



TOWN OF  
**HALTON HILLS**  
*Working Together Working for You!*

## REPORT

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**TO:** Mayor Bonnette and Members of Council

**FROM:** Kevin Okimi, Director of Parks and Open Space

**DATE:** May 13, 2022

**REPORT NO.:** RP-2022-0012

**SUBJECT:** Scattering of Cremated Remains and River Offerings –  
Additional Information

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### RECOMMENDATION:

THAT Report No. RP-2022-0012 dated May 13, 2022 regarding Scattering of Cremated Remains and River Offerings – Additional Information be received;

AND FURTHER THAT the Town continue to manage the scattering of cremated remains to waterways from Town properties, in accordance with Provincial Policies, and existing bylaws (scattering of cremated remains in waterways is allowed);

AND FURTHER THAT the Town continue to prohibit the placing of river offerings into waterways from Town properties, in accordance with the provisions in the existing Parks Bylaw;

AND FURTHER THAT the Town enforce the prohibition of the placing of river offerings to the fullest extent possible, in a culturally respectful manner, while continuing to work towards increased education and awareness of the issues;

AND FURTHER THAT the Town adopt the City of Toronto Guidelines as amended in Report RP-2022-0012, with respect to designated sites for the scattering of cremated remains;

AND FURTHER THAT staff review Town properties in consultation with local Conservation Authorities, Provincial Agencies, Community groups, Community Partners, the Mississaugas of the Credit First Nation, and other stakeholders to determine if a designated scattering site is feasible on Town property based on the City of Toronto guidelines as amended in Report RP-2022-0012;

AND FURTHER THAT the Town request that the Hindu Federation not list McNab Park as a designated site pending the outcomes of the review;

AND FURTHER THAT staff report back to Council upon completion of the review of the feasibility for a designated scattering site on Town property, including any financial, capital or operational considerations and any community feedback.

## **KEY POINTS:**

The following are key points for consideration with respect to this report:

- Report RP-2022-0003 regarding the Scattering of Cremated Remains and River Offerings – Update was deferred by Council on January 17<sup>th</sup>, 2022.
- Since that date, two significant reports have been published by Credit Valley Conservation Authority (CVC) and the City of Toronto on this topic.
- The issues of scattering of cremated remains a watershed level issue (or beyond) under the jurisdiction of the Province as noted by CVC and the City of Toronto. The City of Toronto in consultation with Toronto Region Conservation Authority (TRCA) have undertaken a comprehensive review in determining their strategy.
- Principles of equity, diversity and inclusion remain key to ensuring a culturally sensitive and respectful approach to the practices.
- Staff continue to recommend that a collaborative/educational approach is preferred which is supported by the City of Toronto review.
- Staff recommend that the scattering of cremated remains continue to be managed under existing bylaws in accordance with provincial policies (scattering of cremated remains to waterways is allowed).
- Staff further recommend that the prohibition of river offerings be reaffirmed, and enforced by the Town to the greatest extent possible, in a respectful and culturally sensitive manner, in coordination with Town Bylaw and HRPS.
- Staff recommend that the Town undertake a comprehensive review of Town properties to determine if a designated site is appropriate at any Town location, when evaluated against the City of Toronto criteria (as noted below), including consultation with stakeholders.
- Management of the practice at McNab Park will be subject to ownership issues regardless of Town approach (i.e. will be permitted on MTO retained lands).
- Staff further recommend that the Town direct the Hindu Federation to remove any reference to McNab Park as a designated site from their website until the completion of a comprehensive review by the Town.

## **BACKGROUND AND DISCUSSION:**

The focus of this report is to provide Council with supplemental information and staff recommendations based on the new information that has been published since the January 17, 2022 Council report regarding the Scattering of Cremated Remains and River Offerings: Update. Previous detailed information on this topic in Report [RP-2022-](#)

[0003](#) and Report [RP-2021-0005](#) should be reviewed along with this report. Further, specific information regarding recent inquiries/comments received from the public are clarified in this report for Council and the Public's information, though some are addressed in more detail in past reports.

On January 17, 2022, Council deferred report RP-2022-0003 to a future date, and requested staff to consult with Credit Valley Conservation Authority (CVC) with respect to their willingness to consider the Town's request to CVC outlined in the report.

Following the meeting, CVC staff advised the Town that though the report was deferred by Council, CVC staff were preparing an update report to the CVC Board to discuss and update their board on the issue as well as consideration for the Town's request. CVC's report will be considered at the CVC Board on May 13<sup>th</sup>, 2022. Links to the report can be found here:

<https://cvc.ca/board-governance/board-meetings/>

In addition to the CVC Report, staff were advised that the City of Toronto has also completed its review of the issue, and Report IE-29-12 was approved by the City of Toronto's Environment Committee on April 26, 2022. Links to the report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.IE29.12>  
<https://www.toronto.ca/legdocs/mmis/2022/ie/bgrd/backgroundfile-224274.pdf>

Staff will provide a verbal update on the status of both the CVC and City of Toronto reports at Council.

Staff note the following key points from the reports for convenience:

**CVC Report key points:**

- CVC acknowledges that Conservation Authorities do not have jurisdiction over the practices of scattering of cremated remains or river offerings, outside of their own properties.
- CVC acknowledges the Provincial jurisdiction over the scattering of cremated remains, and municipal jurisdiction over the placement of river offerings on Municipal properties, noting that on Municipal property, municipalities may use parks bylaws to prohibit either activity.
- CVC notes that the regulatory context for the practices is provincial in scale, based on the provincial guidelines, and transcends any individual municipality, conservation authority, river, or region.
- The CVC report extensively references the TRCA/City of Toronto approach with respect to environmental considerations and stakeholder consultation to select designated sites though they note consideration on a site-by-site basis may be required.
- CVC will continue to liaise with and share information with municipalities and partners to support environmentally and culturally appropriate practices where and when applicable.

- CVC continues to recommend prohibiting the practices on CVC property due to insufficient operational and resource constraints to be able to manage any impacts of the activities.
- CVC acknowledges that there is no new information that suggests the impacts of cremation ashes would have a significant impact on rivers/watercourse health beyond concerns previously raised, but notes that the Credit River watershed has sensitive aquatic communities which may include species at risk. No specific areas of the Credit River are identified as being more likely to be impacted.
- CVC notes the geographic proximity and cultural similarities to TRCA and CVC's watersheds and since TRCA and the City of Toronto have been undertaking a comprehensive review of the issue, that they will continue to monitor the work of those agencies. CVC notes that they do not have the resources to undertake a broader review of the issue.
- CVC staff also note with respect to McNab Park that:
  - o CVC was consulted prior to installation of the signage at McNab Park, and use of the CVC brochure was provided.

#### **City of Toronto Report key points:**

- Ontario law does not prohibit dispersal of ashes from cremation on public lands and waters.
- The Bereavement Authority of Ontario (BAO) confirmed that sites can be established where the public may disperse funeral ashes under certain conditions:
  - o No permit/fee is charged
  - o Non-exclusive use (i.e. other activities are also permitted to occur).
- Toronto and Region Conservation Authority (TRCA) primary role is as an expert to conduct technical reviews and provide expert advice.
- TRCA supported the establishment of designated sites if certain criteria were met.
- Staff note that the City of Toronto report incorrectly identifies that the Town of Halton Hills approved a designated site. As noted in previous reports, the Town has not designated McNab Park.
- The City of Toronto undertook comprehensive stakeholder consultation with the Hindu community, as well as additional faith communities (Sikhs, Tamil, Buddhist) as well as the Mississaugas of the Credit First Nation.
- Toronto undertook significant consultation with environmental monitoring and stewardship authorities (TRCA, Toronto Public Health, Toronto Water, City Urban Forestry) to review potential impacts to water quality, water flow, shoreline erosion, and local vegetation and biodiversity.
- Toronto adopted 22 site criteria to identify designated sites. Sites should meet all 22 criteria. The criteria are focused on 4 broad themes as noted below. The full criteria are included in Appendix A.
  - o Archaeological protection
  - o Parks operations/safety
  - o Environmental protection
  - o Community participation and support

Toronto will begin identifying sites in spring 2022 working with partners. Toronto further notes that a collaborative approach with faith community partners, as well as other stakeholders is key to implement their recommendations successfully.

### **Response to Public Questions and Comments:**

Staff also note that several comments/questions have been received from the public requesting a response from the Town since the January Council meeting. Rather than responding to individual residents, staff are providing supplemental comments regarding the issues raised with consideration of the CVC and Toronto reports or additional information obtained by staff, to comprehensively address comments for all interested in the topic. Some of the questions are covered in past reports. The complete list of questions/comments and responses can be found in Appendix B.

### **Analysis and Recommendations:**

CVC acknowledges that TRCA and the City of Toronto have undertaken comprehensive reviews of this issue, and notes that CVC does not have the resources to lead or undertake a broader review of this issue specific to the Credit River Watershed. Both the City of Toronto and TRCA support the practice of scattering of cremated remains to waterways, including designating sites, provided that specific criteria can be met.

Staff note the following key points:

Provincial scale issue	The issue continues to be a watershed wide (or beyond) issue. Prohibition will simply deflect to other areas, and staff are aware the practice does continue to occur in Brampton, Mississauga, and on CVC properties, despite bylaws or policies that are in place.
City of Toronto/ TRCA	The City of Toronto and TRCA have emerged as leaders in this area, and are both organizations with significant resources and expertise to fully review and identify solutions. Consideration should be given to their approach and recommendations.
McNab Park	MTO ownership at McNab Park is a key distinction from other locations. Management of the issues at McNab Park will be subject to ownership issues in coordination with MTO (i.e. the ROW will remain subject to Provincial policies).
Collaborative Approach	Staff continue to believe it is a better approach to collaborate and educate, than to broadly prohibit the practice. Staff have collaborated with the Hindu Federation and other stakeholders/agencies in all efforts to date as noted in Report RP-2022-0003.
Equity, Diversity and Inclusion	It is important for the Town to respect principles of equity, diversity and inclusion, as outlined in previous reports, to be respectful of culturally diverse practices.

Based on the updated information contained in the Toronto and CVC reports and the points above, staff are recommending the following approach for the Town of Halton Hills which is generally consistent with the recommendations of Report RP-2022-0003:

- 1) Continue to manage the issue of scattering of cremated remains under existing Town bylaws and provincial policies (i.e. the scattering of cremated remains into waterways is permitted).
- 2) Continue to prohibit river offerings and enforce to the greatest extent possible in a culturally sensitive manner, while continuing to focus on education and awareness, in consultation with Town Bylaw and Halton Regional Police.
- 3) Staff recommend that the City of Toronto criteria for designated sites be adopted for the Town of Halton Hills with the amendments as noted below, subject to CVC review of the criteria:
  - a. #4 Any sites owned by any Conservation Authority or jointly managed by the Town and Conservation Authority will be subject to their approval (Halton Hills has two Conservation Authorities that own property within the Town boundaries).
  - b. #20 Remove distance from drinking water intakes (the Town's drinking water is provided by the Region of Halton from ground-based systems and this is not applicable).
  - c. #21 Remove Blue Flag Beach Provision (does not apply to Halton Hills)
- 4) Staff recommend that a review the feasibility of designated sites in Halton Hills be undertaken, as part of a comprehensive review to include local conservation authorities (CVC & Conservation Halton), local stakeholders, Mississaugas of the Credit First Nation, faith groups and community partners. Each potential site would be reviewed against the City of Toronto criteria as amended above.

Staff do acknowledge that the publication or advertisement of McNab Park as a designated site on the Hindu Federation website, (in contrast to the broader Town wide approach approved by Council which applies to all parks), may lead to an increase of activity at McNab Park, which may have an increased impact at this location. Staff continue to view sites such as Ontario Khalsa Dharbar in Mississauga as more appropriate for designation given the level of amenities provided for those undertaking the ceremonies.

As a result, staff further recommend that the Town direct the Hindu Federation to remove any reference to McNab Park as a designated location from their website until such time as the feasibility review recommended above is completed, and a detailed review of McNab Park (and other Town parks) as possible designated sites is completed. The scattering of cremated remains into the Credit River would continue to be allowed, but the site would not be advertised as a designated site.

Staff believe that the recommendations above are consistent with the Town's goals for environmental and ecological health, while continuing to respect the Town's goals in the area of equity, diversity and inclusion, as noted in previous reports.

## **STRATEGIC PLAN ALIGNMENT:**

This report aligns to the Town's Strategic plan recognizing the value to preserve, protect and enhance our natural environment for the health benefits and enjoyment it provides to present and future generations.

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This report also identifies climate change and the environment as one of the Town's Strategic priorities.

## **RELATIONSHIP TO CLIMATE CHANGE:**

This report impacts and/or helps address climate change and the Town's Net Zero target through climate mitigation. The practice of river offerings has an impact on the ecological health of rivers, and the Town should manage the issue to the degree possible.

## **PUBLIC ENGAGEMENT:**

Public engagement will be required; consultation with Communications staff to follow. Since the January 2022 report, no specific public consultation has been completed. The Town has received some concerns from members of the public regarding the Town's approach to the management of this issue. If the recommendations of this report are approved, the Town will conduct a comprehensive consultation with respect to a review of potential designated sites in Halton Hills, including all relevant stakeholders and the Mississaugas of the Credit First Nation. Residents who have directly contacted the Town in the past were advised of this report to Council.

## **INTERNAL CONSULTATION:**

Staff from the Clerks Division (Enforcement and Service Halton Hills), Office of the CAO (Communications/Culture), Transportation and Public Works (Park Operations) and the Fire Department were consulted in the preparation of this report. Staff have also consulted with Halton Regional Police (HRPS) Community Officers and contacted HRPS's Inclusion and Diversity team. This issue has also been reviewed by the Town's Legal Counsel.

**FINANCIAL IMPLICATIONS:**

This report is administrative in nature and does not have any financial implications. Any financial impacts arising from this feasibility review will be brought back to Council as part of the annual budget review process.

Reviewed and approved by,

Warren Harris, Commissioner of Recreation and Parks

Chris Mills, Chief Administrative Officer