

Committee of the Whole (2) Report

DATE: Tuesday, June 21, 2022

WARD(S): ALL

TITLE: REVISION OF CEMETERY BY-LAW NUMBER 180-92

FROM:

Zoran Postic, Deputy City Manager, Public Works

ACTION: DECISION

Purpose

To seek Council endorsement to enact a new Cemetery By-law and repeal the existing By-law 180-92, and any amendments made thereafter.

Report Highlights

- The City provides cemetery services that are in compliance with the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c. 33 (FBCSA).
- The original Cemetery By-law was enacted in 1992 and minor revisions were made in 2002.
- The revised Cemetery By-law addresses current needs and reflects:
 - Current legislative requirements,
 - Provisions for enforcement and fines,
 - Requirements of a Cemetery Care and Maintenance Fund and contribution mechanism, and
 - Interment rights and provisions of limitations to lot purchases
- Bereavement Authority of Ontario (BAO) approval is required prior to implementation and force and effect of the revised Cemetery By-law.

Recommendations

1. THAT a new Cemetery By-law be enacted, in a form satisfactory to the City Solicitor, in accordance with Attachment 1; and
2. THAT By-law 180-92, and any amendments made thereafter be repealed.

Background

The City provides cemetery services that are compliance with the Funeral, Burial and Cremation Services Act, 2002(FBCSA).

The FBCSA governs the bereavement sector services within Ontario to ensure basic standards are met. The City operates twenty (20) cemeteries, seven (7) active and thirteen (13) inactive and offers basic interment services, maintenance activities and administrative services in alignment with the FBCSA.

The City's active cemeteries offer burial services for both cremation and caskets, with casket burials being the primary interment method. Maintenance services include grass cutting, plot marking, headstone repairs, and seasonal cultural practices. Administration supports the sales of plots, payment processing, and records management.

The City's Cemetery By-law 180-92 was initially enacted in 1992 with minor revisions made in 2002.

The Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c. 33 and its subsequent amendments were enacted after the enactment of the City's By-law in 1992. In particular, the FBCSA requires the establishment of a Care and Maintenance Fund and the mandatory contribution to this fund by the City.

On June 22, 2021, Council endorsed the recommendations presented in the Cemetery Services Review, which included an update to the Cemetery By-law 180-92.

The City retained Lees & Associates to conduct a cemetery services review, which resulted in several recommendations to ensure the long-term sustainability of delivering cemetery service to citizens. Council approved the report and recommendations which included the need to revise the existing Cemetery By-law 180-92, as amended, to ensure compliance with legislative changes and alignment with the FBCSA.

Previous Reports/Authority

[EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 22, 2021](#)

Analysis and Options

The Cemetery Services Review highlighted significant limitations with the existing Cemetery By-law.

The Cemetery Services Review highlighted several limitations and deficiencies with the existing Cemetery By-law 180-92, as amended, which was updated nearly 20 years ago. The existing By-law has limited rules and regulations to govern the operation of cemeteries owned by the City of Vaughan. As such, there's limited provisions for enforcement and fines; there is also insufficient details surrounding cemetery floral arrangements and visiting hours. By-law 180-92, as amended, was also found to have limited information related to cemetery administrative functions, including allowable hours of operation for active and inactive cemeteries. Lastly, the review highlighted that the existing By-law has outdated terminology and formatting and provides inadequate definitions and descriptions. A renewed By-law would ensure the ease of interpretation by citizens and staff.

The proposed Cemetery By-law ensures that the City, as a cemetery operator, meets the regulations under the FBCSA, inclusive of a care and maintenance fund.

As per the FBCSA, every cemetery operator is required to establish a Cemetery Care and Maintenance Fund. The City currently follows the requirements under the FBCSA and the revised By-law clarifies some of the requirements, including:

- The establishment of a Cemetery Care and Maintenance Fund,
- A contribution mechanism to the Care and Maintenance Fund, through the portion of the sale of every interment or memorial, and
- The long-term maintenance of the Care and Maintenance Fund in accordance with provisions set out in the FBCSA.

The Cemetery By-law provides provisions for By-law enforcement and grants ease of interpretation for citizens and staff.

The proposed Cemetery By-Law includes fines to strengthen By-law contraventions. This ensures both public safety and preserves the dignity of the cemetery as required under FBCSA.

Enhancements to the By-law include improved definitions, replacement of outdated terminology, a logical flow of sections, consistent use of terms, descriptions, and details in order to provide ease of comprehension for citizens and staff.

Details regarding the installation of memorial structures to ensure conformity of a cemetery plan will be outlined in the Cemetery By-Law.

A cemetery plan provides guidance on design and maintenance of specific cemetery assets. The proposed By-law includes details and specifications for the installation of memorial structures such as the size and type of foundation material and memorial structures to ensure consistency and conformity with a cemetery plan. This allows the City to perform future operations and maintenance activities at cemetery locations in a more cost effective and efficient manner.

The Cemetery By-law includes interment rights and provisions of limitation to lot purchases to address the limited lot inventory within the active cemeteries.

A person may, on an as needed or on a reserve basis purchase an interment right for no more than four (4) members, or total number of those in the immediate family, for burial and cremation services. This allows the City to manage its limited inventory within the active cemetery sites more effectively, and also not to preclude those families who have more than four (4) members.

The revised Cemetery By-law requires Bereavement Authority of Ontario (BAO) approval prior to its implementation.

In accordance with BAO, in order to implement the Cemetery By-law, the City is required to complete the following:

- Publish the Cemetery By-law in a newspaper,
- Deliver the Cemetery By-law to the City's markers supplier, and
- Post the notice of By-law filing with BAO at cemetery sites, for a minimum of four (4) weeks.

In order to receive approval, the City is required to provide the following documents to the Bereavement Authority of Ontario:

- A copy of the newspaper notices with the By-law published,
- A photo of the sign that was posted at the cemetery entrance for four (4) weeks,
- A list of monument dealers and their addresses that the Cemetery By-law was delivered to, and
- Two (2) copies of Cemetery By-law to be approved by the Registrar.

These actions will be completed upon approval of the proposed Cemetery By-law. The By-law would not be in effect until approved by the Registrar. For clarity, the By-law shall only be in effect if it is both enacted by Council and approved by the Registrar.

Financial Impact

There are no financial impacts.

Broader Regional Impacts/Considerations

There are no broader regional impacts.

Conclusion

The City is committed to providing cemetery services in a manner that is safe, accessible, dignified and orderly. To continue to serve and have alignment with the FBCSA, a renewed By-law is required.

For more information, please contact Nadia Paladino, Director of Parks, Forestry and Horticulture Operations.

Attachments

1. Revised Cemetery By-law
2. Extract from Council meeting minutes of December 16, 2002

Prepared by

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Approved by

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Zoran Postic, DCM, Public Works

Reviewed by

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Nick Spensieri, City Manager