUTIVE**

314. The Provincial Executive shall be elected as follows:

- (1) The Command Officers, except the Immediate Past President, shall be elected at the Convention, as prescribed in Section 315.
- (2) The District, Deputy District and Zone Commanders who have been elected at their respective District and Zone Conventions as required in Article VII and VIII of these By-Laws.

315. The procedure of election as referred to in Sub-section 314. (1) shall be as follows:

- (1) Nominations shall be made orally by Accredited Delegates from the floor of the Convention for each elective office in order of precedence as set out in Section 601 of Article VI. The qualifications of each nominee may be presented by the nominator who may speak for three minutes at the will of the Convention.

- (2) Prior to the election, the Chairman shall call each nominee to stand and state his intention.
- (3) In addition to the names placed in nomination for the Offices of First Vice-President and three Vice-Presidents, those who stand and fail to be elected to the next higher Office shall be considered nominated for such Offices respectively. This will also apply to the Office of Vice-Chairman. However, the Offices of Chairman and Honorary Treasurer will require separate nomination.

## **VOTING AND PROXIES**

316. Other than on a ballot vote, delegates to the Convention shall have one vote each.
317. (1) Any delegate, accredited by the Branch of which he is a Member, may carry, in addition to his own credentials, up to four (4) credentials from the Branch of which he is a Member, or any other Branch or Branches within the Command.  
  
(2) A Member may be a delegate of another Branch within Ontario Command, but may not carry proxies.
318. Proxies must be registered at the opening of the Convention and may only be used when an election ballot vote is required.
319. Every proxy, to be valid, shall include a credential certificate naming the delegate entitled to register such proxy.
320. Except for election of Officers, the vote of the Convention shall be by a voice or standing vote (unless a vote by ballot is directed by the Chairman or if demanded by at least twenty percent (20%) of the delegates on the floor of the Convention), and such vote shall not include proxy votes.
321. (1) When balloting is for the election of a single Officer, the Candidate receiving the majority of the votes cast shall be elected.  
  
(2) If no candidate receives a majority of the total votes cast on the first ballot, a second ballot shall be held, deleting the name of the candidate receiving the least number of votes

on the first ballot.

322. (1) When balloting is for the election of three (3) Vice-Presidents, delegates may vote for up to three names on a single ballot form.
- (2) A person may not vote more than once on the ballot for any candidate.
- (3) The ballots shall be in a form approved by the Ontario Command.
- (4) Ballots not marked in conformity to this section shall not be counted.
- (5) The candidates receiving a majority of the ballots cast shall be elected.
- (6) If one or more but not all candidates receive a majority on the first ballot, a second ballot shall be held for the Offices remaining unfilled.
- (7) Whenever on any ballot no candidate is elected, the name of the candidate who received the lowest number of votes shall be deleted from subsequent ballots provided that:
- (a) If the total of the votes received by the two with the lowest number of votes is less than the votes received by the candidate with the next lowest number of votes, the names of the two (2) with the lowest number of votes shall be deleted from subsequent ballots; and
- (b) Similarly, if the three (3) candidates having the lowest number of votes do not have a total vote equal to that of the candidate having the next lowest number of votes, their names shall be deleted from subsequent ballots.

### **DOMINION EXECUTIVE COUNCIL REPRESENTATIVES**

323. The Provincial President shall be the representative on the Dominion Executive Council. If the Command shall become entitled to additional representatives on the Dominion Executive

Council, such additional representatives shall be appointed by the Administrative Committee.

324. In the absence or disability of the Provincial President, the First Vice-President shall, for the time being, be the representative on the Dominion Executive Council.

### **ANNUAL GENERAL MEETING**

325. (1) An Annual General Meeting shall be held on the date of and during the Provincial Executive Council Meeting in each off-Convention year and it shall assume a separate and distinct entity during the course of the primary Meeting.
- (2) The minimum agenda of the Meeting shall be as follows:
- (a) Presentation of the Audited Financial Statements.
  - (b) Approval of the Auditors.
- (3) Members wishing to make comment or raise questions on any Agenda Item may do so by written submission to Command for consideration at the Meeting, if received no later than thirty (30) days prior to the Meeting.
- (4) A quorum for the Meeting shall be fifteen (15) Members of The Royal Canadian Legion who must be Members in good standing of a Branch within the jurisdiction of Command.

### **NOTICE OF ANNUAL GENERAL MEETING**

326. (1) Notice shall be distributed to all Branches within the Command not more than ninety (90) days and not less thirty (30) days before the Annual General Meeting via an All Branch Mailing.
- (2) The Notice shall contain the following information respecting the Annual General Meeting:
- (a) A compliance statement re the Canada Not-for-Profit Corporations Act requiring the call of the Meeting.
  - (b) The date, time and location.
  - (c) The Meeting Agenda.
  - (d) The Command address for receipt of written submissions from Members.
  - (e) The Command Website address for reference of Annual General Meeting documentation.

- (3) Documentation pertaining to the Annual General Meeting shall be available on the Command website ([www.on.legion.ca](http://www.on.legion.ca)) at least twenty-one (21) days prior to the Meeting or upon written request received at Command at least fourteen (14) days prior to the Meeting from a Member who has enclosed a self-addressed stamped envelope.

#### **ARTICLE IV - PROVINCIAL EXECUTIVE COUNCIL**

401. (1) The composition of the Council is noted hereunder:

Command Officers;

District Commanders;

Deputy District Commanders;

Zone Commanders;

Appointed representatives to the Dominion Executive Council

All Standing Committee Chairmen of the Command.

- (2) The Council may by resolution, certify Branches of such additional Special Sections, as may be established by Dominion Command from time to time and when a Branch or Branches of such Special Section have been certified within the Command, that Special Section shall be represented by an additional Member on the Executive Council.

#### **DUTIES OF COUNCIL**

402. The Council shall have the power to perform and carry to completion work entrusted to it by the last Convention or this By-Law, to fill all elective vacancies between Conventions, to supply any omissions of the Convention and generally to carry on the business of the Command in any manner not inconsistent with the expressed will of the Convention.
403. The Honorary Treasurer, or such other Officers as authorized by the Council, shall countersign all cheques issued and all promissory notes, bills of exchange and other instruments involving any liability of the Command.
404. Any Officer or employee handling funds of the Command shall be adequately bonded.

## **COUNCIL MEETINGS**

405. (1) At least one Meeting of the Council shall be held each year.
- (2) A majority of the Members of the Provincial Executive Council shall form a quorum.
- (3) Only Members of the Council shall have the right to make or second motions, make nominations or vote at Meetings.
- (4) The Council shall not be obliged to admit any person other than its Members to its deliberations.
- (5) The Minutes of all Council Meetings shall be mailed forthwith to the Members of Council.

## **ARTICLE V - ADMINISTRATIVE COMMITTEE**

501. The Administrative Committee shall consist of the President, Immediate Past President, First Vice-President, three Vice-Presidents, Honorary Treasurer, Chairman and Vice-Chairman, District Commanders and the Dominion Council Representatives.

### **MEETINGS**

502. (1) Meetings shall be held from time to time for the purpose of handling administrative and other urgent matters between Meetings of the Council.
- (2) The minutes of all Meetings of the Administrative Committee shall be forwarded immediately to the Members of Council for their consideration at their next regular Meeting.

### **COMMITTEES AND STANDALONE POSITIONS**

503. (1) The Provincial President shall appoint the following, as required, for ratification by the Administrative Committee at its first Meeting after the Convention:
- (a) Standing Committee Chairmen:
- (i) Bursary;
  - (ii) Constitution and Laws;
  - (iii) Finance;



- (iv) Honours and Awards;
- (v) Membership;
- (vi) Poppy;
- (vii) Property;
- (viii) Public Relations;
- (ix) Sports;
- (x) Track and Field;
- (xi) Training and Organizational Development;
- (xii) Veterans Services/Legion Seniors;
- (xiii) Youth Education;

(b) Standalone Positions:

- (i) Cadet Liaison Officer
- (ii) Chaplain(s);
- (iii) Editor, Information Bulletin;
- (iv) President, Charitable Foundation;
- (v) Ontario Correspondent;
- (vi) Vice-Chairman, Veterans Services / Legion Seniors

(2) Any recommendation and/or motion arising from the Meeting Minutes and/or Reports of the above Standing Committees and Standalone Positions requiring the approval of the Administrative Committee, Council, or Convention shall be presented to the appropriate forum for such approval.

(3) The Branch Advisory Committee shall:

- (a) Be activated under the authority of the Provincial President, if the receipt of an appeal for counsel regarding a Branch's financial and/or administrative matters provides sufficient merit to justify such action.
- (b) Have its activities coordinated under the oversight of the Provincial President who shall be the recipient of all reports requested and required respecting the activities and recommendations arising from any such Committee.
- (c) Be composed of the District Commander, Deputy District Commander(s), Zone Commander and Deputy Zone Commander(s) of the respective District and Zone in which the subject Branch is located. Further, the District Commander shall appoint a minimum of two (2)

additional Members who possess special expertise in Branch operations and financial matters to provide advisory assistance, when extra assistance is required in a particular Branch.

504. Other Standing Committees and Standalone Positions may be appointed in like manner as may be required.

## **FINANCE**

505. Any expenditure in excess of twenty thousand dollars (\$20,000.00) approved by the Convention floor shall be referred to the incoming Finance Committee and the Administrative Committee for their consideration, prior to any such expenditure being made by the Command.

## **ARTICLE VI - COMMAND OFFICERS**

### **ELECTED OFFICERS**

601. (1) The Officers of the Command and their order of precedence shall be:

President;  
Immediate Past President;  
First Vice-President;  
Three Vice-Presidents;  
Honorary Treasurer;  
Chairman;  
Vice-Chairman

- (2) All Standing Committee Chairmen of Command will be considered as Officers for the purposes of the application of the provisions of Article III of the General By-Laws of the Legion, and for the purposes of Honours and Awards.

### **POWERS AND DUTIES**

602. (1) Every Officer of the Command shall hold Office until his successor is elected or appointed or until lawfully deprived of his Office or until the Office is abolished.

- (2) The President shall be a Member ex-officio of all Committees under the direct authority of the Council. He may delegate any Command Officer to represent him.
- (3) The President shall preside at the opening and closing of all Conventions and Meetings of the Council. He shall exercise a general supervision and control over the Officers, Members and business of the Command. He shall call all Conventions and Meetings of the Council as provided herein, or in the General By-Laws of the Legion. He shall transact such other business as may pertain to his Office.
- (4) In the absence or disability of the President, all rights and powers vested in him shall, for the time being, be vested in the First Vice-President. In the absence or disability of the President and First Vice-President, all of the aforesaid rights and powers shall for the time being, be vested in a Vice-President appointed by the Administrative Committee for that purpose.
- (5) The Chairman shall preside over the debate and transaction of business of the Convention, Administrative Committee Meetings and Provincial Executive Council Meetings. The Vice-Chairman shall assume these duties in the absence of or at the request of the Chairman.

603. The Honorary Treasurer shall:

- (1) Ensure that all funds received by the Command are deposited in the appropriate account.
- (2) Ensure that an accurate and true account is maintained of all monies received or paid out by the Command, and that a complete record is kept of all financial transactions of each department of the Command and produced whenever required by an appropriate authority.
- (3) Scrutinize all Command expenditures and initiate enquiries, where necessary, to ensure that at all times he has complete information at his disposal as to all financial matters pertaining to the Command.
- (4) Properly supervise all financial matters at all times and together with the Finance Committee consisting of the President, Immediate Past President, First Vice-President,

three (3) Vice-Presidents, Chairman and Vice-Chairman; with input from the Executive Director and Assistant Executive Director; shall prepare an annual budget covering all financial activities of the Command.

- (5) Present quarterly to the Members of the Administrative Committee, a statement of the actual expenditures in relation to the budget and draw attention to any actual or anticipated expenditure in excess of the amount included in the budget for that specific purpose.
- (6) Report to the Administrative Committee all financial matters which, in his opinion, should be brought to their attention and present further reports as directed by the said Committee.
- (7) Ensure that an audited financial statement of the Command shall be furnished to all Branches annually.

604. Meetings of the Council and Administrative Committee shall be called by the Executive Director by direction of the President or a majority of the Command Officers.

605. In addition to the duties prescribed by the Act, the General By-Laws of the Legion and as provided by this By-Law, the Officers of the Command shall perform such services as may pertain to their several Offices and as may be determined by the Council.

### **EXPENSES**

606. Members of the Council, employees of the Command and other persons when duly authorized, shall be entitled to reimbursement of expenses incurred when attending Conventions, Meetings of the Council or when otherwise engaged upon the business of the Legion within their jurisdiction and as may be approved by the Administrative Committee.

### **VACANCIES**

607. (1) In the event of the resignation, death or incapacity of the President, he shall be succeeded by the First Vice-President.
- (2) In the event of the resignation, succession to the Presidency, death or permanent incapacity of the First Vice-President,

the succession to this Office will be open to the three Vice-Presidents.

- (3) The Provincial Chairman shall ascertain which of the three Vice-Presidents aspire to be candidates for this Office, and shall conduct a mail vote of the Members of the Provincial Executive Council to determine which of the Vice-Presidents shall succeed to this Office.
- (4) The Vice-President receiving the greatest number of votes shall be elected First Vice-President. In the event of a tie, the Vice-President receiving the least number of votes shall be eliminated and another vote taken.
- (5) Whenever a vacancy occurs among the three Vice-Presidents for any reason, including election to higher Office, the Provincial Executive Council shall fill the vacancy by electing, from its Members, a new Vice-President.
- (6) In the event of a vacancy occurring in the Office of Chairman, the Vice-Chairman shall succeed to the Office of Chairman.
- (7) If a vacancy occurs in the Office of the Honorary Treasurer or Vice-Chairman, the President shall recommend a successor to the Administrative Committee for approval and such appointment shall be subject to confirmation by the Provincial Executive Council at its next Meeting.
- (8) Notwithstanding the foregoing, if a vacancy should occur in the Office of First Vice-President, Vice-Presidents, or Vice-Chairman within nine months of the next Provincial Convention, such Office may be left vacant.
- (9) In the event of the death, resignation or inability to act of the Immediate Past President, the position of Immediate Past President may be filled for the remainder of the term by the appointment of a former President by the Executive Council of the Command.

## **EMPLOYEES**

608. The Executive Director and the Assistant Executive Director shall be appointed by and be under the control of the Administrative Committee.

## **ARTICLE VII – DISTRICTS**

### **ORGANIZATION**

701. (1) The Command shall be organized into such Districts as the Command may from time to time determine.
- (2) The District is subject to the jurisdiction of the Command.
- (3) The District shall embrace all Branches within its territorial limits as set forth by the Command.

### **DISTRICT CONVENTIONS**

702. (1) The District Convention shall consist of delegates from all Branches within the District and in addition, the Members of the District Council.
- (2) For the purpose of determining the number of Accredited Delegates which a Branch shall be entitled to send to the District Convention, the Membership strength of a Branch shall be the number of fully paid-up voting Members carried on the files of the Command as at the end of the last preceding calendar year. Each Branch shall be entitled to certify one (1) Accredited Delegate for the first fifty (50) voting Members or fraction thereof and one (1) for each additional one hundred (100) or fraction thereof.
- (3) Each District shall hold a District Convention prior to the next Provincial Convention for the purpose of electing District Officers for the ensuing term, provided that such Convention may also deal with other business.
- (4) A maximum of two (2) District Conventions shall be held annually at the request of the District Commander or District Council, at Command expense, provided at least one (1) Convention is held each year.

### **LEVY**

703. The Command may authorize a District Convention to raise a per capita levy on each Branch within the said District jurisdiction to

meet such expenditures as may be authorized by the District Council.

## **OFFICERS**

704. The following District Officers shall be elected by ballot and the procedure outlined for Conventions shall apply:
- (1) District Commander;  
Deputy District Commander(s).
  - 2) A District Sports Officer may be elected by ballot or appointed by the District Commander.
  - (3) District Officers shall be installed prior to the next Provincial Convention and they shall assume their official duties immediately upon the conclusion of the next Provincial Convention.
  - (4) To be eligible to be elected District Commander or Deputy District Commander, a Member must be a voting Member in good standing in a Branch within the District. He must either be in attendance at the District Convention or have signified in writing his willingness to stand for such Office. In addition, he must be a Branch President or Past President or have served not less than one year on a Zone, District or Provincial Council.

## **DUTIES**

705. (1) The District Commander may be Chairman of the District Council and shall exercise general supervision over Zones and Branches within his District so that harmonious relations may be maintained.
- (2) The District Commander shall appoint a District Secretary and a District Treasurer or a District Secretary-Treasurer whose duties shall be to keep accurate records of all activities and proceedings associated with their Office and perform such other duties as may be directed by the District Commander and/or the District Convention.
- (3) The District Commander shall be authorized to make any necessary adjustment in his Zone boundaries subject to the approval of the Command and only after receiving the

consensus of his District through a Meeting and vote by the District Council, Zone Commanders, Deputy Zone Commanders and Branch Presidents.

- (4) The Deputy District Commander(s) shall assist the District Commander in the performance of his duties and, in the absence or disability of the District Commander, all the rights and powers pertaining to the administration of the District vested in the District Commander, shall for the time being, be vested in the Deputy District Commander.

### **VACANCIES**

706. (1) In the event of a vacancy occurring in the Office of District Commander, the elected Deputy District Commander shall succeed to the vacant Office and the Office of Deputy District Commander shall be filled by appointment by the District Council, subject to confirmation at the next District Convention.
- (2) In the case of a District, which has two elected Deputy District Commanders, the District Council shall appoint one of them to succeed to the Office of District Commander and the vacant Office of Deputy District Commander shall be filled by appointment by the District Council and both appointments shall be subject to confirmation at the next District Convention.
- (3) In the event of the death, resignation or inability to act of the Immediate Past District Commander, the position of Immediate Past District Commander shall be filled for the remainder of the term by the appointment of a former District Commander by the District Council.

### **DISTRICT COUNCIL**

707. (1) The District Council shall consist of the following:
  - District Commander;
  - Immediate Past District Commander;
  - Deputy District Commander(s);
  - All Zone Commanders in the District or their Deputies;
  - District Chairman (*if appointed*);
  - District Secretary (*if unpaid*);
  - District Treasurer (*if unpaid*);



District Secretary-Treasurer (*if applicable and unpaid*).

Chairmen of the following Committees who shall be appointed by the District Commander:

- (1) Honours and Awards;
- (2) Membership;
- (3) Poppy;
- (4) Public Relations;
- (5) Sports (*may be elected*);
- (6) Training and Organizational Development;
- (7) Track and Field;
- (8) Veterans Services / Seniors
- (9) Youth Education.

All Command Officers, Chairmen of Provincial Standing Committees, and the Special Section Representative being a Member of a Branch within the District.

Officers and voting Members as the District Convention may determine.

- (2) It shall be the duty of the District Council to assist and advise the District Commander in the administration of the District.
- (3) (a) A maximum of two (2) District Council Meetings shall be held annually in conjunction with, or prior to the District Convention(s), at Command expense, (A District Council Meeting shall be permitted immediately following the Provincial Convention).
- (b) The Meeting shall be held at the call of the District Commander or by the District Secretary, on receipt of a written request, signed by a majority of the District Council. A majority of the District Council shall form a quorum.
- (4) The District Officers and Members of the District Council shall serve without remuneration.
- (5) The District Council may set any remuneration for the District Secretary, District Treasurer or District Secretary-Treasurer and such District Officer(s), if paid, shall not be a Member of the District Council.

## **ARTICLE VIII - ZONES**

### **ORGANIZATION**

801. (1) The District shall be organized into such Zones as the District Council may determine subject to the approval of the Command.
- (2) The Zone is subject to the jurisdiction of the District.
- (3) The Zone is composed of all Branches within its territorial limits as set forth by the District.

### **ZONE CONVENTIONS**

802. (1) The Zone Convention shall consist of delegates from all Branches within the Zone and the Members of the Zone Council.
- (2) For the purpose of determining the number of Accredited Delegates which a Branch shall be entitled to send to the Zone Convention, the Membership strength of a Branch shall be the number of fully paid-up voting Members carried on the files of the Command as at the end of the last preceding calendar year. Each Branch shall be entitled to certify one (1) Accredited Delegate for the first fifty (50) voting Members or fraction thereof and one (1) for each additional one hundred (100) or fraction thereof.
- (3) Each Zone shall hold a Convention at least fifteen (15) days prior to the next District Convention for the purpose of electing Zone Officers for the ensuing term, provided that such Convention may also deal with other business.
- (4) A maximum of two Conventions shall be held annually at the request of the Zone Commander or Zone Council at Command expense, provided at least one Convention is held each year.

### **LEVY**

803. The Command may authorize a Zone Convention to raise a per capita levy on each Branch within the said Zone jurisdiction to meet such expenditures as may be authorized by the Zone Council.

## **OFFICERS**

804. (1) The following Zone Officers shall be elected by ballot and the procedure outlined for Conventions shall apply:  
Zone Commander;  
Deputy Zone Commander(s).
- (2) A Zone Sports Officer may be elected by ballot or appointed by the Zone Commander.
- (3) Zone Officers shall be installed prior to the next Provincial Convention and shall assume their official duties immediately upon the conclusion of the next Provincial Convention.
- (4) To be eligible to be elected Zone or Deputy Zone Commander, a Member must be a voting Member in good standing in a Branch within the Zone. He must be either in attendance at the Zone Convention or have signified in writing his willingness to stand for such Office. In addition, he must be a Branch President or Past President, or a Branch Executive Committee Member, or have served not less than one (1) year on a Zone, District or Provincial Council.

## **DUTIES**

805. (1) The Zone Commander may be Chairman of the Zone Council. The Zone Commander shall exercise general supervision over Branches within his Zone so that the Branches may maintain harmonious relations within their communities. He shall advise Branches in matters relating to finance and ensure that all appeals for financial support directed to the general public within Branches are conducted so as to further the best interests of the Legion. He shall visit each Branch annually.
- (2) The Zone Commander shall appoint a Zone Secretary and a Zone Treasurer or a Zone Secretary-Treasurer whose duties shall be to keep accurate records of all activities and proceedings associated with their Office and perform such other duties as may be directed by the Zone Commander and/or the Zone Convention.
- (3) The Deputy Zone Commander(s) shall assist the Zone Commander in the performance of his duties and in the absence or disability of the Zone Commander, all rights and

powers pertaining to the administration of the Zone, vested in the Zone Commander shall, for the time being, be vested in the Deputy Zone Commander.

### **VACANCIES**

806. (1) In the event of a vacancy occurring in the Office of Zone Commander, the elected Deputy Zone Commander shall succeed to the vacant Office and any vacancy in the Office of Deputy Zone Commander shall be filled by appointment by the Zone Council, subject to confirmation at the next Zone Convention.
- (2) In the case of a Zone which has two elected Deputy Zone Commanders, the Zone Council shall appoint one (1) of them to succeed to the Office of Zone Commander and the vacant Office of Deputy Zone Commander shall be filled by appointment by the Zone Council and both appointments shall be subject to confirmation at the next Zone Convention.
- (3) In the event of the death, resignation or inability to act of the Immediate Past Zone Commander, the position of Immediate Past Zone Commander shall be filled for the remainder of the term by the appointment of a former Zone Commander by the Zone Council.

### **ZONE COUNCIL**

807. (1) The Zone Council shall consist of:

Zone Commander;  
Immediate Past Zone Commander;  
Deputy Zone Commander(s);  
Presidents of all Branches in the Zone or such alternate representation as the Zone Convention may determine;  
Zone Chairman (*if appointed*);  
Zone Secretary (*if unpaid*);  
Zone Treasurer (*if unpaid*);  
Zone Secretary-Treasurer (*if applicable and unpaid*).

Chairmen of the following Zone Committees who shall be appointed by the Zone Commander:

- (1) Legion Seniors Program;
- (2) Membership;
- (3) Poppy;
- (4) Public Relations;

- (5) Sports (*may be elected*);
- (6) Track and Field;
- (7) Training and Organizational Development;
- (8) Veterans Services;
- (9) Youth Education.

All District Officers and Chairmen of District Standing Committees being a Member of a Branch within the Zone.

Officers and voting Members as the Zone Convention may determine.

- (2) It shall be the duty of the Zone Council to assist and advise the Zone Commander in the administration of the Zone.
- (3) (a) A maximum of two (2) Council Meetings shall be held annually, in conjunction with, or prior to the Zone Conventions, at Command expense.  
  
(b) The Meeting shall be held at the call of the Zone Commander or by the Secretary on receipt of a written request signed by a majority of the Zone Council. A majority of Zone Council shall form a quorum.
- (4) A maximum of two (2) visits by a Zone Commander to a Branch will be allowed annually within his Zone, at Command expense, unless otherwise directed through the Office of the Provincial President, other than the annual visit.
- (5) In the event of a dispute relating to Branch territory between Branches in a Zone, the matter shall be decided by the Zone Council.
- (6) The Zone Officers and Members of the Zone Council shall serve without remuneration.
- (7) The Zone Council may set any remuneration for the Zone Secretary, Zone Treasurer or Zone Secretary-Treasurer and such Zone Officer(s) if paid, shall not be a Member of the Zone Council.

## **ARTICLE IX – BRANCHES**

901. The standard Branch By-Laws referred to in Section 513 of the General By-Laws of the Legion appear herein as an appendix titled “The General By-Laws for Branches”, and shall form an integral part of the General By-Laws of Command.

### **BRANCH REGULATIONS**

902. (1) A Branch shall prepare and maintain its own Branch Regulations in reference to those permitted circumstances as noted in the General By-Laws for Branches.

(2) (a) The creation or amendment of any Branch Regulation shall be the subject of a motion of which notice shall have been given at the previous Meeting of the Branch. Such Notice of Motion shall state the wording of the proposed addition or amendment and shall be dated and signed by the voting Member presenting same.

(b) The President, or his designate, shall act on behalf of the Executive Committee respecting any proposal originating from the said Committee which falls under the provisions of this section.

(c) A motion to create or amend the Branch Regulations must receive the approval of at least two-thirds of the voting Members present at the Meeting of the Branch to become effective.

(d) Any Branch Regulation may only be amended once during any Term of Office.

903. (1) (a) All Branches shall submit the required copies of their Amended Branch Regulations to Command for review and certification at the end of the calendar year in which additions or amendments have been made to the document. Should a Branch not make any additions or amendments during the specified time, they will not be required to submit copies of their Branch Regulations to Command for certification.

(b) Any Branch making an addition or amendment to their Branch Regulations shall within one (1) month of the

approval by the Branch forward the required copies of each document used in the said process to Command for review and certification.

- (2) (a) All Branches that maintain Branch Clubhouse Rules shall forward the required copies of the current document to Command for retention on file and future reference, if necessary.
- (b) Any Branch making an addition or amendment to their Branch Clubhouse Rules shall within one (1) month of the approval by the Branch forward the required copies of the amended document to Command.

### **TRUSTEES**

904. Branches cannot elect or appoint a Board of Trustees to manage the affairs of the Branch or to hold in trust any real property that may be held or acquired by a Branch.

### **REAL PROPERTY**

905. The real property that may be held or acquired by any Branch shall be held in the name of such Branch.

### **PER CAPITA TAX**

906. Each Branch shall remit per capita tax as levied from time to time by either a Dominion or Provincial Convention to Dominion or Provincial Command respectively.

### **FISCAL YEAR**

907. The fiscal year for Branches and the Ontario Command shall be June 1 to May 31, except for the purpose of Poppy Funds.

### **ANNUAL GENERAL MEETING**

908. Every Branch shall declare in its Branch Regulations:
- (a) When the Annual General Meeting for the presentation of reports from the Senior Elected Officers and Committees will take place.

- (b) When the Annual or Biennial Election of Offices and Executive Committee Members will take place.

### **QUALIFICATION TO HOLD OFFICE**

909. (1) Only Life, Ordinary, Associate and Affiliate Voting Members, in good standing, shall have the right to vote or hold Office at any level of the Legion. Meritorious Life Members shall have the right to vote at Branch level only.
- (2) No Member who is a full-time, regular part-time or elect-to-work employee of any Branch, or Command, or any organization thereof, who receives directly or indirectly any salary or wages for or on account of any service rendered to the Branch or Command or organization thereof, shall hold any Executive position in the Legion.
  - (3) If an employee is successful in his bid for Office, he must resign his paid position before his term of Office can commence.
  - (4) No Member shall hold more than one elected Office at the same level. Further, if a Secretary, Treasurer or Secretary-Treasurer is appointed, a senior elected Officer (President or Vice-President) shall not hold that Office.
  - (5) The Executive position of Ladies' Auxiliary Liaison Officer shall not be held by the Branch President and where possible should not be held by a Member of the Ladies' Auxiliary.
  - (6) No Member shall simultaneously hold the positions of Branch President and President of the Ladies' Auxiliary to the Branch

### **NOMINATIONS AND ELECTIONS**

910. (1) (a) A Branch may, by Branch Regulation, hold an advance poll on the date of the election and set the desired start time at any hour between the hours of 9:00 am and the commencement of the Election Meeting.
- (b) If an advance poll is held, nominations shall not be re-opened at the Election Meeting. The candidate receiving the highest number of votes shall be declared elected.



- (2) At elections where no advance poll has been held, nominations for Branch Offices may be re-opened at the Election Meeting.
- (3) The voting for election of Branch Presidents and Branch Vice-Presidents shall be by ballot except in cases of acclamation. In order to be elected to Office, a candidate must receive a majority of the total ballots cast and if there are more than two (2) candidates and none receive the required majority, the candidate receiving the least number of votes shall be withdrawn from the election and the voting shall continue until one (1) candidate receives the required majority.
- (4) The Election Chairman, upon the report of the Chief Scrutineer for such elections, shall report to the Meeting after each vote, the total ballots cast, the number of spoiled ballots, if any, the name of the successful candidate or, if no candidate has received the required majority, the name of the candidate who received the least number of votes.
- (5) All polling at an Election Meeting must be continuous and completed on the date of the election. An Election Meeting shall not be adjourned to the next or subsequent days to permit further balloting.

### **TERM OF OFFICE**

911. (1) Elected Members shall assume Office on June 1st and the term of Office shall be from June 1st of the election year to May 31st of the following year for a one (1) year term or to May 31st of the second following year if the term of Office is for two (2) years by an approved Branch Regulation. This Term of Office shall also apply to all Standing Committee Chairmen, with the exclusion of the Track and Field Chairman, whose term shall commence on 1 August and end 31 July of the year in which the applicable Branch term ends.
- (2) Elected Members shall be installed in accordance with the Ritual on or before the date they assume Office.
- (3) Any duly approved change by a Branch to its Term of Office will only take effect upon the expiration of the present Term of Office of that Branch.

## **VACANCIES**

912. (1) Where a Branch has three Vice-Presidents and a vacancy occurs in the Office of President or First Vice-President or Second Vice-President, the next ranking Vice-President shall succeed to the vacant Office and where a vacancy is created by such elevation, the next ranking Vice-President shall succeed to that Office. A Vice-President who succeeds to a higher Office in accordance with this provision shall hold his new Office until the next election of Branch Officers.
- (2) In the event of a vacancy occurring in the Office of Third Vice-President or Executive Member, the Branch President shall fill such vacancy by appointment, such appointment to be subject to confirmation by the Membership of the Branch at its next General Meeting.
- (3) Where a Branch has two Vice-Presidents, then the procedure outlined in the aforementioned paragraph, shall apply to a vacancy in the Office of Second Vice-President.
- (4) In the event of the death, resignation or inability to act of the Immediate Past President in any Branch, the position of Immediate Past President shall be filled for the remainder of the term by the appointment of a former Branch President by the Branch Executive Committee.
- (5) Any request by a Member of the Executive Committee for a Leave of Absence in excess of one month must be approved by the Executive Committee and ratified at the next General Meeting. Such Leave of Absence shall not be for a period longer than three months, unless a supplemental request has been received and approved as noted above prior to the expiry date of the initial request.
- (6) Any Member of the Executive Committee, who fails to attend a set number of Meetings, as prescribed in the General By-Laws for Branches, shall be considered to have abandoned his position.

## **BRANCH EXECUTIVE COMMITTEE**

913. (1) Each Branch shall appoint the following Chairmen who shall be Members of the Executive Committee of the Branch and

shall be the official recipients of all correspondence relating to their respective Committees:

Legion Seniors;  
Membership;  
Poppy;  
Public Relations;  
Sports;  
Track and Field;  
Training and Organizational Development;  
Veterans Services;  
Youth Education.

914. Branch Executive Committees shall exercise complete autonomy over the business operation of licensed premises insofar as the regulations of the Alcohol and Gaming Commission of Ontario may permit.
915. Insofar as it may relate to the operations of the functions of the Branch and subject to the control of the General, Special General or Annual General Meetings, the Executive Committee shall have all of the power of the Branch except the appointment of the Parties completing the Financial Review, the amendment of the Branch Regulations or the amendment of the Branch Clubhouse Rules.

### **BRANCH RECORDS**

916. The Executive Committee shall meet at least monthly, on a day to be fixed by the Committee or at the call of the President for the passing of accounts, the transaction of current business, the examination and discussion of any suggestions made to it, for the general welfare of the Branch or Legion and such other business as may be introduced.
917. Each Branch shall conduct its business and keep its records in one (1) of the two (2) official languages.

### **NOTICE OF BRANCH GENERAL MEETINGS**

918. (1) Notice of all General Meetings of a Branch shall be mailed to each Member at his last known address for receipt at least seven (7) days prior to the date of the Meeting. This provision shall be mandatory for all Branches unless the Branch has declared the day and time of their General Meetings in their Branch Regulations.

- (2) Notice of any Special or General Meeting held to discuss mortgaging, leasing or conveying of Branch real property, shall be given to each Member in good standing, by mailing to the last known address of the Member, for receipt at least ten (10) days before the Meeting.
- (3) All reasonable means and efforts must be made to notify all Members when a Meeting of the Branch is cancelled and/or rescheduled due to exigent circumstances and the required notification in this Section cannot be completed within the prescribed time period.

### **POPPY**

919. (1) If a Branch fails to submit a Poppy Report Form to Command by October 31st each year covering its activities from October 1st of the previous year to September 30th of the current year, it shall forfeit the right to hold future Poppy Campaigns.
- (2) If a Branch uses any products in its Poppy Campaign that have not been manufactured by an approved supplier, it shall, at the discretion of the Provincial President, forfeit the right to hold future Poppy Campaigns.
- (3) A Branch which has forfeited the right to hold a Poppy Campaign in accordance with the foregoing, may appeal such action to the Administrative Committee.

### **COMPOSITION OF POPPY TRUST FUND COMMITTEE**

920. Each Branch shall appoint a Poppy Trust Fund Committee to administer the Branch Poppy Trust Fund and such Committee shall consist of not less than three (3) voting Members of the Branch and the Branch Poppy Committee Chairman shall be a Member of such Committee. The Branch Poppy Committee Chairman shall be one (1) of the three (3) Signing Officers for disbursements of the Poppy Trust Fund Account.

### **ADMINISTRATION OF POPPY TRUST FUND**

921. Where a group of Branches conducts a Poppy Campaign or where a Branch or group of Branches conducts a Poppy Campaign in conjunction with any other organization, at least one voting Member from each Branch participating in such campaign shall be appointed by each Branch to administer the Poppy Trust

Fund. To ensure that veterans' needs remain as confidential as possible, one of the signing Officers of the Poppy Trust Fund account shall be an Officer or past Officer of any of the participating Branches. The Poppy Trust Fund shall be deposited in a separate account in a financial institution approved by the Branch or Branches.

## **FINANCE**

922. (1) Any expenditure other than normal operating expenses in excess of one thousand dollars (\$1,000.00) shall be referred to the Branch Executive Committee for its recommendation to the next General Meeting, prior to any commitment for such expenditure being made by the Branch.
- (2) All cheques shall be signed by any two (2) of the following, provided that the two signatories are not related by blood, marriage or common-law relationship: President, Vice-President(s), Treasurer, Secretary (Secretary-Treasurer) or other person designated by the Executive Committee; and in no case shall any cheque be signed in blank.
- (3) The Financial Review Report shall be submitted to the Executive Committee within ninety (90) days following the end of the fiscal year and then presented to the next General Meeting of the Branch for approval.
- (4) Each Branch shall be required to provide to its Zone Commander, at the time of the annual visit, a copy of its Financial Review Report on a standardized form.
- (5) Any Branch, at the direction of Command, shall conduct an external audit or an External Review Engagement of its financial records and/or Poppy Trust Fund. Any or all costs incurred by Command may be assessed against the subject Branch.

## **BONDING**

923. The Executive Committee of each Branch in the Command shall be responsible to ensure that all Officers, Members and employees handling funds of the Branch be properly bonded.

## **LOTTERIES**

924. Proceeds from Break-Open tickets, Bingos and other similar lotteries, approved by the Government of Ontario, shall be deposited in a designated lottery trust account(s), which must have cheque writing privileges, in a financial institution, approved by the Branch.

## **CLUBS WITHIN BRANCHES**

925. Branch Regulations may provide for the formation of organized groups within the Branch, providing they are administered by the Branch Officers and the funds are administered by the Branch Treasurer.

## **FILMING INSIDE OF BRANCHES RESTRICTED**

926. No motion picture or video tape recording for public viewing in any theatre or cinema or on television, or media photography, which includes evidence of alcoholic beverage, shall be made by any person inside the Legion's licensed premises.

## **REPRESENTATION AT DISTRICT & ZONE CONVENTIONS**

927. Branch Presidents shall be responsible to ensure that their Branch is represented at their respective District and Zone Conventions.

## **SALARIED OFFICERS AND EMPLOYEES**

928. (1) All salaried Officers and employees of a Branch shall be appointed by, and be under the control of the Branch Executive Committee. Notice of termination shall be in compliance with the latest edition of the Employment Standards Act and any other relevant legislation in Ontario.
- (2) All hiring, terminations of employment and conditions of employment must be in accordance with federal and provincial laws, including the Human Rights Code. This includes notice on termination and pay in lieu of notice.

## SURRENDER OF BRANCH CHARTER

929. (1) The real or personal property of any Branch upon the surrender or revocation of its charter shall be vested to the Command and shall be used to pay or otherwise satisfy the liabilities of the Branch.
- (2) (a) A Branch may apply to the Administrative Committee of Command for any or all of the surplus remaining, after all Branch debts and liabilities have been satisfied, to be used to the benefit of the community in which the Branch is located.
- (b) The Administrative Committee may consent to such exemption respecting the disposition of such property only when it is satisfied:
- (i) That a responsible continuing community organization exists to which the property can be transferred or otherwise disposed of to or for the benefit of the community; and
- (ii) Such community organization has agreed in writing to maintain and use the property for the benefit of the community subject to the terms and conditions as deemed advisable by the Administrative Committee.
- (3) Any surplus remaining shall be deposited into the General Reserve Fund to be administered and controlled by the Command. The purpose of the fund will be to generate revenue in the form of income from investments which will be used to offset the General Expenses of the Command.
- (4) The disposition of any or all of the income from investments accrued from the aforementioned General Reserve Fund shall be as follows:
- (a) Annually a percentage of the net income from investments will be used to offset the General Expenses of the Command, with the remaining amount used to build the General Reserve. The maximum amount used to offset expenses will be seventy percent (70%) of the annual investment return.

- (b) Should the fund continue to build in the future to a point that the total annual income from investments is greater than the annual General Expenses of the Command, then the annual per capita rate charged by the Command to its Members will be reduced.
- (5) No property shall be distributed to or for the benefit of any Member of a Branch during or after its dissolution.

## **ARTICLE X – GENERAL PROVISIONS**

### **BADGE**

1001. All Membership badges and Legion insignia remain the property of the Legion and may be worn only by Members in good standing or as authorized by Dominion Command.

### **HONOURS AND AWARDS**

1002. (1) All duly recognized levels of Ontario Provincial Command may make recommendations to the Command for the granting of Meritorious Service medals to any of its voting Members, subject to the procedure as outlined in the Legion Officers' Manual.
- (2) Applications submitted by Branches recommending Life Membership on behalf of their Members shall be referred to the Provincial Honours and Awards Committee for approval, subject to the procedure outlined in the Legion Officers' Manual respecting the award of Meritorious Service Medals.

### **COMPLAINT FILING FEE**

The following shall apply in all instances respecting a mandatory Complaint Filing Fee received by a Branch or Command as required under the provisions of Article III of The General By-Laws.

1003. (1) The Complaint Filing Fee shall be returned forthwith to the submitting Party if the subject Complaint is declared to be improperly lodged.



- (2) (a) If the subject Complaint is found to be properly lodged, the Complaint Filing Fee shall be held in abeyance until the expiration of all available avenues under The General By-Laws have been exhausted.
- (b) Once the final disposition after all appeals, if any, are heard, the Complaint Filing Fee shall then be dealt with in accordance with the provisions of The General By-Laws.

## APPOINTMENTS

1004. (1) An Appointee to any Position created at any level of the Command shall serve at the pleasure of the appointing authority.

(2) For the purpose of Honours and Awards, any appointment shall be deemed to be effective upon the date of such appointment by the appointing authority.

## ARTICLE XI – AFFILIATE NON-VOTING MEMBERS

1101. (1) Affiliate non-voting Membership is open to any citizen from an Allied country, excluding Canada and the Commonwealth, who is of federal voting age and is not eligible for ordinary, associate or affiliate voting Membership, and who supports the aims and objects of The Royal Canadian Legion. Affiliate non-voting Members shall have the same rights as all other Members except the rights to vote and hold Office.

(2) A Member admitted under subsection (1) is not permitted to apply for voting status, unless otherwise qualified.

**Note:** Affiliate non-voting Members are allowed to attend Branch Meetings and participate in debates but cannot enter into the voting process, including motions.

## ARTICLE XII – LADIES' AUXILIAIRES

### JURISDICTION

1201. Each Auxiliary shall be under the jurisdiction of the Legion Branch, provided the By-Laws or Branch Regulations of said Legion Branch are in accordance with the General By-Laws of The Royal Canadian

Legion. Such jurisdiction, including requests in writing for financial assistance made to Auxiliaries, shall be exercised by a General Meeting of the Legion Branch.

### **DISPUTE**

1202. (1) Where a dispute arises between a Branch and its Ladies' Auxiliary and such dispute cannot be resolved by agreement between the President of the Branch and the President of the Ladies' Auxiliary, then the President of the Branch shall appoint a Committee of three (3) Members of the Branch, one (1) of whom he shall appoint as Chairman, and the President of the Branch shall request the President of the Ladies' Auxiliary to appoint two (2) further Members from the Ladies' Auxiliary to this Committee. The Committee shall meet at a time and place designated by the Chairman and shall investigate the dispute and shall report its findings, conclusions and recommendations to the Branch Executive.
- (2) Any decision rendered by the Branch Executive after receipt of the report of the Committee shall be subject to the approval of Members of the Branch at the next General Meeting of the Branch.
- (3) The Ladies' Auxiliary may appeal to the Command from a decision of the General Meeting of the Branch.

### **LIAISON OFFICER**

1203. (1) Every Branch which has a Ladies' Auxiliary shall appoint a Liaison Officer who shall be a Member of the Branch Executive Committee and such Liaison Officer may attend all Executive Committee, General and Special General Meetings of the Ladies' Auxiliary at the discretion of the Branch. This position shall not be held by the Branch President and where possible should not be held by a Member of the Ladies' Auxiliary. The Executive Committee of a Branch and Executive Committee of its Ladies' Auxiliary shall hold a joint Meeting at least twice each year.
- (2) It shall be the duty of the Liaison Officer to attend General Meetings of the Auxiliary when required. The Liaison Officer shall update the Ladies' Auxiliary on Branch initiatives and will report any issues of concern and

information items arising from attending these Meetings to the Branch President and the Executive Committee of the Branch. The Liaison Officer exerts no authority or jurisdiction over the Ladies' Auxiliary and is not to become engaged in debate at Meetings.

### **MINUTES**

1204. Minutes of all Meetings held by a Ladies' Auxiliary shall be provided to its Branch for their information.

### **AUDIT**

1205. (1) A Branch Executive Committee may appoint two (2) auditors from Branch Members to conduct the annual audit of its Auxiliary.
- (2) A copy of the audited financial statement of the Ladies' Auxiliary shall be provided to the Branch within thirty (30) days of its approval by the Auxiliary.

### **DONATIONS**

1206. A Ladies' Auxiliary to a Branch shall not make any donations or grants to any other organization or institution without the prior approval of a General Meeting of the Branch.

### **FUNDS**

1207. A Branch may by an approved Branch Regulation limit the total amount of funds that its Ladies' Auxiliary may retain at the end of each fiscal year.
1208. A Branch may make funds available to its Ladies' Auxiliary upon receipt of a written request outlining the purpose for which such funds are required.

### **EXPENDITURES**

1209. All expenditures, other than normal operating expenditures, in excess of five hundred dollars (\$500.00) or the same amount as allowed to the Branch Executive, made by a Ladies' Auxiliary, must be approved by the Branch at a General, Special General or Annual General Meeting prior to such expenditure being made; but notwithstanding the foregoing, the

Ladies' Auxiliary shall make contributions to the Legion and the Ladies' Auxiliary Bursary Program.

### **REAL AND PERSONAL PROPERTY**

1210. All real and personal property acquired by a Ladies' Auxiliary to a Branch, including all monies raised, shall be the property of the Branch to which it is an Auxiliary.

### **CHARTER**

1211. When a Branch surrenders its charter, or such charter is suspended, cancelled or revoked, the charter of its Ladies' Auxiliary shall be simultaneously surrendered or suspended, cancelled or revoked.

### **BY-LAW AMENDMENTS**

1212. Amendments to the General By-Laws of the Ladies' Auxiliary to the Ontario Provincial Command, approved at a Convention of such Ladies' Auxiliary, shall be submitted for consideration to the next Meeting of the Provincial Constitution and Laws Committee and shall receive Provincial Command approval when all recommendations are agreed.

### **DELEGATES TO LADIES' AUXILIARY CONVENTION**

1213. The Ladies' Auxiliary of each Branch shall be entitled to send its delegates to Zone and Provincial Conventions of the Ladies' Auxiliary to the Ontario Provincial Command.

### **NOMINATIONS AND ELECTIONS**

1214. Nomination and election of Officers and Executive Committee of the Ladies' Auxiliary shall be held at the same Meeting.

### **THE TERM "BRANCH"**

1215. The term "Branch" when used in this section shall import "Command" when the context requires.

## **ARTICLE XIII - BY-LAWS**

1301. (1) This By-Law became effective upon the conclusion of the Convention held in Ottawa, August 14<sup>th</sup> to 17<sup>th</sup>, 1949 and may be amended, repealed or re-enacted at any Convention by a majority vote provided that one (1) months' notice has been given to the Command of such proposed amendment, unless such notice is waived by a two-thirds vote of the Convention.
- (2) These By-Laws and the General By-Laws for Branches may require amendments from time to time as a result of amendments approved by Dominion Convention or the Dominion Executive Council. Such amendments will automatically supersede the corresponding Section in the above By-Laws and must be incorporated therein.
- (3) Upon the adoption of this By-Law, all previous By-Laws of the Command are repealed but this repeal shall not affect the validity of any appointment made or thing done under the authority thereof.
- (4) Any Amendment to these By-Laws and/or The General By-Laws for Branches passed by Convention shall unless otherwise specified, take effect on the first day of October following the approval date of such Amendment(s) by the Dominion Command Constitution and Laws Committee.
1302. As amended at the 49th Biennial Convention held at Niagara Falls, Ontario, May 10<sup>th</sup> to 13<sup>th</sup>, 2015 and as amended from time to time.

**Brian Weaver**, President

**Dave Gordon**, Executive Director

**APPROVED**  
by  
**DOMINION COMMAND**  
**January 2016**



**THE GENERAL  
BY-LAWS  
FOR BRANCHES  
OF THE  
ONTARIO PROVINCIAL COMMAND  
As Amended to January 2016**

## **MEMORANDUM REGARDING THE GENERAL BY-LAWS FOR BRANCHES AND BRANCH REGULATIONS**

- (1) The General By-Laws for Branches that follows will be maintained and revised by Command, when necessary with a current copy available on the Command Website for reference purposes.
- (2) Some Branches pay their Secretary and/or Treasurer (or Secretary-Treasurer), while others do not. Regardless, the positions are considered to be Officers of the Branch, and may be voting Members of the Executive Committee, if unpaid. If paid, they do not have the authority to move or second motions or vote on any business at Executive Meetings. However, they do retain the aforementioned rights as Branch Members and may exercise those rights at General Meetings.
- (3) The Act to Incorporate, The Royal Canadian Legion Act (1965 and 1990) and The General By-Laws of Dominion and Ontario Commands contain sections that are final insofar as a Branch is concerned. A Branch, however, may legislate with respect to several general matters covered by a senior authority and in particular, to provide in some detail for its management.
- (4) The following Items must be addressed by Branches:
  - (a) Accounts Payable (Minimum Paid by Cheque);
  - (b) Annual General Meetings Date Identified;
  - (c) Annual Financial Review Appointment and Report Approval;
  - (d) Branch Signing Officers Identified;
  - (e) Election Meeting Date Identified;
  - (f) Executive Committee Members – Total number;
  - (g) Expenditure Limit of Executive Committee;
  - (h) General Meetings Date & Exclusion of Months (If applicable);
  - (i) Officers Identified – Elected vs. Appointed;
  - (j) Quorum Declaration.
- (5) The following Items may be addressed by Branches and in many instances entries will be required. Consult the **Guidelines for Branch Regulations** for additional clarification.
  - (a) Advance Poll Provisions;

- (b) Automatic Drop Down re Election of Senior Officers;
- (c) Clubs within Branches;
- (d) Committees Etc. Duties / Terms of Reference  
(Excluding Employees);
- (e) Electronic Record Storage – Secretary;
- (f) Electronic Record Storage – Treasurer;
- (g) Expansion of Duties re Officers & Executive Committee  
Members;
- (h) Initiation of New Members at Annual General Meetings;
- (i) Initiations-Other than Secretary to make a presentation  
of Legion Badge and Web Addresses;
- (j) Initiations - Optional presentation of By-Laws of one or  
both Commands
- (k) Ladies' Auxiliary to the Branch;
- (l) New Member Enrolment Fee;
- (m) Order of Business Variation – Annual General  
Meetings;
- (n) Order of Business Variation – General Meetings;
- (o) Other Committees Established;
- (p) Reschedule of Meeting re Statutory Holiday;
- (q) Secretary Duty re New Members;
- (r) Term of Office – Change to Two Years;
- (s) Vice-Presidents – Increase to 3 from 2.

(6) Forms and Templates are available for download from the Command Website to assist Branches in remaining current in this respect.

(7) Attachment Forms specifically developed for use in the creation of Additional Duties of Officers, Duties and Terms of Reference for Committees, and Order of Business respecting all General Meetings.



# **THE GENERAL BY-LAWS FOR BRANCHES OF THE ONTARIO PROVINCIAL COMMAND**

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# **THE GENERAL BY-LAWS FOR BRANCHES**

## **ARTICLE I – INTERPRETATION**

101. Unless the context otherwise requires or is stated otherwise in the By-Laws.
- (1) **BRANCH** shall be a Branch of the Legion within the jurisdiction of the Ontario Provincial Command.
  - (2) **BRANCH REGULATIONS** approved by the Branch shall have the same authority and effect as these By-Laws and shall be a permissible extension to same.
  - (3) **COMMAND** shall be the Ontario Provincial Command of the Legion.
  - (4) **FISCAL YEAR** shall be June 1 to May 31 of the following year except for Poppy Trust Funds which shall be October 1 to September 30 of the following year.
  - (5) **LEGION** shall be The Royal Canadian Legion.
  - (6) **MASCULINE** words shall include the feminine.
  - (7) **MEETING OF THE BRANCH** shall refer to a General Meeting, or a Special General Meeting, or an Annual General Meeting.
  - (8) **MEMBER** means a person who has been duly admitted to any of the Membership categories provided for in the General By-Laws of the Legion.
  - (9) **MEMBER IN GOOD STANDING** means a Member who has been initiated and who is not under suspension or in arrears in payment of dues.
  - (10) **SECRETARY-TREASURER** shall be included when Secretary or Treasurer is mentioned.
  - (11) **SINGULAR** words shall include the plural where the context requires.
  - (12) **STATUTORY HOLIDAY** references those specific days during each year that have been declared as such by the Federal Government of Canada and are applicable in the Province of Ontario and includes those other additional specified days as declared by the Government of the Province of Ontario.

- (13) **TERM OF OFFICE** shall commence on June 1 and end on May 31 of the following year, or if a two year term, shall end on May 31 of the second following year. This Term of Office shall also apply to all Standing Committee Chairmen with the exclusion of the Track and Field Chairman whose term shall commence on August 1 and end on July 31 of the applicable Branch term.

## **ARTICLE II – NAME AND OBJECTS**

201. The Branch shall be known and identified with the Branch Name followed by the Branch Number and shown in the following format Name (Ont. No. \_\_\_\_\_) Branch.
202. The purposes and objects shall be as set forth in the following:

The Act to Incorporate the Legion.  
The General By-Laws of The Royal Canadian Legion.  
The General By-Laws of The Ontario Provincial Command of the Legion.

## **ARTICLE III – MEMBERSHIP**

301. Membership in the Branch is open to all categories permitted by the General By-Laws of the Legion which are Life, Ordinary, Associate, Affiliate and Affiliate Non-Voting.
302. (1) All applications for original or reinstating Membership shall be presented to a General or Special General Meeting for approval or otherwise.
- (2) The Executive Committee has the authority to approve applications for Membership during the months when regularly scheduled General Meetings are not held.

## **ARTICLE IV – QUALIFICATION TO VOTE AND/OR HOLD OFFICE**

401. Only Life, Ordinary, Associate and Affiliate-Voting Members, in good standing, shall have the right to vote or hold Office. Meritorious Life Members shall only have the right to vote at the Branch level.

402. A voting Member, to be eligible for election to any Branch Office, must be in good standing for the year in which the election is held.
403. A voting Member will be required to have served at least one (1) term on the Branch Executive Committee to be eligible to be elected President or Vice-President.
404. (1) A voting Member will be required to have been a Member of the Branch for a period of one (1) year prior to the date of the election to be eligible for election to the Branch Executive Committee.
- (2) Branch Regulations may require a voting Member to attend a minimum number or minimum percentage of General Meetings and the period of time during which the minimum attendance must have been attained prior to the date of the Election Meeting.

NOTE: Where a Branch enacts a Regulation for this purpose, it will be necessary that it keep an accurate record of attendance of all Members present at General Meetings.

405. (1) No Member who is a full time, regular part time or elect to work employee of any Branch or Command, or any organization thereof, who receives directly or indirectly any salary or wages for or on account of any service rendered to the Branch or Command or organization thereof, shall be eligible to hold any Executive position in the Branch. Any employee as defined in this section who is successful in his bid for office must resign his paid position before his Term of Office can commence.
- (2) Notwithstanding the provisions of this section, Members of the Ladies' Auxiliary employed by a Branch or Command may, at the discretion of the Branch or Command, hold Office in the Auxiliary.
406. No Member shall hold more than one elected Office in the Branch.
407. The Offices of Secretary and Treasurer shall not be held by the President or any of the Vice-Presidents.
408. The President shall not hold the position of Ladies' Auxiliary

Liaison Officer.

409. The Term of Office shall be for one (1) year unless Branch Regulations make provision for a two (2) year term.
410. (1) An Appointee to any Office, Committee, Standalone Position, or other Position associated with a Branch shall serve at the pleasure of the appointing authority.
- (2) For the purpose of Honours and Awards, any appointment shall be deemed to be effective upon the date of such appointment by the appointing authority.

## **ARTICLE V- OFFICERS AND EXECUTIVE COMMITTEE**

501. (1) The Senior Elected Officers shall consist of the President, Immediate Past President and two (2) Vice-Presidents. Branch Regulations may make provision for three (3) Vice-Presidents.
- (2) (a) The Office(s) of Secretary and Treasurer or Secretary-Treasurer shall be identified in the Branch Regulations as either elected or appointed.
- (b) The Office(s) of Branch Chairman, Branch Service Officer, Chaplain or Sergeant-at-Arms may be identified in the Branch Regulations and if so identified, shall be either declared as an elected or appointed Office.
- (c) The election of any Office so designated herein shall take place at the Branch Elections.
- (d) The appointment, unless otherwise specified, of any Office so designated herein shall be made by the President for ratification by the Executive Committee and subsequent approval at the Meeting of the Branch.
502. The Executive Committee shall consist of the Officers and an approved number of Executive Committee Members as defined in Branch Regulations together with such other voting Members as may be appointed in accordance with provisions found elsewhere in these By-Laws.



503. The Executive Committee shall have the power to add to its numbers by a motion presented to it at a Meeting for the approval to appoint such additional voting Members as may be deemed advisable, provided that such additions shall also be approved at the next Meeting of the Branch.
504. Insofar as it may relate to the operation of the functions of the Branch, subject to the control of General, Special General or Annual General Meetings, the Executive Committee shall have all the powers of the Branch, except to appoint the Financial Review Committee, amend the Branch Regulations or amend the Branch Clubhouse Rules.
505. A majority of the Executive Committee shall constitute a quorum for the conduct of business at their Meetings.
506. (1) The monthly Meeting of the Executive Committee shall be held on a day fixed by the Committee, or a day at the call of the President.
- (2) The passing of accounts, transaction of current business, examination and discussion of any suggestions made for the general welfare of the Legion or the Branch and such other business as may be introduced shall form the monthly Executive Meeting Agenda.
507. The Executive Committee shall be required to see that all Officers, Members, and employees handling funds of the Branch are properly bonded.
508. The Executive Committee may, from time to time, appoint Committees or individuals to carry out any of the advisable or necessary functions of the Branch.
509. (1) Any Executive Committee Member; excluding the Immediate Past President; who absents himself from three (3) consecutive, or a maximum of any five (5) regular Meetings of the Branch and/or Executive Committee within a twelve (12) month period shall cease to be a Member of the Executive Committee unless granted a leave of absence by same.
- (2) Should the Immediate Past President be absent from three (3) consecutive Meetings of either the Executive

Committee or the Branch, or a combination of both, without due cause satisfactory to the Executive Committee, he shall cease to hold Office.

510. The Executive Committee shall have the power to fill by appointment, any interim vacancy, other than a Senior Officer, which may occur on the Executive Committee during its tenure of Office. Such appointment shall only become effective upon the approval of the Branch at its next General Meeting.
511. (1) Where a vacancy occurs in the Office of President or Vice-President, the next ranking Vice-President shall succeed to the vacant Office.
- (2) Where a vacancy is created in the lowest ranked Vice-President position by the aforementioned succession, the President shall fill such vacancy by the appointment of an Executive Committee Member.
- (3) Where a vacancy is created within the Executive Committee Members by the aforementioned succession, the President shall fill such vacancy by appointment.
- (4) All appointments under these provisions shall only become effective upon the approval of the Branch at its next General Meeting.
- (5) A Member who succeeds to any of the Offices under these provisions shall hold his new Office until the next election of Branch Offices.
- (6) The above provisions may be employed on an interim basis when the President or a Vice-President is the subject of removal from Office pending a disposition under Article III of the General By-Laws of the Legion.
512. In the event of the death, resignation, inability to act, or removal of the Immediate Past President, the Executive Committee may appoint a former Branch President to fill the position for the remainder of the term.
513. (1) Every Branch with a Ladies' Auxiliary shall make provision in their Branch Regulations for the appointment by the President of a Member from the Branch Executive

Committee to act as the Liaison Officer to such Ladies' Auxiliary for the present Term of Office and for such appointment to be approved at a designated Meeting of the Branch. The position shall not be held by the Branch President and where possible should not be held by a Member of the said Ladies' Auxiliary.

- (2) Branch Regulations of every Branch with a Ladies' Auxiliary shall make provision to hold two (2) joint Meetings a year during the Term of Office of the Executive Committees of the Branch and the Ladies' Auxiliary.
- (3) A Branch may by a provision in their Branch Regulations limit the total amount of funds that it's Ladies' Auxiliary may retain at the end of each fiscal year.

## **ARTICLE VI – COMMITTEES**

601. (1) The following mandatory Standing Committee Chairmen shall be appointed by the President for the approval of the Executive Committee at its first Meeting of the new term:
- (a) Legion Seniors;
  - (b) Membership;
  - (c) Poppy;
  - (d) Public Relations;
  - (e) Sports;
  - (f) Track and Field;
  - (g) Training and Organizational Development;
  - (h) Veterans Services;
  - (i) Youth Education.
- (2) All Chairmen [(a) to (i)] inclusive shall be Members of the Executive Committee and they shall be the official recipient of all correspondence relating to their respective Committee.
  - (3) The President shall appoint the Chairman of any other Optional Standing Committee established by Branch Regulations and such appointments shall only become effective upon the approval of the Branch at the next Meeting of the Branch.
  - (4) The President shall appoint Members to those Standalone Positions not provided for elsewhere in the Branch Regulations. Such appointments, if ratified by the Executive

Committee, shall only become effective upon the approval at the next Meeting of the Branch.

602. The President may appoint such other Members as he may deem advisable to any Standing Committee and he shall advise each Standing Committee of its duties and limitations.
603. The President may appoint, with the approval of the Executive Committee, as circumstances warrant, any voting Member of the Branch to chair a Special Committee to take up any matter concerning the Branch.
604. Any Committee shall choose a Chairman of the Meeting from those Members present if the Committee Chairman is absent and no Acting Chairman has been previously identified for the Meeting.
605. Committee Chairmen shall have the power to add to their Committee, such other Members of the Branch as may be necessary.
606. A majority of any Standing or Special Committee shall constitute a quorum for the transaction of business.
607. All reports of Committees shall be presented in writing and those of:
  - (1) Standing Committees must be signed by the Chairman or Acting Chairman.
  - (2) Special Committees must be signed by all Members who concur with the report.
  - (3) Minority reports of Special Committees must be signed by those Members who do not concur in the report and the report shall indicate that its existence is acknowledged by the majority of Members of the Committee.
608. The President may appoint any Member of the Branch or any other person to act in the interest of ex-service personnel on any Committee, inside or outside the Legion, requiring such representation. The term of Office for this appointment shall expire at the first Meeting of the new term of the Executive Committee. The Member or other person appointed shall file all

reports in writing and direct them to the Executive Committee.

## **ARTICLE VII – DUTIES OF OFFICERS AND EXECUTIVE COMMITTEE**

701. (1) The President shall:

- (a) Preside at all Meetings of the Branch and Executive Committee, unless the Branch has a Branch Chairman, and enforce order and strict observance of the By-Laws, except that the Executive Committee may name some other voting Member to act as the Chairman for the conduct of Branch Elections;
  - (b) If acting as the Presiding Officer at any Meeting, have the deciding vote on any matter that has resulted in an equal division of votes provided that he has not already voted on the question;
  - (c) Exercise general supervision and control over the Executive Committee and business of the Branch;
  - (d) Call Meetings of the Executive Committee or of the Branch, when considered advisable, subject to provisions found elsewhere in these By-Laws;
  - (e) Transact such other business as may pertain to his Office;
  - (f) Ensure that the Branch is represented at all Zone and District Conventions and Zone Council Meetings.
  - (g) Be ex-officio a Member of all Committees, except Complaint and Nomination Committees.
- (2) The President may designate another voting Member to act as Presiding Officer of any Meeting unless the Branch has a Branch Chairman.
- (3) The rights and powers vested in the President shall, in his temporary absence or disability, be vested in the next senior Vice-President who is available for these duties.

702. (1) The Vice-Presidents shall:

- (a) Assist the President, upon his request, in the performance of his duties;
  - (b) Accept, if appointed, the Chairmanship of a Standing Committee;
  - (c) Attend other Branch Committee Meetings, if not a Member, upon request by the President;
  - (d) Attend other Meetings and Conventions upon the request of the President, when practicable.
- (2) The Vice-Presidents should become familiar with and maintain a good working knowledge of these By-Laws and the General By-Laws of Dominion and Provincial Commands.

703. (1) The Secretary shall:

- (a) Keep a record of the proceedings of all Meetings of the Branch and Executive Committee;
  - (b) Be required, at every business Meeting, to have the proper minutes, records, correspondence and any other documentation that he may have in his possession relative to the business likely to be transacted at the said Meeting;
  - (c) Be responsible for the maintenance, retention and safekeeping of all records;
  - (d) Bring all correspondence, as soon as practicable, to the attention of the President or other appropriate Officer;
  - (e) Be the custodian of the Branch Seal;
  - (f) Be the recipient of all complaints against Branch Members excluding those lodged by or against the Secretary and complete the duties as required under Article III of the General By-Laws of the Legion.
- (2) The Secretary shall act at all times and in all respects entirely at the will and direction of the Executive Committee. He shall conform to all such policies and procedures as the Executive Committee may determine.
- (3) (a) The Secretary shall be responsible for ensuring that all new members at the time of their initiation receive a

Legion badge and a document containing the current Internet Website addresses of both Dominion and Provincial Commands.

- (b) The Secretary, at the discretion of the Branch, may be responsible for ensuring that all new Members at the time of their initiation receive a current copy of The General By-Laws of the Ontario Provincial Command and this presentation may also include a current copy of The General By-Laws of The Royal Canadian Legion.
- (c) The responsibilities and decisions available to Branches as outlined in Clauses (a) and/or (b) shall be identified in the Branch Regulations and another Member may be tasked with these responsibilities.
- (4) Branch Regulations may make provision for the records referenced in this Section to be maintained and held in an electronic format with a backup copy held in a separate location for safekeeping.

704. (1) The Treasurer shall:

- (a) Keep an accurate account of all monies received or paid out by the Branch and a record of all other financial transactions;
  - (b) Deposit all funds in an account held in the name of the Branch at a Branch of a Chartered Bank of Canada, Trust Company or Caisse Populaire, as approved and directed by the Branch;
  - (c) Keep the books and other financial records at the Branch and they shall be open for inspection by the Executive Committee at all times;
  - (d) When required by the Executive Committee, submit a detailed balance sheet arranged in a proper and businesslike style containing a summary of the property and liabilities of the Branch along with all its financial dealings.
- (2) Branch Regulations may make provision for the records referenced in this Section to be maintained and held in an electronic format with a backup copy held in a separate

location for safekeeping.

705. (1) The Sergeant-at-Arms shall:
- (a) Assist the Presiding Officer at any Meeting of the Branch or Executive Committee in maintaining order;
  - (b) Ensure that only eligible Members in good standing are permitted to attend and participate at Meetings;
  - (c) Be responsible for the Branch Colours and Insignia;
  - (d) Be responsible for arranging and completing ceremonial duties as required;
- (2) The Sergeant-at-Arms, once installed, shall assume his role for the remainder of the installations.
- (3) The Sergeant-at-Arms shall complete such other duties as assigned by the President.
706. (1) The Branch Chairman, if provided for in the Branch Regulations, shall:
- (a) Preside at all Meetings of the Branch and Executive Committee, and enforce order and strict observance of the By-Laws;
  - (b) Ensure that a quorum exists prior to calling the Meeting to order;
  - (c) Have the deciding vote on any matter that has resulted in an equal division of votes provided that he has not already voted on the question;
  - (d) Perform such other duties as approved by the Meeting of the Branch or Executive Committee.
- (2) The Executive Committee may name some other voting Member to act as the Chairman for the conduct of Branch Elections.
707. The Executive Committee Members shall:
- (a) Accept, if appointed, the Chairmanship of a Standing



Committee;

(b) Accept, if appointed, the Chairmanship of a Special Committee;

(c) Attend Committee Meetings as required or requested.

708. Branch Regulations may make provision to expand any of the above duties to accommodate Branch requirements provided that they refer specifically to those issues and activities which relate solely to the internal operations of the Branch.

709. Branch Regulations may make provision for the duties and Terms of Reference respecting any Committee other than the Executive Committee and any other Branch Position excluding employees.

710. All organized groups consisting of Legion Members within the Branch as identified in the Branch Regulations, shall be administered by the Branch Officers and their funds shall be administered by the Branch Treasurer.

### **ARTICLE VIII – MEETINGS**

801. All Members in good standing may attend and speak at Branch Meetings.

802. (1) The Branch shall hold monthly General Meetings on a day and time identified in the Branch Regulations which may also include a provision for the exclusion of certain months within the Branch Term of Office in which monthly Meetings will not be held.

(2) Written Notice respecting the cancellation or rescheduling of any Meeting of the Branch from its original time as provided under its Branch Regulations shall be given to each Member in good standing by mailing the Notice to the last known address of the Member for receipt at least seven (7) days before the original date of the Meeting.

(3) In each case in which a Meeting of the Branch is cancelled and/or rescheduled due to exigent circumstances the method and means of notification to all Members shall be approved by the Executive Committee prior to the implementation of such notification.

803. General Meetings shall be held for the purpose of carrying out the activities of the Branch and advancing the aims and objects of the Legion within the limits of and subject to the Act to Incorporate, The Royal Canadian Legion Act (1965 and 1990), these By-Laws, Branch Regulations to these By-Laws, the By-Laws of Dominion and Ontario Provincial Commands of the Legion and to any regulations issued by the aforementioned Commands.

804. The following Order of Business shall govern at all General Meetings unless Branch Regulations make provision for variation:

(1) The following Order of Business shall govern at all General Meeting unless otherwise specified:

1. Call to order by the Presiding Officer;
2. Opening Ceremony as determined by the Ritual approved by Dominion Command;
3. Motion to deviate from the agenda (*if necessary*);
4. Introduction of Guests (*if applicable*);
5. Initiation of new Members (*if applicable*);
6. Admission of transferred and reinstated Members (*if applicable*);
7. Minutes of the last General Meeting, and any intervening Executive Meeting and/or Special General Meeting;
8. Business arising from the Minutes and unfinished business
9. President's Report;
10. Treasurer's Report;
11. Correspondence;
12. Reports of Standing Committees;
13. Reports of Standalone Positions;
14. Reports of Special Committees;
15. General and new Business including matters respecting the welfare of the Legion and/or the Branch;
16. Tabling of Notices of Motion;
17. Motion to Adjourn; and
18. Closing Ceremony as determined by the Ritual approved by Dominion Command.

(2) Separate Orders of Business respecting Election or Nomination components must be crafted as an Attachment to the Branch Regulations and this will also require the inclusion of an Attachment re an Order of Business for the remaining non-component dates.

(3) A separate Order of Business may be crafted and tailored to

the Branch requirements as an Attachment to the Branch Regulations in place of the above listed Order of Business.

805. (1) Special General Meetings shall be called by the Secretary within two (2) weeks of the receipt of a written petition signed by not less than ten percent (10%) of the paid up voting Membership. A Special General Meeting may also be called by the Executive Committee.
- (2) Written Notice of any Special General Meeting respecting matters other than mortgaging, leasing or the conveying of Branch property shall briefly describe the purpose of the Meeting and shall be given to each Member in good standing by mailing the notice to the last known address of the Member for receipt at least seven (7) days before the date of the Meeting.
- (3) Written Notice of any Special General Meeting held to discuss mortgaging, leasing or the conveying of Branch property shall be given to each Member in good standing by mailing the notice to the last known address of the Member for receipt at least ten (10) days before the date of the Meeting.
806. The following Order of Business shall govern at all Special General Meetings:
- (1) Call to order by the Presiding Officer;
- (2) Opening Ceremony as determined by the Ritual approved by Dominion Command;
- (3) Special business for which the meeting has been called;
- (4) Motion for Adjournment; and
- (5) Closing Ceremony.
807. (1) Annual General Meetings shall be held on a day and time identified in the Branch Regulations in conjunction with the monthly General Meeting; or Branch Regulations may make provision to hold the Annual General Meeting on a day and time other than the monthly General Meeting.
- (2) Branch Regulations in respect of Annual General Meetings held in conjunction with the monthly General Meeting may make provision to allow consideration of applications for Membership or reinstatement and permit the initiation of new Members.

808. (1) The following Order of Business shall govern at all Annual General Meetings that include an Election component unless otherwise specified:
1. Call to order by the Presiding Officer;
  2. Opening Ceremony as determined by the Ritual approved by Dominion Command;
  3. Motion to deviate from the Agenda (*if necessary*);
  4. Introduction of Guests;
  5. Minutes of the last General Meeting, and any intervening Executive Meeting and/or Special General Meeting;
  6. Business arising from the Minutes and unfinished business;
  7. President's Annual Report;
  8. Treasurer's Report;
  9. Correspondence;
  10. Reports of Standing Committees;
  11. Reports of Standalone Positions;
  12. Reports of Special Committees;
  13. Motions or Special Business of which Notice was previously given;
  14. General and New Business including matters respecting the welfare of the Legion and/or the Branch;
  15. Tabling of Notices of Motion;
  16. Introduction of Election Chairman and Meeting turned over same;
  17. Report of Nominating Committee, (*if established*);
  18. Order of Election
    - (a) President
    - (b) First Vice-President
    - (c) Second Vice-President
    - (d) Third Vice-President (*include if applicable*)
    - (e) Executive Committee Members (*include applicable number*)
    - (f) Secretary (*include if elected*)
    - (g) Treasurer (*include if elected*)
    - (h) Branch Chairman (*included if applicable/elected*)
    - (i) Branch Service Officer (*include if applicable/elected*)
    - (j) Chaplain (*included if applicable/elected*)
    - (k) Sergeant-at-Arms (*include if applicable/elected*)
  19. Installations;
  20. Motion to Adjourn; and
  21. Closing Ceremony as determined by the Ritual approved by Dominion Command

- (2) Separate Orders of Business respecting the other options and/or situations available to Branches must be crafted as an Amendment to the Branch Regulations.
  - (3) A separate Order of Business may be crafted and tailored to the Branch requirements as an Attachment to the Branch Regulations in place of the above listed Order of Business.
809. (1) Branch Regulations shall make provision for one (1) of the two (2) formulas listed herewith to apply to all General, Special General and Annual General Meetings. The quorum shall be either five percent (5%) of the total eligible Branch voting Membership or twice the number of Members present at the Meeting from the Executive Committee plus one (1).
- (2) In cases where there are less than twenty (20) active Members, Branch Regulations may include a provision of a quorum for the aforementioned Meetings by establishing a number greater than the total of the Executive Committee.
810. Branch Regulations may make provision to hold any Meeting of the Branch on a day other than the day identified in the Branch Regulations when the original day occurs on a recognized Statutory Holiday.

## **ARTICLE IX – PROCEDURES**

901. (1) In the absence or disability of the President, unless there is a Branch Chairman, the next senior Vice-President who is available shall act in his place.
- (2) In the absence or disability of the President, Branch Chairman, if applicable, and all Vice-Presidents, the Secretary shall call the Meeting to order and a temporary Chairman shall be elected for that Meeting.
902. The Presiding Officer of any Meeting shall rule out of order all matters pertaining to political or religious questions which do not refer to the well-being of the Legion.
903. The Presiding Officer of any Meeting shall enforce order and strict observance of these By-Laws, the Branch Regulations and the General By-Laws of the Provincial and Dominion Commands.
904. The Presiding Officer shall have the right to decide all questions

of order, subject to an appeal by the Meeting, of which the said appeal must be sustained by a majority vote of the voting Members present.

905. The Presiding Officer shall; when debate has ceased on any question; put same to an open vote, giving the words of the motion clearly so that no voting Member may misunderstand the question on which he is about to vote. In the event, however, that a majority of the voting Members present demand a secret ballot on any particular question, such question shall be decided by secret ballot.
906. A Member wishing to introduce a motion, or to speak, shall stand and wait until he is recognized by the Presiding Officer before speaking.
907. Business, upon which a Notice of Motion has not been given, may be taken up at a General Meeting but not at a Special General or Annual General Meeting.
908. Where business arises of which no Notice of Motion has been given, the Presiding Officer may, if he considers it in the interests of the Branch, table to the next Meeting the debate on such business.
909. In all matters of procedure not provided for by these By-Laws or the Branch Regulations to these By-Laws, the provisions of the Legion's "Rules of Procedure for Legion Meetings" shall apply. In all cases where the aforementioned rules do not make adequate provision, then, and only then, shall the procedure be governed by the Rules of Order approved by Dominion Command.

## **ARTICLE X – NOMINATIONS AND ELECTIONS**

1001. The Branch shall hold an Election Meeting on a date and time as provided for by Branch Regulation and it may be held in conjunction with a General or Annual General Meeting.
1002. A nomination Meeting may be held prior to the date of the Election Meeting and may be held in conjunction with a General Meeting or an Annual General Meeting.

1003. (1) Nominations for Branch Offices shall be made from the floor at the Election Meeting immediately prior to the start of the Elections unless another provision listed herein is applicable.
- (a) If a Nomination Meeting is held prior to the date of the Election Meeting, Nominations may be re-opened immediately prior to the start of the Elections, if no advance poll is held.
- (b) If a Nominating Committee is established by the Branch, Nominations may be re-opened immediately prior to the start of the Elections, if no advance poll is held.
- (2) A list of all Nominees established in advance of the date of Elections shall be available for the information and use of the Branch at least one (1) week prior to the date of Elections.
1004. No voting Member may be nominated for an Office unless he is present or has signified in writing his willingness to accept such Office.
1005. The Branch, through a provision in the Branch Regulations, may hold an advance poll on the date of the Election Meeting.
1006. The voting for election of the President, Vice-Presidents, Executive Committee Members and any other identified elected Office in the Branch Regulations, shall be by ballot except in the case of acclamation.
1007. In order to be elected to Office, a candidate must receive a majority of the total ballots cast and if there are more than two (2) candidates and no one receives the required majority, the candidate receiving the least number of votes shall be withdrawn from the election and the voting shall continue until one (1) candidate receives the required majority.
1008. The need for further nomination for subordinate Offices of all defeated candidates for President or Vice-President may be eliminated by a provision in the Branch Regulations.
1009. The voting for election of Branch Executive Committee Members shall be by ballot on a single vote unless there is a

tie for the final position which will be decided through a further vote until there is a clear majority.

1010. The Chief Scrutineer shall report the results after each vote to the Election Chairman.
1011. The Election Chairman shall report to the Meeting the total ballots cast, the number of spoiled ballots, the successful candidate, or, if no candidate has received the required majority, the name of the candidate who received the least number of votes. The latter candidate shall be removed from the ballot and the voting shall continue.
1012. All polling at the Election Meeting shall be continuous and completed on the date of the Election Meeting. The Election Meeting shall not be adjourned to the next or subsequent days to permit further balloting.

## **ARTICLE XI – MEMBERSHIP DUES, FEES AND LEVIES**

1101. The fees and dues payable by Ordinary, Associate, Affiliate Voting and Affiliate Non-Voting Members shall be as follows:
  - (1) An enrolment fee, which shall not exceed the actual cost associated with the materials supplied at the Initiation Ceremony, may be created by a Branch Regulation and assessed on each new Member.
  - (2) The Annual Branch Dues shall be as determined by minutes adopted at a General Meeting held prior to the month of September. Such dues shall include per capita tax to the Commands.
1102. The dues shall become payable annually, in advance of January 1<sup>st</sup> in each calendar year. A Member in arrears as of January 31<sup>st</sup> of that year is not in good standing for any purpose. Once the yearly dues have been paid, the Member is considered “in good standing.”
1103. The Executive Committee shall have the power to levy an assessment on each and every Member of the Branch to meet any extraordinary expenditure in any year, provided that such expenditure has been approved by two-thirds of those voting Members present at any Special General Meeting called for the purpose of considering same and is in pursuance of the



purposes and objects of the Legion.

## **ARTICLE XII – FINANCE**

1201. (1) A Financial Review of all financial accounts of the Branch shall be completed by the party or parties identified in the Branch Regulations.
- (2) The party or parties completing the Financial Review need not be Chartered Accountants and may or may not be Members, but shall not be Members of the Executive Committee of the Branch or employees of the Legion or organization thereof.
1202. The party or parties appointed by the President to complete the Financial Review shall be approved at a Meeting of the Branch designated by Branch Regulations. They shall hold Office for one (1) year, unless dismissed by a Special General Meeting, which has been called for that purpose and of which notice shall have been given at the previous Meeting of the Branch and in the notice calling such Meeting.
1203. The Financial Review Report shall be submitted to the Executive Committee within ninety (90) days following the end of the fiscal year and then presented to the next General Meeting for approval.
1204. The Branch Signing Officers for all accounts including Poppy Trust Fund Accounts shall be identified within the Branch Regulations by their respective Office or position held.
1205. No cheque shall be signed in blank.
1206. All cheques must be signed by any two of the Branch Signing Officers and each signatory on any cheque shall not be related by blood, marriage or common-law relationship to any other signatory on that cheque.
1207. All accounts payable by the Branch in excess of one hundred dollars (\$100.00) shall only be paid by cheque. Branch Regulations may provide for a lower amount.
1208. (1) All expenditures, other than normal operating or

emergency expenses, in excess of an amount set out in Branch Regulations which may not exceed five hundred dollars (\$500.00), must be approved at a General, Special General or Annual General Meeting, prior to any commitment for such expenditure being made by the Executive Committee.

- (2) Any expenditure, other than normal operating expenses, in excess of one thousand dollars (\$1000.00), shall be referred to the Executive Committee for its recommendation to the next General Meeting, prior to any commitment for such expenditure being made by the Branch.

### **ARTICLE XIII – AFFILIATE MEMBERS**

1301. Affiliate Voting Membership is open to any Canadian citizen or Commonwealth subject who is of federal voting age and is not eligible for Ordinary or Associate Membership. Affiliate Voting Members shall have the same rights as Ordinary or Associate Members.

1302. (1) Affiliate Non-Voting Membership is open to any citizen from an Allied country, excluding Canada and the Commonwealth, who supports the purposes and objects of the Legion, is of federal voting age and is not eligible for Ordinary, Associate or Affiliate Voting Membership. He shall have the same rights as all other Members except the right to vote and hold Office.

(2) A Member admitted under Subsection (1) is not permitted to apply for voting status, unless otherwise qualified.

(3) He shall have the right to:

(a) Attend Branch Meetings and participate in debates, but cannot enter into the voting process, including motions.

(b) Wear Legion dress and insignia.

(c) Act on Branch Committees as a Member only, but cannot serve on a Complaint Committee.

(d) Transfer to other Branches.

- (e) Participate in Legion sports at all levels.
- (f) Participate in all Branch social activities, and on a privilege basis, those social activities of other Branches.
- (g) Nominate a Member for Office, but may not vote.

#### **ARTICLE XIV – SALARIED OFFICERS AND EMPLOYEES**

- 1401. All salaried Officers and employees of the Branch shall be appointed by and be under the control of the Executive Committee.
- 1402. Notice of termination shall be in compliance with the current edition of the Employment Standards Act and any other relevant legislation of the Revised Statutes of Ontario.
- 1403. All hiring, terminations of employment and conditions of employment must be in accordance with all currently applicable Federal and Provincial laws including the Human Rights Code.
- 1404. Any notice of termination and pay in lieu of notice must be in accordance with the currently applicable Federal and Provincial laws.

#### **ARTICLE XV – REAL PROPERTY AND TRUSTEES**

- 1501. The real property that may be held or acquired by the Branch shall be held in the name of the Branch.
- 1502. The Branch cannot elect or appoint a Board of Trustees to manage its affairs or hold in trust any real property that it may hold or acquire.

#### **ARTICLE XVI – BRANCH REGULATIONS**

- 1601. Branch Regulations may only be created and maintained in reference to those situations as provided for in the By-Laws.
- 1602. The creation or amendment of any Branch Regulation shall be

the subject of a motion of which notice shall have been given at the previous Meeting of the Branch. Such Notice of Motion shall state the wording of the proposed addition or amendment and shall be dated and signed by the voting Member presenting same. The President, or his Designate, shall act on behalf of the Executive Committee respecting any proposal originating from this body under this provision.

- 1603. A motion to create or amend the Branch Regulations must receive the approval of at least two-thirds of the voting Members present at the Meeting of the Branch to become effective.
- 1604. Any Branch Regulation may only be amended once during any Term of Office.

As amended at the 49th Biennial Convention held at Niagara Falls, Ontario, May 10<sup>th</sup> to 13<sup>th</sup>, 2015 and as amended from time to time.

**Brian Weaver**, President

**Dave Gordon**, Executive Director

**APPROVED**

**by**

**DOMINION COMMAND**

**January 2016**

## Notes

## Notes

