



OAKVILLE

## REPORT

COMMUNITY SERVICES COMMITTEE

MEETING DATE: APRIL 23, 2018

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**FROM:** Parks and Open Space Department

**DATE:** March 5, 2018

**SUBJECT:** Cemetery By-law 2018-065

**LOCATION:** Cemeteries

**WARD:** Town wide

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### RECOMMENDATIONS:

1. That the report from the Parks and Open Space Department dated March 5, 2018, be received.
2. That by-law 2018-065, a by-law to establish rules and regulations for Town of Oakville Cemeteries, be approved.

### KEY FACTS:

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

- The current cemetery by-law was approved in 2012 after the Funeral, Burial and Cremation Services Act, 2002 (FBCSA) was implemented on July 1, 2012.
- In 2015, staff undertook a major review of existing cemetery by-law 2012-011 to ensure proper cemetery maintenance and to provide greater clarity of rules and regulations for interment rights holders and their family members. This involved a public engagement process and feedback was incorporated.
- Proposed by-law 2016-029 was brought forward to Community Services Committee on June 20, 2016 and was not approved. Staff were requested to formulate a Cemetery Stakeholder Advisory Committee to further review the proposed by-law changes and then report back with another proposed by-law incorporating any further feedback.
- The Cemetery Stakeholder Advisory Committee was developed and was composed of ten citizen representatives, one council representative and staff. The Committee held four meetings throughout 2017 to review the proposed by-law changes that were brought forward on June 20, 2016.
- The proposed by-law 2018-065 incorporates recommendations of the Cemetery Stakeholders Committee. Subject to Council approval, proposed

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by-law 2018-065 must be forwarded to the Bereavement Authority of Ontario for final approval prior to implementation.

## **BACKGROUND:**

The Town of Oakville operates eight cemeteries including Trafalgar Lawn, St. Jude's, Munn's, Bronte, Wedgewood, Merton, Oakville/St. Mary's and Palermo. On average, staff provide service to over 350 families annually who wish to purchase lots in advance of need (pre-need), sell bronze markers or enter into contracts to provide many other services and conduct approximately 260 burials.

By-law 2012-011 was approved by the Ministry of Consumer Services on June 18, 2012. Cemetery staff reviewed this by-law throughout 2015 and conducted public consultation. Staff proposed several changes, incorporating feedback from the public engagement process and presented by-law 2016-029 to the Community Services Committee on June 20, 2016, which was not approved. Staff were asked to develop a Cemetery Stakeholder Advisory Committee to solicit further review and feedback of the proposed by-law changes and then to report back when complete. The Terms of Reference for the Advisory Committee were developed and approved by Council (please see Appendix A). The committee was composed of ten citizen members (all of whom were interment rights holders at one of the Town's cemeteries), one council representative, Roger Lapworth, and Parks and Open Space staff. At the conclusion of four meetings of the Advisory Committee, staff has now incorporated the approved Advisory Committee recommendations into the new proposed by-law 2018-065 (See Appendix B).

## **COMMENT/OPTIONS:**

The Cemetery Stakeholder Advisory Committee held four meetings and reviewed the proposed by-law changes as brought forward by staff on June 20, 2016. A summary chart of the proposed by-law changes is included in Appendix C showing the remarks made by the advisory committee in green, staff comments highlighted in yellow and other comments in red throughout. Shaded sections denote ones that are legislated under the FBCSA. Checkmarks indicate that there were no objections to the proposed change. Based upon comments and recommendations made by the Cemetery Stakeholder Advisory Committee, staff have prepared the new proposed by-law 2018-065.

There are two contracts: the "Cemeteries Contract" and the "Cemeteries Contract for Interment or Scattering Rights" which accompany the by-law and are attached as Appendices D and E respectively.

The following provides summary highlights of the Cemetery Stakeholder Advisory Committee approved revisions for each section

## Definitions

The definition of Winter was changed to November 1 to April 15.

### 1.0 General Information

- Visitation hours at Trafalgar Lawn Cemetery changed to:  
April 1 to October 31 – 7:30 am to 9:00 pm  
November 1 to March 31 – 7:30 am to 6:00 pm
- Added new section to indicate that the Department would notify an interment rights holder of any damages to a lot and to ensure that the rights owner is satisfied with either repairs or replacements.

### 3.0 Interments

- Wording was modified in this section to soften the term “passage over a lot”.

### 5.0 Care of the Cemetery

- Wording was modified to indicate that vases must be inverted for the winter.
- Added that solar lamps may be permitted as long as they are placed into an approved, shatterproof vigil lamp.
- Modified wording pertaining to trees to indicate that they are owned and maintained by the Department in the same manner as other Town trees.

### 6.0 Markers

- Added wording pertaining to marker inscriptions that it would be the Town who would deem an inscription to be not in keeping with the dignity and decorum of the cemetery.

### 8.0 Contravention of By-law

- Modified wording for greater clarity of work directed to be done and that adding costs to the tax roll would be a last resort.

### 9.0 Appeal

- Modified wording to indicate that if an appeal is filed that an order to comply would be held in abeyance.
- Added that the decision of the appeals committee is final, unless the Town or Department is notified that the same appeal is made to the Bereavement Authority of Ontario, in which case the decision of the BAO is final.

In January 2016, there was a change made to the Provincial regulatory authority for cemeteries. Previously, Ontario cemeteries were governed by the Ministry of Consumer Services. As part of the Funeral, Burial and Cremation Services Act, 2002, the governing body for cemeteries has been appointed to the Bereavement Authority of Ontario (BAO). Following approval of proposed by-law

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2018-065 it must then be forwarded to the BAO for final approval prior to implementation.

When the by-law is ready to be implemented, staff will begin an education process for both interment rights holders (and their respective families) as well as the general public. A plain language guide of the cemetery by-law has been developed by staff for families (See Appendix F) which is currently being handed out as well as available, in accessible format, on the Town's website. This guide will be modified accordingly prior to implementation of proposed by-law 2018-065. Staff will work hand-in-hand with families to assist them in learning about the new by-law and providing help to ensure that they are compliant with the new regulations.

The Cemetery Stakeholder Committee held four (4) meetings in 2017 concluding on October 12, 2017. Staff wish to express sincere thanks to the volunteer committee members for their work and diligence in reviewing the proposed changes to the Cemetery By-law. In particular, staff acknowledge the excellent work of the Committee Chair, Mrs. Liz Behrens and her work with staff and committee members for a successful Cemetery Stakeholders Committee.

#### **CONSIDERATIONS:**

##### **(A) PUBLIC**

Proposed by-law 2018-065 will have an impact on the public utilizing cemetery services as wording has been changed and new sections proposed to ensure proper cemetery maintenance and to provide greater clarity of rules and regulations for interment rights holders and their family members.

In accordance with the Funeral, Burial and Cremation Services Act, 2002, upon approval of the by-law by Council, a sign shall be posted at all eight cemetery locations and a notice placed in the community newspaper advising the public that the by-law is being forwarded to the Bereavement Authority of Ontario (BAO) for final approval. This provides the public with an additional opportunity to receive a copy of the by-law and make comment directly to the BAO prior to implementation.

##### **(B) FINANCIAL**

There will be an initial financial impact in order to print copies of new forms and contracts and ongoing financial impact with the required staff time to meet with families to ensure by-law compliance and to complete contracts for purchases of goods and services over \$250.

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**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

By-law 2018-065 has been developed in conjunction with the Legal Department and is expected to have an impact on users of our cemeteries.

**(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS**

This report addresses the corporate strategic goal to:

- continuously improve our programs and services
- treat everyone with respect
- enhance our social environment
- be valued/celebrated for outstanding service
- be the most livable town in Canada

**(E) COMMUNITY SUSTAINABILITY**

By-law 2018--065 will assist the cemeteries section to ensure the safe public use of the cemeteries in compliance with provincial requirements.

**APPENDICES:**

Appendix A – Cemetery Stakeholder Advisory Committee Terms of Reference

Appendix B – Proposed by-law 2018-065

Appendix C – Summary of proposed by-law changes

Appendix D – Cemeteries contract

Appendix E – Cemeteries contract for interment or scattering rights

Appendix F – Cemeteries plain language guide

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