



REPORT

TO: Mayor Lawlor and Members of Council

FROM: Romaine Scott, Legal Coordinator
Planning & Development

DATE: March 24, 2023

REPORT NO.: PD-2023-027

SUBJECT: Request for a By-law to Formally Open and then Permanently Close part of an Unopened Road Allowance in Hillcrest Cemetery (10 Side Rd. at Winston Churchill Blvd.)

RECOMMENDATION:

THAT Report No. PD-2023-027 dated March 24, 2023, regarding a by-law to formally open and then permanently close part of an unopened road allowance (10 Side Road) so that the lands may be used and form part of Hillcrest Cemetery, be received;

AND FURTHER THAT Council pass a by-law to legally open and subsequently permanently close the part of the road allowance shown as Part 1, 20R-22247 for the purpose of including and using the lands as part the existing Hillcrest Cemetery;

AND FURTHER THAT Council authorize staff to take the steps necessary to use the lands as part of the existing Hillcrest Cemetery.

KEY POINTS:

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

- Hillcrest Cemetery is one of the Town's three active cemeteries and has limited space to expand to continue to offer burial services to residents.
- The cemetery includes an unopened road allowance that runs through the property which prevents this area from being used as part of the active cemetery.
- The part of the road allowance discussed herein was never legally assumed by the Town and remained unopened. To effectively close an unopened road allowance, staff must take the steps necessary to first open it and then subsequently close it to the public.

- Once the appropriate by-law is passed by Council, it will be registered against the lands to effect the legal closing of the road allowance, which will then allow the lands to be used as part of the cemetery.
- Staff will provide the appropriate notification to the Bereavement Authority of Ontario (BAO) regarding the updated limits of the cemetery.

BACKGROUND AND DISCUSSION:

Hillcrest Cemetery is one of the Town's three active cemeteries located in Norval on Winston Churchill Boulevard at 10 Side Road. The Town assumed ownership and operation of the cemetery in 2018 from the Hillcrest Cemetery Trustees, after operating it on their behalf for several years.

The Town provides cemetery services (i.e. sales of plots, burials services, columbarium niches, etc.) at the Hillcrest Cemetery and operates a rental property on a portion of the site. Sales at the cemetery have been steady since the Town acquired the cemetery, and the number of available plots has been decreasing as there are more flexible options at Hillcrest Cemetery compared to the Greenwood Cemetery in Georgetown (no pre-need sales are allowed at Greenwood Cemetery).

Due to the decreasing inventory of plots for sale, staff have been investigating options to expand the land within the cemetery to be able to create additional inventory for sale.

The section of the road allowance that runs through the cemetery is currently vacant and not currently used for any cemetery plots or structures. The cemetery driveway sits on a portion of the road allowance. Appendix "1" shows the limits of the road allowance within the cemetery.

Staff consulted with Town and Region Transportation staff to verify whether the road allowance was required for future transportation needs and confirmed that the road allowance was not needed. Based on this, staff are proposing to close this section of the road allowance so that it can be used cemetery purposes. The road allowance area will allow the Town to create approximately 90 to 100 new plots.

The part of the road allowance discussed herein was never legally assumed by the Town and remained unopened. To effectively close an unopened road allowance, staff must take the steps necessary to first assume or open it and then subsequently close it to the public.

This will allow the cemetery to be expanded to incorporate the road allowance lands into the overall cemetery property. Town staff will notify the Bereavement Authority of Ontario (BAO) of the updated limits of the cemetery once the road allowance has been closed and incorporated into the cemetery.

STRATEGIC PLAN ALIGNMENT:

This report 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.

RELATIONSHIP TO CLIMATE CHANGE:

This report is administrative in nature and does not directly impact or address climate change and the Town's Net Zero target.

PUBLIC ENGAGEMENT:

Public Engagement was not needed as this report is administrative in nature.

If Council agrees with the recommendations of this report and direct staff to bring forward a by-law to formally assume and subsequently close the unopened road allowance, the Town would be required to comply with the requirements of the *Municipal Act, 2001* and the Town's Notice By-law 2008-0001. Compliance with those requirements would entail giving public notice of Council's intention to close a public highway to provide the public an opportunity to appear at the meeting of Council when the by-law is being considered. Considering that this road allowance is within the cemetery and only the Town has an interest in the lands, public notice on the Town's website is considered sufficient notice.

INTERNAL CONSULTATION:

There has been consultation between staff from Planning & Development, Transportation and Public Works (Transportation) and Recreation & Parks. The appropriate staff at the Region of Halton were also consulted wherein the Region confirmed that it had no interest in the unopened road allowance.

FINANCIAL IMPLICATIONS:

This report is administrative in nature and does not have any financial implications.

The expanded cemetery lands will allow additional revenues (approximately \$270,000) from plot sales to be collected to continue to fund the current and future maintenance needs of the cemetery. Additional revenues will be collected for interments and other cemetery services purchased by residents.

Reviewed and approved by,

John Linhardt, Commissioner of Planning & Development

Chris Mills, Chief Administrative Officer