

Committee of the Whole (1) Report

DATE: Tuesday, May 6, 2025

WARD: 2

TITLE: QUEEN OF HEAVEN CEMETERY - 7300 HIGHWAY 27
APPLICATION UNDER FUNERAL, BURIAL AND CREMATION
SERVICES ACT, 2002 (RELATED FILE DA.24.023)
VICINITY OF HIGHWAY 27 AND HIGHWAY 407

FROM:

Vince Musacchio, Interim Deputy City Manager, Planning, Growth Management and Housing Delivery

ACTION: DECISION

Purpose

To seek approval on the development of a four-storey mausoleum at the Queen of Heaven Cemetery that requires local municipal approval under the *Funeral, Burial and Cremation Services Act, 2002* (the *FBCS Act*). Matters related to the establishment, alteration and increase in the capacity of cemeteries (including mausoleums), are addressed under the *FBCS Act* and *Ontario Regulation 30/11* (the *Regulation*).

Report Highlights

- The Queen of Heaven Cemetery is proposing a four-storey mausoleum expansion (Phase 1).
- The *Funeral, Burial and Cremation Services Act, 2002*, requires the registrar's consent together with the approval of the local municipality for a proposal to establish, alter, or increase the capacity of a cemetery.

Recommendations

1. THAT Vaughan Council finds the development of a four-storey mausoleum contemplated in Site Development File DA.24.023, at the Queen of Heaven Cemetery located at 7300 Highway 27 is in the public interest and approve the application under the *Funeral, Burial and Cremation Services Act, 2002*;

2. THAT Vaughan Council direct that the City Clerk publish notice of Council's decision in Recommendation 1 in accordance with the *Funeral, Burial and Cremation Services Act, 2002*; and,
3. THAT Vaughan Council direct that the City Clerk provide notice of Council's decision in Recommendation 1 to the Registrar and to the applicant under the *Funeral, Burial and Cremation Services Act, 2002*.

Background

The subject lands (the Subject Lands) shown on Attachment 1 are located on the west side of Highway 27, north of Highway 407, and are municipally known as 7300 Highway 27. The surrounding land uses are shown on Attachment 1. The Subject Lands are also known and operated as the Queen of Heaven Catholic Cemetery.

Site Development Application has been submitted to permit the proposed development

The Queen of Heaven Cemetery (the Applicant) submitted the related Site Development Application DA.24.023 (the Application) to facilitate the construction of a four-storey mausoleum (Phase 1) with a Gross Floor Area of 9,574.44 m², a maximum building height of 26.87 metres and 62 parking spaces including four barrier free parking spaces, as shown on Attachments 2 and 3 (the Development). The remaining four phases of Building 1 have a combined GFA of 22,800 m² and will be reviewed through future Site Development Applications. In accordance with Bill 109, the approval of Site Development Applications has been delegated to the City of Vaughan Deputy City Manager, Planning, Growth Management and Housing Delivery or designate.

Matters related to the establishment, alteration and increase in the capacity of cemeteries (including mausoleums) are addressed under the *FBCS Act* and *Ontario Regulation 30/11* (the *Regulation*). The Applicant is required to obtain the City's approval, prior to requesting approval from the registrar. The *FBCS Act* also specifies that a local municipality that receives such a request shall grant the approval if, in the municipality's opinion, it is in the public interest.

As noted above, the Development is subject to site plan approval under Vaughan's Site Plan Control By-law 123-2013, as amended by By-law 141-2022.

The proposal represents the first part of a 10-phase overall site plan total build out that envisions the development of two mausoleum buildings, as shown on Attachment 4. Each individual phase will require local municipal approval through the *FBCS Act*.

The Application was circulated to all appropriate internal departments/external agencies. Development and Parks Planning have included all the required conditions/provisions in the Notice of Approval Conditions.

Previous Reports/Authority

Previous reports related to the Subject Lands can be found at the following link:

Catholic Cemeteries and Funeral Services – Archdiocese of Toronto, Committee of the Whole Report

[June 4, 2019, Committee of the Whole \(Item 1, Report 20\)](#)

Analysis and Options

The FBCS Act requires Council's approval for the expansion of a cemetery through the creation of a new mausoleum

The Application proposes the initial phase of a four-storey mausoleum with a total GFA of 9,574.44 m². Section 1 of the *FBCS Act* defines a mausoleum as “a structure, other than a columbarium, used as a place for the interment of human remains in tombs, crypts, or compartments”. The *Regulation* requires a cemetery operator to ensure that any building other than a small-scale mausoleum to be installed in the cemetery to be at least 4.57 metres from any in-ground grave or scattering ground. The Development meets this requirement.

Section 83(1) of the *FCBS Act* requires the registrar's consent together with the approval of the local municipality for a proposal to alter or increase the capacity of a cemetery. Section 83(2) of the *FBCS Act* requires the Applicant to obtain the City's approval prior to requesting approval from the registrar. The registrar (Registrar) is a person appointed under Section 3 of the *FBCS Act*.

Pursuant to Section 84(1) of the *FBCS Act*, a local municipality that receives a request for an approval to establish, alter or increase the capacity of a cemetery in the municipality shall grant the approval if, in the municipality's opinion, it is in the public interest.

Section 84(4) requires the City to send a copy of its decision with reasons to the Registrar and to the Applicant and to publish notice of the City's decision in a local newspaper. Section 107.1 of the *FBCS Act* authorizes the Registrar to approve another method to give notice if the Registrar is satisfied that the other method is equivalent to publishing the notice in a newspaper. The City Clerk has received the Registrar's consent to publish the said notice on the municipality's webpage. By publishing notice of the City's decision, a person with an interest in the City's decision is aware of the decision made and has an opportunity to appeal the decision to the Ontario Land Tribunal within 15 days after the publication of the notice.

City staff do not have delegated authority to make findings of public interest and grant approvals on behalf of the municipality under the *FBCS Act*. Therefore, the determination and approval must be made by Vaughan Council.

Once the appeal period lapses and no appeals have been filed under the *FBCS Act*, Development and Parks Planning Department will work with the Applicant towards satisfying any pre-approval conditions within the Notice of Approval Conditions before issuing final approval for DA.24.023.

Financial Impact

There are no requirements for new funding associated with this report.

Operational Impact

All City Departmental conditions received through the review of the related Site Development Application File DA.24.023 will be included in the 'Notice of Approval Conditions' that is issued by the Development and Parks Planning Department.

Broader Regional Impacts/Considerations

Regional Municipality of York (York Region)

York Region has reviewed the related Site Development Application File DA.24.023 and have no concerns.

The Toronto and Region Conservation Authority has no objection

Toronto and Region Conservation Authority staff have reviewed the related Site Development Application File DA.24.023 and have no concerns.

Conclusion

The Development and Parks Planning Department is satisfied the request for an approval to construct a four-storey mausoleum represents the appropriate and efficient use of land that would address the current space limits within the Queen of Heaven Cemetery, while providing adequate setbacks in accordance with the *FBCS Act*. For the foregoing reasons, staff recommend that Vaughan Council find the request to alter or increase the capacity of the cemetery to be in the public interest and grant approval of the request pursuant to the *Funeral, Burial and Cremation Services Act, 2002*.

For more information, please contact Roberto Simbana, Planner, at extension 8810.

Attachments

1. Location and Context Map
2. Site Plan
3. Building Elevations
4. Overall Site Plan – Total Build Out

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