



TOWN OF
HALTON HILLS
Working Together Working for You!

REPORT

TO: Mayor Bonnette and Members of Council

FROM: Kevin Okimi, Director of Parks and Open Space

DATE: November 26, 2021

REPORT NO.: RP-2022-0003

SUBJECT: Scattering of Cremated Remains and River Offerings - Update

RECOMMENDATION:

THAT Report No. RP-2022-0003 dated November 26, 2021 regarding the Scattering of Cremated Remains and River Offerings - Update be received;

AND FURTHER THAT Council approve the continued application of the practices and policies for a Stewardship/Educational Approach with respect to the placement of cremated remains and prohibition of the placement of river offerings in waterways from Town properties in accordance with the existing Parks Bylaw as outlined in Report RP-2022-0003;

AND FURTHER THAT staff continue to work with local municipalities, provincial agencies, the Hindu Federation, local community groups and conservation authorities with respect to the ongoing management of the scattering of cremated remains and river offerings as outlined in Report RP-2022-0003;

AND FURTHER THAT Council request that Credit Valley Conservation Authority review its 2008/2014 resolution that prohibits scatterings of cremated remains to waterways from its properties in light of the provincial policies, and in consultation with local municipal partners, the province, other relevant agencies and community partners, to assist with a consistent approach across the watershed that addresses issues of equity, diversity and inclusion and environmental issues;

AND FURTHER THAT a public notice be issued regarding the potential acquisition of a portion of McNab Park, subject to information received from the Ministry of Transportation;

AND FURTHER THAT staff report back to Council on the outcomes of the Credit Valley Conservation Authority review and the ongoing collaboration with other groups/agencies as outlined in Report RP-2022-0003.

KEY POINTS:

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

- Council approved a Stewardship/Educational approach to the management of the scattering of cremated remains and river offerings from Town Parks.
- The scattering of cremated remains into waterbodies from Town parks is permitted under the current Parks Bylaw and supported by Provincial Policies.
- The placement of river offerings into waterways is prohibited by the Parks Bylaw.
- Based on the review of 2021 actions and information, staff recommend that the Stewardship/Educational approach continue.
- Staff recommend that Council request that Credit Valley Conservation Authority undertake a comprehensive review of its existing policies to review environmentally and culturally sensitive options with respect to the dispersal of cremated remains into waterbodies within the watershed, working with local municipal partners, the province, other relevant agencies and community partners.

BACKGROUND AND DISCUSSION:

From 2019-2020, complaints were made by members of the public or community groups with respect to the scattering of cremated remains in the Credit River or along the banks of the Credit River at McNab Park and the associated river offerings that were also being placed in the water or on the bank.

In March 2021, Council Approved [Report 2021-0005](#) through Recommendation GC-2021-0036 with respect to the Town's approach to the management of river offerings and the dispersal of cremated remains into waterways from Town Parks. Council approved the implementation of a Stewardship/Educational approach including interpretation of the Town's existing bylaw that the placement of offerings into any waterbody from any Town park is prohibited, and that the scattering of cremated remains into water ways was allowed, in accordance with current provincial policies and a legal review of the Town's bylaw.

The purpose of this report is to reaffirm Council direction on policies and practices related to the scattering of cremated remains into water ways from Town owned properties and provide an update of actions and observations from the 2021 parks season, as well as identify next steps.

As previously outlined, staff have confirmed that the practice of scattering cremated remains in water ways is a traditional part of the end of life ritual for Hindus and other religions/cultures. This includes water ways such as the Credit River. It was also determined that as part of the scattering of cremated remains, or in some cases as part

of a separate festival or holiday, the practice of making river offerings (fruits, religious artifacts, mementos, belongings), may also occur.

Since Council approved the stewardship/educational approach in March of 2021, staff have undertaken a number of additional steps/actions to address the ongoing concerns at McNab Park and other Town locations, and to provide education to the general public and stakeholders.

Educational/Regulatory Signage:

As directed by Council, staff worked with enforcement staff and the Hindu Federation to design regulatory signage in English and Hindi to clearly state what activities are prohibited and allowed. The signage was installed at three locations in McNab Park in the summer of 2021, and includes information on who to contact should violations be observed (Service Halton Hills or Halton Regional Police Non-Emergency Number). The signage is included as Schedule A. McNab Park was selected as the key location for signage due to the known challenges occurring at that location. Staff note that are land ownership issues at McNab Park that will be discussed later in this report. The signage is also intended to allow the opportunity for community members to provide education on site (similar to no-smoking signage at playgrounds). It is important that the Town worked with the Hindu Federation on signage, as it demonstrates the collaborative approach to the issues, which is supported by the leaders of the Hindu community.

Municipal/Agency Meetings and follow-up:

Prior to the March Report, staff undertook extensive consultation with various provincial agencies, municipalities and Conservation Authorities. The key takeaway from that consultation was that Provincial Policy does permit the scattering of cremated remains on Crown Land or Water, or Municipal land if not prohibited. It was noted that there are no official regulations about the scattering of cremated remains. All agencies acknowledge a negative environmental impact from river offerings. It was also noted that many municipalities and agencies have different policies that apply to the issue for their respective properties. The legal definition of Crown Water is also very complicated, and the general public is not aware of what lands or water actually meet the definition.

As follow-up to the information already collected, staff organized a meeting with staff from Brampton and Mississauga, as well as Credit Valley Conservation Authority and Toronto Region Conservation Authority. Both municipalities acknowledged the ongoing challenges with the practices but now primarily manage them from an operational perspective. Mississauga is currently working with the Toronto Region Conservation Authority to identify a potential designated site for the scattering of cremated remains within a City Park. Mississauga noted that the issue does not seem to be as widespread and have not installed signs at any locations. Mississauga's parks bylaw was updated to prohibit the scattering of cremated remains into a waterway from city parks, except in designated locations however the bylaw is only enforced on a complaint basis. Brampton also prohibits the scattering of cremated remains on municipal property, but allows the scattering of cremated remains on Crown Land or Water within their municipal boundary.

Since the Town's previous report, the City of Toronto has also begun to review its current policies (scattering of cremated remains in city parks or waterways is prohibited). In a [May 2021 report](#) the City approved to undertake a city wide study and consultation to review options for the environmentally and culturally sensitive dispersal of funeral ashes at municipal parks and waterways. Town staff have been in contact with City of Toronto staff to discuss their approach.

In addition to the original consultation with Credit Valley Conservation Authority (CVC), staff have also been able to connect with staff from the Toronto Region Conservation Authority (TRCA). In a [March 2021 report](#), TRCA acknowledged the Provincial jurisdiction over the dispersal of cremated remains in waterways, but recognized the need to identify appropriate options for the dispersal of funeral ashes in rivers or creeks under their jurisdiction. TRCA is now working to formalize a program to work with their municipal partners for the development of appropriate sites and solutions for the environmentally and culturally sensitive dispersal of funeral ashes for areas within their jurisdiction.

Credit Valley Conservation Authority (CVC) prohibits scattering of cremated remains on or from its properties based on a resolution of the CVC Board in 2008, which was reaffirmed by a 2014 resolution. As noted in the March 2021 report, while the practice is officially prohibited, the practice does occur from CVC properties, and there is no signage posted or active enforcement.

Many government agencies consulted are actively reviewing current prohibitive practices/ policies to identify culturally and environmentally sensitive options to manage the dispersal of cremated remains into waterways.

In addition to agency comments, staff contacted the Credit River Anglers Association (CRAA) who are very active and involved along the Credit River. The CRAA confirmed that they have noticed a significant increase in river offerings over the last 10 years from McNab Park and nearby bridges, as well as other local bridges and parks. The CRAA has conducted many cleanups over the years. CRAA confirmed that they do not have concerns with the scattering of cremated remains or basic organic items (some flowers/leaves) but agree that any non-biodegradable items or excessive organic materials are inappropriate to be placed in the river.

Hindu Federation Collaboration:

Staff have been working with the Hindu Federation since 2019 when the issues were first identified. Since the March 2021 council decision, staff have continued discussion with the Hindu Federation as a key partner in managing the issues related to the practice of river offerings/scattering of cremated remains. Staff collaborated with the Federation on the creation of the regulatory signage in Hindi, and the Federation is using this signage as a model to discuss updated signage with other municipalities and agencies. The Hindu Federation also organized an [online forum](#) for municipalities, agencies, temple leadership, priests, and funeral service providers to discuss the issues around scattering of cremated remains and river offerings. Town staff were invited to

participate to highlight the challenges of the situation at McNab Park. Staff were able to present to over 50 participants highlighting the site constraints that exist at McNab Park and request that the focus be on larger designated sites more able to handle the pressures of such activities, while recognizing that the practice is permitted from Town parks. The Town's forum presentation is attached as Schedule B. The Hindu Federation published an [action plan](#) from the Forum, as well as a [guide](#) for the practice of scattering of cremated remains in waterways which are key to educate their members and the general public.

One of the outcomes of the forum was that the Hindu Federation will work to implement an "adopt-a-park" initiative where its member organizations would work with municipal or agency partners to assist with regular cleanups at locations where scattering of cremated remains is permitted, where illegal river offerings are impacting the site. Town staff remain in communication with Hindu Federation staff for the ongoing management of issues McNab Park, and to determine if a volunteer group can assist with clean up at the park.

The Hindu Federation has also been working to facilitate access to a [private site](#) in Mississauga (Khalsa Dharbar) which has installed formal infrastructure along the banks of Etobicoke Creek (approved by TRCA), and offers a site that is designed to accommodate the practice of scattering of cremated remains into a waterway. Though it is a Sikh temple, the Hindu Federation as well as local funeral homes have worked together to negotiate multi-faith access to the site. This site is now listed on their website as a potential site for people wishing to scatter cremated remains.

Staff continue to believe that working with the Hindu Federation is key in order to provide educational information to its membership who may be likely to be involved in these practices.

Updates on Camera/Monitoring of Site:

As noted in the March 2021 report, trail cameras were installed at McNab Park in October 2020 to monitor activities at the park/river to confirm the frequency/impact of scattering ceremonies/river offerings. The results of the cameras and additional site inspections to date (March 2021-November 2021) did not demonstrate any significant problems or activities with respect to frequency of offerings or impacts to other site users. This may be due to the limitations of the field of view of the cameras, or the tendency of members of the public to avoid cameras if not following the rules. Some suspected scattering activities were observed. The cameras do not generally show sufficient detail to see if offerings associated with the scatterings are occurring in the river, however, there has been little evidence of offerings left on the upper bank in the captured photos. Due to the limitations of the cameras, they were removed at the end of October 2021. The cameras did demonstrate continued high use of the park throughout the year for a variety of activities (27,000+ photos) including picnicking, hiking, boating, wading, dog walking and biking.

As part of regular operation of the park, staff attend the park approximately 2-3 times per week (garbage pickup and turf maintenance) during the park season (April-

October). Park Operations staff note that they did not observe as many issues with respect to river offerings left on site, in the river, or in the trash bins. Staff do acknowledge that 100% compliance with the posted rules will not be possible, and manage the issues as they would other park concerns such as litter, illegal fires, etc.

Despite the information above, staff have been advised that members of the public are conducting clean ups of the river offerings, and may be removing them before staff attend to the site. Staff request that members of the public inform the Town of any such activities and document them with photographs, or leave the collected items on site for staff to dispose of so that they can be tracked in the monitoring of the park.

Public Input and Complaints:

Staff understand and expect that with any posted regulations or rules, 100% compliance is not possible. The prohibition on river offerings is no exception, and there have been incidents where river offerings have been found in the river or along the edge of the riverbank, or ceremonies were observed by members of the public. The Town has received complaints/inquiries from members of the public or community groups regarding environmental impacts of these activities. Over the course of 2021, inquiries/complaints about the practices from approximately 9-10 individuals/groups were submitted to Town staff. Some of the residents who have contacted the Town have indicated that there are other members of the public who have contacted them and are concerned with the ongoing issues. When Town staff are informed of offerings in or adjacent to the river, park operations staff attend the site to clean up any items that remain at the site.

Enforcement Update:

Town enforcement staff attended the site proactively around known holiday/festival dates, however, no specific concerns were identified or incidents noted. Further, since the signage was posted, there have been no calls made by members of the public to the Town's Service Halton Hills or to Enforcement services, despite high levels of park use by the general public. Staff request that concerned members of the public contact one of the formal contacts listed on the signage (Service Halton Hills, HRPS non-emergency number) so that their concerns can be individually logged and recorded. Enforcement services has confirmed that should members of the public provide photographic evidence (i.e. photos of the occurrence with identifiable photos of individuals, license plate information) staff will be able to follow up and issue warnings, or lay charges if certain conditions are met (i.e. witness willing to testify, clear photographic evidence). The current set fine under the Town's Parks Bylaw 2013-0062 for polluting a watercourse is \$200 as approved by the Attorney General's Office, however a Justice of the Peace may increase or decrease the fine based on the specific incident. HRPS has also reviewed the situation and advised that their staff will also respond where possible, and follow up to issue warnings or lay charges if sufficient photo evidence and testimony is provided, however they note that they do not have any record of any calls at McNab Park dating back to 2015.

Confirming the Approach to Managing Scattering of Cremated Remains and River Offerings:

The issue of scattering of cremated remains and the accompanying river offerings is very complex and sensitive. The scattering of cremated remains in a water body is a requirement of the end of life ritual processes for many faiths, including the Hindu religion and has been stated by the Province to be acceptable.

Council approved a Stewardship/Educational Approach which was implemented for 2021:

1. Allow scattering of cremated remains over water ways from Town parks (per Provincial Policies and existing bylaw). River offerings are prohibited per existing bylaw.
2. Post clear signage at rivers/water ways stating that while cremated remains are permitted to be scattered, river offerings are prohibited;
3. Enforcement by Town Municipal Law Enforcement Officers (educational approach), including site attendance when feasible around known holiday/festival dates;
4. Town staff to recommend use of Ontario Parks designated scattering locations (Forks of the Credit* or Bronte Creek) for any inquiries received;
5. Communication with local temples, Hindu Federation, Crematoriums, Funeral homes, Hospices to provide information about Town management approach and policies.

*staff note that due to COVID-19 impacts the scattering location at Forks of the Credit Provincial Park has been temporarily closed

Staff previously reviewed a prohibitive approach which would have prohibited the scattering of cremated remains and river offerings from Town Parks and would have required all the steps above with adjusted signage. Staff believe that a change to Town bylaws and a comprehensive public consultation process would be required to implement this management approach. It is further noted that this approach would not be any more practical to implement, as those who choose to break the current rules will likely continue to do so. The problem would remain, but the signs would be different. Other jurisdictions where the regulations are more prohibitive (i.e., CVC, TRCA, City of Toronto, Mississauga) continue to face issues with the practice occurring on/from their properties and many are now working towards more proactive management to address the issues and investigate other alternative approaches.

The stewardship/educational approach is being applied to any site where the Town has jurisdiction, however it is noted that Willow Park Ecology Centre which is owned by the Credit Valley Conservation Authority would be subject to CVC's policies (no scattering of cremated remains or river offerings permitted from CVC property).

Other approaches:

Other approaches to manage the issues which have been suggested/reviewed include:

- The Town implement a permit system including an “environmental deposit” to ensure compliance;
- Closing the park or portions of the park entirely;
- Staffing the site full time;
- Designating a specific site.

Staff do not believe a permit system would be effective, as similar to the prohibitive approach, those who follow the posted rules are the ones who would be impacted (i.e. those who ignore the current rules would not obtain a permit). Further if a permit system was implemented, there may be a risk that the Town would be considered to be offering burial services, which may be regulated under the *Funeral Burial and Cremation Services Act* based on discussions with other municipalities.

Closing the park (or an area of the park) is impractical and would likely result in the problem being shifted to areas that cannot be closed (i.e., under bridges or from bridges, other Town parks).

Providing full time staffing of the sites is also impractical and would be costly given the irregular and unknown timing of the practices, and since there are multiple Town parks located on water ways. Town parks are open from dawn till 11pm. Current occasional site attendance by Municipal Law Enforcement Officers, particularly around known festivals or holidays at known locations is still considered the most practical and feasible approach.

Currently, the Town has applied provincial policies and existing bylaws broadly to all Town managed properties. A final approach that could be taken would be to investigate options to designate an official site, and design/construct infrastructure to encourage appropriate use, while prohibiting the practices at all other locations. This would involve a review of key infrastructure needed for such a site (parking, pathways, benches, shelters, etc.), and determination if any existing Town parks would be suitable, in consultation with CVC. This approach is being taken in other area municipalities (i.e. Mississauga, Toronto). A designated site could be monitored more frequently by staff both from an enforcement and operational perspective. Staff do not recommend that the Town consider designating a site until a more comprehensive watershed level review is completed. Any future review should include a full public consultation process.

McNab Park Ownership:

As a result of the review of the issues occurring at McNab Park, a detailed review of ownership/permissions to operate McNab Park was undertaken. McNab Park remains in the ownership of the Ministry of Transportation (MTO), though there are general records regarding a permit obtained by the Town and Norval Community Association from MTO around 1991 for the installation of some park elements (signage, boulders). It was confirmed that there was no longer any record of historical agreements permitting

the Town/Norval Community Association to operate the site as a park. Discussions with MTO regarding the ownership of McNab Park remain ongoing to determine if the Town can obtain jurisdiction over a portion of the property (including major park features), which has operated as a Town park for approximately 30 years. The Town has obtained a temporary permit to facilitate the operation of the existing park which expires in April of 2022. Staff are working with MTO with respect to the ownership/jurisdiction of a portion of McNab Park (former Highway 7 Right of Way), as well as the ongoing management of the current MTO Right of Way for Highway 7 / Guelph Street which will remain in MTO ownership due to road operations. Staff will report back to Council when further information is available from MTO. MTO has confirmed that they would continue to follow provincial policy on the scattering of cremated remains with respect to lands/water under their jurisdiction (i.e. McNab Park).

Equity, Diversity, Inclusion and Anti-Racism

The approach to the management of scattering of cremated remains and river offerings must also have consideration for the Town's Equity, Diversity, Inclusion, and Anti-Racism policies, as well as considering the Human Rights Code and the Canadian Charter of Rights and Freedom. The Town is a member of the Coalition of Inclusive Municipalities, which includes the goal of:

- Promoting the respect, knowledge, and appreciation of cultural diversity and the inclusion of Indigenous and racialized communities in the cultural fabric of the municipality.

Staff Recommendation:

Staff do not recommend that any change to existing bylaws be considered at this time. Staff recommends that Council approve to continue with the Stewardship/ Educational Approach. Staff would continue to educate the public under the provisions of the existing parks bylaw with respect to the prohibition of river offerings, while permitting the scattering of cremated remains over water bodies, consistent with the existing provincial policies. The educational approach to enforcement would continue based on the existing signage to reinforce the prohibition of river offerings. Staff would follow up with issuing warnings to violators should sufficient evidence be presented that an offence has occurred. Charges could be considered if an offence was serious. Staff would continue ongoing consultation with partners and agencies. Staff would report back to Council should any major changes to policies or practices be warranted.

Given the complexity of the issue, staff note that it is very challenging for municipalities to manage the issues and impacts of these practices due to the inconsistent policies and regulations that exist from different municipalities, the province and other agencies. A decision or policy made by one municipality or agency may simply lead to the public going to other locations within the watershed (no net benefit to the river). Staff believe that region wide education, outreach and coordination, and more consistent policies are required due to the increasing and diverse population.

Staff recommend that the Town formally request that Credit Valley Conservation Authority review its 2008/2014 resolution that prohibits scatterings of cremated remains to waterways from its properties in light of the provincial policies, and in consultation with local municipal partners, the province, other relevant agencies and community partners, to assist with a consistent approach across the watershed that addresses issues of equity, diversity and inclusion and considers environmentally and culturally sensitive options for the scattering of cremated remains into waterbodies. CVC is already committed to embedding [Diversity, Inclusion and Equity](#) in all of its actions to identify opportunities to improve diversity, inclusion and equity and remove bias. As the Credit River Watershed is one of the most culturally diverse areas of Canada, staff are recommending that the 2008/2014 Resolution should be reviewed with these policies in mind.

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.

This report also aligns to the Town's Strategic plan recognizing the value to provide responsive, effective municipal government and strong leadership in the effective and efficient delivery of municipal services.

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:

No public consultation has been completed with respect to this report as no changes to existing bylaws have been proposed, however, concerns have been expressed by members of the public and community groups regarding the prohibited activities that continue to occur at McNab Park.

Community groups involved in Town parks adjacent to waterways, as well as the Hindu Federation were advised of Council's decision in March with respect to the management approach for scattering of cremated remains and river offerings and were advised of this report to Council. Residents who have directly contacted the Town were also advised of this report to Council.

The Town will also continue to work with the Hindu Federation to advance discussions on cooperative efforts to address the challenges with managing river offerings.

The Town will work with Credit Valley Conservation Authority collaboratively to review the issues around the scattering of cremated remains and river offerings, including assistance with public consultation if appropriate.

It is also recommended that a public notice be published once MTO has determined the status of land ownership issues with respect to McNab Park, so that the general public is aware of any potential acquisition by the Town.

INTERNAL CONSULTATION:

Staff from the Clerks Division (Enforcement and Service Halton Hills), Office of the CAO (Communications) and Transportation and Public Works (Public Works / Park Operations) were consulted in the preparation of this report.

FINANCIAL IMPLICATIONS:

This report is administrative in nature and does not have any financial implications. There is no direct financial impact from this report.

Reviewed and approved by,

Warren Harris, Commissioner of Recreation and Parks

Chris Mills, Chief Administrative Officer