



REPORT

REPORT TO: Mayor Bonnette and Members of Council

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

DATE: March 5, 2021

REPORT NO.: RP-2021-0005

RE: Scattering of Cremated Remains and River Offerings

RECOMMENDATION:

THAT Report RP-2021-0005 dated March 05, 2021 regarding the Scattering of Cremated Remains and River Offerings be received;

AND FURTHER THAT Council approve the practices and policies for Option 1: Educational/Stewardship Approach with respect to the placement of cremated remains and river offerings in waterways from Town properties as outlined in Report RP-2021-0005;

AND FURTHER THAT staff report back to Council regarding the implementation of Option 1: Educational/Stewardship Approach and additional monitoring of park locations in 2021 per Report RP-2021-0005.

BACKGROUND:

In late 2019, a complaint was made by a resident that they had observed other members of the public scattering cremated remains in the Credit River or along the banks of the Credit River at McNab Park. The main concern expressed was both the scattering of cremated remains and the placing of other objects in the river, as well as the possibility that other park users may witness the ceremonies. At the time, there were indications that the practices may have been done by those of the Hindu faith.

COMMENTS:

The purpose of this report is to seek Council direction on policies and practices related to the scattering of cremated remains in water ways from Town owned properties.

Due in part to the inquiry noted above, staff began to research the practices of scattering cremated remains in water ways, or on other Town lands. As part of this research it was determined that a traditional part of the end of life ritual for Hindus includes the scattering of cremated remains in waterways 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.

At the time, staff began discussions with Credit Valley Conservation Authority's (CVC) Multicultural Coordinator and the Hindu Federation to understand the practices that may have been contributing to the use of McNab Park as a location for the scattering of cremated remains. These discussions were underway in February of 2020, prior to the onset of the COVID-19 pandemic. The intent of these discussions was to identify local Hindu Temples to provide better recommendations on preferred locations, and best practices if scattering cremated remains in the Credit River. The Hindu Federation requested that a broader meeting be set up with other municipalities to discuss the issue more broadly to look for consistent solutions across jurisdictions. Due to the pandemic, the discussion was put on hold.

From June to October 2020, the Town received increased reports and complaints from community partners with regards to an increase in the frequency and nature of the ceremonies including the scattering of cremated remains and/or offerings occurring in McNab Park. Significant concerns were raised with the potential impacts on the health and ecology of the river, due to both the river offerings and the cremated remains.

Municipal/Agency Feedback:

Due to the complexity of this issue, staff have been consulting with various provincial agencies, municipal partners, and conservation authorities, to confirm current regulations and best practices. A summary of the issues is noted as follows:

- 1) Provincial Policy permits the scattering of cremated remains on Crown Land or Water, or Municipal land if not prohibited. There are no official regulations about the scattering of cremated remains.
- 2) Provincial Agencies/Conservation Authorities do not have concerns about environmental/ecological impacts due to the scattering of cremated remains in water ways. All Provincial agencies confirmed that they would follow the Provincial Policy statement on lands under their jurisdiction. Provincial Parks have official designated scattering locations.
- 3) All agencies agree that there is a negative environmental impact from river offerings.
- 4) Provincial jurisdiction varies across waterways or other provincially owned properties. For example, the Ministry of Transportation (MTO) has jurisdiction at McNab Park, including the river, and not the Ministry of Natural Resources and Forestry who would typically enforce provisions of the Public Lands Act. No other Ministries have any enforcement roles on lands not owned by the Province. MTO would follow the existing Provincial Policies. The Town is in discussions with MTO about the potential transfer of a portion of the existing site to the Town, but

MTO would still have jurisdiction over a portion of the site currently used for scatterings.

- 5) All agencies recommend an educational approach to any enforcement actions taken to address river offerings, and acknowledge that this is a very sensitive issue.
- 6) CVC was the only agency which prohibits scattering of cremated remains from their property, however, they do not actively post signage or enforce. If an inquiry is made, they would direct the public to provincial park locations.
- 7) Few municipal partners identified significant concerns with this issue, though notably, Brampton and Mississauga did not respond to inquiries.

Town Bylaws:

The Town's Parks Bylaw 2013-0062 does not explicitly prohibit the scattering of cremated remains but contains provisions which prohibit littering on Town parkland or "altering" the landscape as well as prohibiting the pollution of water ways from Town parkland. It is believed that these provisions could be applied to river offerings when occurring in Town parks where the Town has clear jurisdiction.

Municipal Law Enforcement Officers could enforce the Town's park bylaw, in association with clear posted signage. If an "education first" approach was taken, general compliance to an officer's directions would likely be respected. Staff note that the Parks Bylaw is typically enforced on a complaint basis. During COVID-19, there has been an increased and proactive attendance at parks as part of the Provincial regulations, however, once the increased enforcement levels from COVID-19 end, there would not be staff available to attend the site on a regular basis to monitor the activities, or to respond on an "on-call" basis. The primary method of enforcing/education would be by the installation of signage.

Actions to Date:

In addition to the comprehensive review of Provincial/Agency policies, regulations and practices, staff have also taken the following steps:

- Installed educational signage provided by CVC about River Offerings (see Appendix A) at McNab Park in English and Hindi (intended to provide park users with information on the impacts of the activities that are taking place without expressly prohibiting, or permitting them);
- Installed trail cameras at McNab Park to monitor activities at the park/river to confirm the frequency/impact of scattering ceremonies/river offerings;
- Conducted site monitoring/visits to parks adjacent to bodies of water (McNab Park, Shelagh Law Parkette);
- Contacted funeral home known to be directing families to Halton Hills locations to request they not be listed as a scattering site;
- Undertook additional discussions with the Hindu Federation.

The results of the cameras and additional site inspections to date (October 2020-January 2021) have not demonstrated any significant problems or activities with respect

to frequency of offerings or impacts to other site users. This may be due to the time of year, though some suspected scattering activities have been identified. The cameras do not show what types of offerings or scatterings may be occurring in the river.

Potential Approach to Managing Scattering of Cremated Remains and River Offerings:

The issues 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 the Hindu religion and has been stated by the Province to be acceptable.

Staff have reviewed two potential approaches to the management of this issue as outlined below.

Option 1: Stewardship/Educational Approach

- Allow scattering of cremated remains over water ways from Town parks (per Provincial Policies). River offerings are prohibited.
- Post clear signage at rivers/water ways stating that while cremated remains are permitted to be scattered, river offerings are prohibited (See Appendix B for an example sign used by Ontario Parks).
- Staff believe that this option is consistent with Provincial policies, and existing Town bylaws.

Option 2: Prohibitive

- Prohibit the scattering of cremated remains and river offerings from Town Parks
- Post clear signage that scattering of cremated remains and river offerings are prohibited from parks.
- Staff believe that changes to Town bylaws and a comprehensive public consultation process would be required to implement this management approach.

With either approach, the following steps would also need to be taken:

- Enforcement by Town Municipal Law Enforcement Officers (educational approach), including possible site attendance around known holiday/festival dates (dependent on staffing availability at the time);
- Town staff to recommend use of Ontario Parks designated scattering locations (Forks of the Credit or Bronte Creek) for any inquiries received;
- Communication with local temples, Hindu Federation, Crematoriums, Funeral homes, Hospices to provide information about Town management approach and policies.

Either approach would be applied to any site where the Town has jurisdiction.

Considerations:

In reviewing this situation, staff highlight the following items which should be considered by Council:

- 1) The approach to the management of scattering of cremated remains and river offerings should 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 recently joined 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.* This approach also aligns with the Provincial Policy Statement and current practice of provincial ministries.
- 2) If the Town does not take any actions, continued use of parks for these activities with no control/education could impact the health of the water ways. All agencies acknowledge/agree that the river offerings (not the scattering of cremated remains) are harmful to some extent to the river/ecological health.
- 3) It is unknown to what degree the COVID-19 Pandemic contributed to the issues which occurred in 2020. Provincial Parks, as well as parks in nearby municipalities were closed at times during the pandemic and there was increased park use in general. It may be preferred to monitor the situation longer to identify trends and patterns before making a permanent management decision.
- 4) No broader community consultation or comprehensive review of the practices occurring at other Town owned/managed locations has occurred. The Town owns/manages a number of parks with access to water ways which may be used for this practice by all residents. Though the Town has reached out to the Hindu Federation, no broader consultation among the local Hindu population has occurred. Staff recommend that if any changes are proposed to existing bylaws, that broader public consultation would be warranted.
- 5) If a prohibitive approach is taken, the problem may simply be shifted to other locations along the Credit River (including private properties) and not truly be addressed.

Staff Recommendation:

Staff recommends proceeding with Option 1 – Stewardship/Educational Approach. This would allow staff to continue to educate the public based on the provisions of the existing parks bylaw with respect to river offerings, while permitting the scattering of cremated remains over water bodies, consistent with the existing provincial policies. An educational approach to enforcement would be taken and additional signage would be installed at known locations to reinforce the prohibition of river offerings. Further, staff would continue to monitor the cameras at McNab Park through to fall of 2021 to identify trends/levels of use. Staff would continue ongoing consultation with partners, agencies, and the local funeral/hospice industry. Staff would report back to Council in late 2021 to provide an update on the matter of scattering of cremated remains/offerings at that time based on additional review in 2021.

RELATIONSHIP TO STRATEGIC PLAN:

Staff notes the following alignment of the recommendations of this report with the approved Council Strategic Plan 2020-2025:

Preserve, Protect and Enhance our Environment - To preserve, protect and enhance our natural environment for the health benefits and enjoyment it provides to present and future generations.

Provide Responsive, Effective Municipal Government - To provide strong leadership in the effective and efficient delivery of municipal services

FINANCIAL IMPACT:

There is no direct financial impact from this report. Costs of any signs would be nominal and incorporated into existing capital or operating budgets.

CONSULTATION:

Staff from the Clerks Division (Enforcement), Transportation and Public Works (Park Operations) and the Senior Management Team were consulted in the preparation of this report.

PUBLIC ENGAGEMENT:

No public consultation has been completed with respect to this report. Initial complaints and concerns were received from the public and community groups.

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 report's recommendations are not applicable to the Strategy's implementation.

COMMUNICATIONS:

Staff recommend that any community groups involved in Town parks adjacent to waterways be advised of Council's decision with respect to the management approach for scattering of cremated remains and river offerings. Groups that had previously expressed concern were advised of this report to Council. The Town will also work with the Hindu Federation to advance discussions on cooperative efforts to address the challenges with managing river offerings.

CONCLUSION:

Staff recommend that Council approve Option 1: Educational/Stewardship Approach to the management of the scattering of cremated remains and placement of river offerings into water ways from Town parks.

Reviewed and Approved by,

A handwritten signature in black ink that reads "Warren Harris". The signature is written in a cursive style with a large, prominent 'W'.

Warren Harris, Commissioner of Recreation and Parks

A handwritten signature in black ink that reads "C. Mills". The signature is written in a cursive style with a large, prominent 'C'.

Chris Mills, Acting Chief Administrative Officer