

REPORT

REPORT TO: Chair and Members of Community and Corporate Affairs Committee

REPORT FROM: Kevin Okimi, Manager of Parks and Open Space

DATE: October 1, 2019

REPORT NO.: RP-2019-0033

RE: Municipal Cemeteries By-law Update

RECOMMENDATION:

THAT Report RP-2019-0033 dated October 1, 2019 regarding the Municipal Cemeteries By-law Update be received;

AND FURTHER THAT staff be directed to carry out the public notice procedures outlined in the *Funeral, Burial and Cremation Services Act, 2002* for the Municipal Cemeteries By-law contained within Report RP-2019-0033;

AND FURTHER THAT the Mayor and Clerk be authorized to execute the draft Municipal Cemeteries By-law as contained within Appendix A of Report RP-2019-0033, subject to any minor amendments due to the public notice process;

AND FURTHER THAT staff forward copies of the Municipal Cemeteries By-law as contained within Appendix A of Report RP-2019-0033 to the Bereavement Authority of Ontario (BAO) for filing and final approval;

AND FURTHER THAT Council direct staff to repeal the Municipal Cemeteries By-law 2012-0082, once the new By-law receives final approval from the BAO.

BACKGROUND:

The Town of Halton Hills owns, operates and maintains active cemeteries and is therefore required by law to comply with the legislation found in the *Funeral, Burial and Cremation Services Act, 2002* and to secure approval of the Town's by-law from the Bereavement Authority of Ontario. The Town's *Municipal Cemeteries By-law* authorizes the Town to operate a municipal cemetery and details the operational requirements in compliance with the provincial legislation.

The Municipal Cemeteries By-law relates to the use, protection and regulation of Town owned or operated cemeteries, including details on the requirements for monuments, burials, and other related services offered by the Town. The existing Municipal

Cemeteries By-law 2012-0082 was approved in 2012 as part of a comprehensive review to align with provincial legislation.

In 2018, the Town acquired Hillcrest Cemetery in Norval from the Trustees of the Cemetery. Hillcrest Cemetery had its own by-laws, but jurisdiction now falls under the Town's overall Municipal Cemeteries By-law.

COMMENTS:

The last comprehensive review of the *Municipal Cemeteries By-law* was completed in 2012 to ensure consistency with the latest provisions of the *Funeral, Burial and Cremation Services Act, 2002 (FBCSA)* that came into effect on July 1, 2012.

As part of the consolidation of the Hillcrest Cemetery Bylaw, along with a review of all recent regulatory updates, staff has prepared a new *Municipal Cemeteries By-law* to replace the provisions of current By-law 2012-0082.

The changes to the municipal by-law are primarily administrative in nature related to ensuring consistency for all Town owned/operated cemeteries, including the Hillcrest Cemetery, and minor changes due to the updates to the *FBCSA*.

Staff is also recommending a change to prohibit inscribing on the base of the monument based on a recent issue that was raised by a resident. The recent issue was a request to inscribe on the top portion of the base which is limited in space, and may result in illegible or poor quality lettering. There may also be long term impacts to the integrity of the base. For these reasons the monument engravers prefer not to do this, and staff typically encourages other options that are more appropriate. By prohibiting this in the bylaw, staff can review specific requests on a case by case basis to ensure the perpetual care of the monuments and general appearance of the cemeteries while providing the best options to residents purchasing cemetery services.

The proposed by-law is shown in Appendix A. The revisions and additions to existing By-law 2012-0082 have been highlighted to illustrate the proposed changes.

In order to ensure compliance with the *Cemeteries Act (Revised)* staff must submit two executed copies to the Bereavement Authority of Ontario (BAO) upon completion of the prescribed public notice process: newspaper and on-site posting plus correspondence with monument suppliers and local funeral homes. The BAO must approve the by-law before it is able to be finalized.

RELATIONSHIP TO STRATEGIC PLAN:

This report is operational in nature and not directly related to the Strategic Plan.

FINANCIAL IMPACT:

There is no direct financial impact related to this report.

CONSULTATION:

Staff from Park & Cemetery Operations (Public Works) was consulted in the preparation of the updates to the Bylaw.

PUBLIC ENGAGEMENT:

Local funeral home representatives were consulted in the preparation of the updated bylaw. A public notice will be prepared in accordance with the BAO's requirements, including being sent to all monument providers who have provided services in the past year. Any comments received by the public will be incorporated into the final bylaw for execution. The bylaw is not considered to be in effect until approved by the BAO.

SUSTAINABILITY IMPLICATIONS:

The Town is committed to implementing our Community Sustainability Strategy, Imagine Halton Hills. Doing so will lead to a higher quality of life.

The recommendation outlined in this report is not applicable to the Strategy's implementation.

COMMUNICATIONS:

The new by-law will be referenced in Cemetery promotional and sales materials, and in the Town's Recreation Guide.

CONCLUSION:

Staff requires the execution of the *Municipal Cemeteries By-law* to meet Town regulatory standards and ensure consistency for all Cemetery sites, and for compliance with the *Funeral, Burial and Cremation Services Act, 2002*.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to read "Warren Harris".

Warren Harris, Commissioner of Recreation and Parks

A handwritten signature in black ink, appearing to read "Brent Marshall".

Brent Marshall, Chief Administrative Officer