

 Corporate Services Department Legislative Services Division	
Date & Time Received:	March 12, 2024 9:12 am
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SUBJECT : Provincial Cemetery Management Support Request

The Municipality of Markstay-Warren at its meeting on February 20, 2024 adopted the following resolution:

Resolution #2024-35

Moved by: Francine Bérubé
Seconded by: Maurice

Turcot

BACKGROUND

The Municipality of Markstay Warren is responsible for 6 cemeteries. This is a similar situation in many municipalities in Ontario, and that trend will continue. Several municipalities in the Province have passed resolutions asking for annual funding, staff training as well as appropriate and affordable software development for all municipalities to use to administer these cemeteries.

RECOMMENDATION

Staff have reviewed this issue and recommend that the Council of the Municipality of Markstay-Warren pass the proposed resolution.

Resolution

Whereas under the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), when a cemetery is declared abandoned by a judge of the Superior Court Justice, the local municipality within whose geographic boundaries the land of the cemetery is located, becomes the owner of the cemetery with all the rights and obligations in respect of the cemetery and the assets, trust funds and trust accounts related to it that the previous owner or operator possessed;

And Whereas over the last decade, there has been an increase in the number of churches and local cemetery boards initiating processes to transfer ownership or

abandon their owned and operated cemeteries to the local municipality due to such issues as high maintenance costs, inaccuracy of records, lack of financial and human resources to effectively operate and maintain the cemetery, increased regulatory processes regarding training, selling of interment rights, financial operation of the care and maintenance fund, etc.;

And Whereas municipalities experience the same issues and pressures that churches and local boards experience with the operation and maintenance of cemeteries within its jurisdiction, and additional transfers of cemetery lands only compound the burden on municipal taxpayers;

And Whereas cemeteries are important infrastructure where the reasonable costs for interment rights, burials, monument foundations, corner stones and administration charges do not sufficiently support the general operation of cemeteries;

And Whereas the interest earned from the care and maintenance fund(s) of a cemetery do not provide adequate funding to maintain the cemetery with the rising costs of lawn and turf maintenance contracts and monument restoration;

Now Therefore Be It Resolved that Council of the Municipality of Markstay-Warren requests that the Province through the Ministry of Public and Business Service Delivery and the Bereavement Authority of Ontario (BAO) consider the following to assist municipalities in this growing concern of cemetery transfers:

- Amending the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), to have the Province, through the BAO, identified as the default owner and operator of a cemetery when it is abandoned;
- Provide annual funding (based on the number of cemeteries a municipality owns and operates) to municipalities to assist with the maintenance of inactive and active cemeteries;
- Provide free training opportunities for municipalities regarding cemetery administration; and,
- Investigate and support the design of universal cemetery software for use by municipal cemetery operators that can be offered at an affordable cost;

And that this resolution be circulated to the Hon. Todd McCarthy, Ministry of Public and Business Service Delivery, Jim Cassimatis, BAO Interim CEO/Registrar, MPP Jill Dunlop and all Ontario municipalities.

Carey Roy a/s Kim Morris

Kim T. Morris

CAO/Clerk

DG/Greffière

Municipality of Markstay-Warren

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