



**The Corporation of the Township of Malahide  
CORRESPONDENCE AGENDA  
December 21, 2023 – 7:30 p.m.**

(G) Correspondence:

1. Association of Municipalities of Ontario - WatchFile –December 7, 2023, and December 14, 2023
2. Elgin County – Council Highlights – December 6, 2023
3. Ministry of Natural Resources – Environmental Registry Ontario finalizing “Technical bulletin – Flooding hazards: data survey and mapping specifications”
4. Greater Grand Sudbury - Amendment to the Occupational Health and Safety Act to Clarify the Definition of “Employer”
5. Township of Clearview - Cemetery Transfer/Abandonment Administration & Management Support

## Allison Adams

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**From:** AMO Communications <Communicate@amo.on.ca>  
**Sent:** Thursday, December 7, 2023 10:01 AM  
**To:** Allison Adams  
**Subject:** AMO Watchfile - December 7, 2023

AMO Watchfile not displaying correctly? [View the online version](#)  
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December 7, 2023

### In This Issue

- AMO is moving!
- Webinar on public health mergers.
- Help promote Canada's 9-8-8 Suicide Crisis line.
- Renewal of Ontario Invasive Species Strategic Plan.
- Volunteer firefighter recruitment and retention.
- Applications open: Rural Transit Solutions Fund.
- ROMA 2024 Conference: *Closer to Home* programming updates.
- Save the date: OSUM 2024 Conference.
- Don't get left in the dark!
- Municipal climate internship recruitment.
- Join changemakers at the Future of Aging Summit next May.
- Must attend: ORFA's Outdoor Ice Symposium.
- Data Standards for Planning and Development Applications: Terminology.
- Fleming College seeking municipal partnership projects.
- Careers: North Huron and Aurora.

### AMO Matters

Effective January 2, 2024, AMO is moving to a new location:

*Association of Municipalities of Ontario (AMO)*  
 155 University Ave, Suite 800  
 Toronto, ON M5H 3B7

Telephone and fax remain the same. Please amend your records with our new address.

On December 13, AMO and the Association of Local Public Health Agencies are hosting a webinar on voluntary mergers with Ministry of Health staff. See our [webpage for additional information](#).

### **Guest Column**

Last Thursday, Toronto's Centre for Addiction and Mental Health launched the [9-8-8: Suicide Crisis Helpline](#). 9-8-8 provides lifesaving mental health support via phone or text. Help spread the word about 9-8-8 with this [social media toolkit](#)

### **Provincial Matters**

The Ministry of Natural Resources and Forestry is [seeking feedback](#) on the proposed renewal of the Ontario Invasive Species Strategic Plan.

The Ontario Fire Marshal is conducting an [online survey](#) for volunteer firefighters and fire chiefs to inform their understanding on recruiting and retaining volunteer firefighters.

### **Federal Matters**

Infrastructure Canada is now accepting applications for the Planning and Design Projects Stream of the [Rural Transit Solutions Fund](#) (up to \$50,000). Visit their website for [webinars for potential applicants](#).

### **Education Opportunities**

The ROMA 2024 Conference program will address important issues facing rural municipalities in Ontario, including housing, economic development, responding to gender based violence, and risk management. [View the program](#) outline including a full list of topics and [register today](#).

Mark April 30 - May 2 in your calendar for the OSUM 2024 Conference in Orillia. Check back [here](#) as details are confirmed.

### **LAS**

Countries around the world, including Canada, are looking to phase out fluorescent and other mercury containing lights. Don't get left in the dark - consider the [LAS Facility Lighting Service](#) for environmentally-friendly, efficient LED upgrades. [Contact Christian Tham](#) to find out more and get started today.

### **Municipal Wire\***

Environmental Leadership Canada is recruiting environmental leaders (aged 18-30) for a Municipal Climate Internship in eastern Ontario with Lanark, Frontenac, and Stormont-Dundas-Glengarry. [Applications are due December 12, 2023](#).

The [Future of Aging Summit](#) in Toronto, May 15 - 17, 2024, will bring together policymakers, researchers, designers, planners, advocates, and others focused on supporting healthy aging, ending ageism and building age-friendly societies. See the speaker lineup and get early bird pricing when you [register](#) by December 31.

ORFA's [Outdoor Ice Symposium](#) is a two-day event (January 23-24, 2024) focused on the opportunities and challenges of offering outdoor ice-skating experiences for communities. [Register](#) to join them in-person at The Bentway, Toronto or connect virtually!

The Digital Governance Standards Institute has opened public review on [terminology](#) that will be used to establish consistency in data requirements for planning and

development applications in Ontario.

Fleming College is seeking municipal environmental land-use planning and management projects to be implemented by students in the Environmental Land Management program. Contact Emily Markovic to discuss partnership opportunities.

### Careers

Director of Recreation & Children's Services - Township of North Huron. Closing date: December 20.

Associate Solicitor - Town of Aurora. Closing Date: January 5, 2024.

### About AMO

AMO is a non-profit organization representing almost all of Ontario's 444 municipal governments. AMO supports strong and effective municipal government in Ontario and promotes the value of municipal government as a vital and essential component of Ontario's and Canada's political system. Follow [@AMOPolicy](#) on Twitter!

### AMO Contacts

[AMO Watchfile](#) Tel: 416.971.9856

[Conferences/Events](#)

[Policy and Funding Programs](#)

[LAS Local Authority Services](#)

[MEPCO Municipal Employer Pension Centre of Ontario](#)

[ONE Investment](#)

[Media Inquiries](#)

[Municipal Wire, Career/Employment and Council Resolution Distributions](#)

### AMO's Partners



\*Disclaimer: The Association of Municipalities of Ontario (AMO) is unable to provide any warranty regarding the accuracy or completeness of third-party submissions. Distribution of these items does not imply an endorsement of the views, information or services mentioned.



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**Allison Adams**

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**From:** AMO Communications <Communicate@amo.on.ca>  
**Sent:** Thursday, December 14, 2023 10:02 AM  
**To:** Allison Adams  
**Subject:** AMO Watchfile - December 14, 2023



December, 14 2023

**In This Issue**

- AMO is moving!
- Renewal of Ontario Invasive Species Strategic Plan.
- Volunteer firefighter recruitment and retention.
- Applications open: Rural Transit Solutions Fund.
- ROMA Conference 2024: Programming update.
- Free asset management webinar series.
- Join changemakers at the Future of Aging Summit next May.
- Data Standards for Planning and Development Applications: Terminology.
- Fleming College seeking municipal partnership projects.
- Careers.

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### **Education Opportunities**

With just over a month until the ROMA 2024 Conference, the full slate of concurrent sessions is available. [View the program](#) and [register today](#).

The [webinar series](#) will unravel the intricacies of infrastructure asset management building on the experiences that AMO and Asset Management Ontario have learned working with nearly 100 municipalities in partnership with FCM's [Municipal Asset Management Program](#). The first webinar is on [Asset Hierarchy and Data Gaps](#) on January 18, 2024 at 12:00 p.m. EST. Click [here](#) for more details.

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The [Future of Aging Summit](#) in Toronto, May 15 - 17, 2024, will bring together policymakers, researchers, designers, planners, advocates, and others focused on supporting healthy aging, ending ageism and building age-friendly societies. See the speaker lineup and get early bird pricing when you [register](#) by December 31.

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### **Careers**

[Director of Finance/Treasurer - Municipality of North Grenville](#). Deadline: December 22, 2023.

[Traffic Engineer - City of Markham](#). Deadline: January 14, 2024.

[Administrative Monetary Penalty System \(AMPs\) Business Analyst / Policy Advisor - City of Markham](#). Deadline: January 7, 2024.

[Chief Administrative Officer - Town of Erin](#). Deadline: January 10th, 2024.

[Executive Director, Digital Government & Service Innovation - Town of Midland](#).  
Deadline: January 2, 2024.

[Director, Seniors Services - Municipality of Chatham-Kent](#). Deadline: December 21, 2023.

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Association of Municipalities of Ontario

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# Council Highlights

Tuesday,  
December 6, 2023

## In This Issue:

**Ed Ketchabaw Re-Elected as 2024 Elgin County Warden**

**Harmonizing Care: Empowering Elgin Homes Through Streamlined Policy Approval**

**Fanning the Flames of Efficiency: County Council Greenlights Fire Training Coordinator**

**Safeguarding Scenic Routes: Englobe Corp.'s Path to Slope Stability on Fingal Line and Glen Erie Line**

**Rekindling Connections: A Plea for the Return of School Resource Officers in Elgin County**

**Extending the Pulse: Elgin County's Continuation of Vital Ambulance Services with Medavie**

**Charting the Road Ahead: MTOs Transformative Plans and Strategic Insights for Highway 3 & 4**

**Elgin County's Partnership Continues with Re:Public Urbanism for 2024 Planning Services**

**Pioneering Efficiency in POA Prosecutions with Extended Green Light**



## Ed Ketchabaw Re-Elected as 2024 Elgin County Warden

After two rounds of a split vote, Elgin County Council re-elected Ed Ketchabaw, Mayor of the Municipality of Bayham, as the Warden of Elgin County during their annual election meeting held on December 5, 2023. Warden Ketchabaw is set to continue his role as the head of Elgin County Council for the upcoming 2024 governance year.

In his capacity as the head of County Council, Warden Ketchabaw will undertake a range of responsibilities, including presiding over Council meetings, providing leadership to Council, representing the County at official functions, serving as the County's spokesperson, and more.

Elgin's 2024 Deputy Warden will be Grant Jones, Mayor of the Township of Southwold. The position of Deputy Warden is held by the most immediate past Warden who is a sitting member of Council.



Expressing gratitude for the opportunity, Warden Ketchabaw stated, "It is an honour to have been re-elected by County Council to serve as Elgin County's Warden for the year 2024. I eagerly anticipate collaborating with Council and staff to ensure that Elgin County

remains a vibrant community where people aspire to live, work, and thrive for many years to come."



## **Harmonizing Care: Empowering Elgin Homes Through Streamlined Policy Approval**

The County of Elgin Homes, which includes Bobier Villa, Elgin Manor, and Terrace Lodge, recognizes the importance of having policies and procedures that comply with legislative requirements such as the *Fixing Long-Term Care Act*. These policies are essential for meeting the Ministry of Long-Term Care (MLTC) standards and providing clear guidance for all Homes staff in delivering care and services. To ensure that these policies are up-to-date, they are reviewed annually, incorporating changes in legislation.

Currently, all policies and procedures undergo approval by the County Council, which can cause delays in implementation and create challenges during MLTC home inspections. To address this, staff recommended that the Director of Homes and Seniors Services be granted the authority to approve these policies and procedures to ensure a more efficient and timely process. County Council approved this recommendation, which ultimately enhances the delivery of care and services to residents and solidifies a streamlined approval process for policies and procedures within the three (3) County of Elgin Homes.

## **Fanning the Flames of Efficiency: County Council Greenlights Fire Training Coordinator**

The County's Emergency Management Department has identified substantial gaps and an overwhelming workload related to the Elgin-Middlesex Regional Fire School (EMRFS) over the past two years. To address this issue, the department proposed the addition of a full-time Fire Training Coordinator position to enhance efficiency and productivity. The request, presented ahead of the budget approval process, is prompted by the immediate start of fire training early in the new year and the urgent need for additional resources to prepare and implement 2024 fire courses. County Council approved hiring a Fire Training Coordinator to alleviate the department's workload, with the associated costs offset by a projected increase in revenue, ensuring the position's full coverage by course fees.

## **Safeguarding Scenic Routes: Englobe Corp.'s Path to Slope Stability on Fingal Line and Glen Erie Line**

County Council has approved Englobe Corp. to provide geotechnical investigative and construction plans for remediating unstable road slopes on Fingal Line and Glen Erie Line. With the proposed 2024 Capital Budget allocating funds for these projects, Englobe Corp. submitted a proposal for geotechnical fieldwork, borehole drilling, laboratory testing, and remediation design at a total cost of \$209,500 plus HST.

## Refreshing the Elgin County Brand: Addressing Accessibility

In a joint effort between Elgin County's Corporate Communications & Engagement Coordinator and the Accessibility Coordinator, the official County logo has been updated to better align with the latest branding, marketing, and accessibility requirements. The refresh was carried out by an external graphic designer at a cost of \$316.40.

The updated logo conforms to the Web Content Accessibility Guidelines (WCAG) 2.0 Level AA as per the Integrated Accessibility Standards Regulation (IASR). This update comes at an opportune time as the County's website is also being redeveloped, and it is important to ensure that the County's colours, fonts, and branding are accessible to everyone. Elgin County Council has unanimously approved the updated logo to be implemented immediately on all web and digital-based corporate assets.

### Current Logo:



### Refreshed Logo:



## Rekindling Connections: A Plea for the Return of School Resource Officers in Elgin County

The Elgin Group Police Services Board (EGPSB) issued a letter to Elgin County Council expressing their deep concern regarding the ongoing pause of the School Resource Officer (SRO) program in schools within the Thames Valley District School Board (TVDSB) district. EGPSB advocates for the return of police officers to area schools while acknowledging the importance of building positive relationships with students and the need for adaptation to address the concerns raised during the pause. This program was designed not only to educate students about important topics such as alcohol and drugs but also to build positive relationships with Elgin's youth. Council directed the Warden to send a letter to the chair of the TVDSB that not only supports but echoes the concerns of the EGPSB.



## Extending the Pulse: Elgin County's Continuation of Vital Ambulance Services with Medavie

The County of Elgin is responsible for providing land ambulance services and has been in productive negotiations with Medavie since the original agreement was signed in 2014. The current agreement is set to expire on December 31, 2023, and in order to allow for ongoing negotiations towards a new, longer-term contract, Council has approved an extension of the current Land Ambulance Services Agreement with Medavie EMS Elgin Ontario Incorporated for up to six months.



## Charting the Road Ahead: MTO's Transformative Plans and Strategic Insights for Highway 3 & 4

Elgin's Director of Engineering Services provided Council with an overview of the Ontario Ministry of Transportation (MTO)'s Preliminary Design, Detailed Design, and Class Environmental Assessment for Highway 3 improvements from Highway 4 to Centennial Avenue. Following the second Public Information Centre (PIC) on November 22, 2023, key highlights involved utilizing two median width designs for the Highway 3 cross-section to reduce property impacts.

The proposed construction staging spans five years, starting in 2025, with specific projects each year. The County is advised to minimize construction detour durations, conduct formal assessments on roads used as detour routes, ensure restoration to pre-detour conditions, design cul-de-sacs for easy turnaround, and consider traffic signalization at Clinton Line and Highway 4.

## Elgin County's Partnership Continues with Re:Public Urbanism for 2024 Planning Services

Council approved the authorization for the Warden and CAO/Clerk to execute an agreement with Re:Public Urbanism for planning services in 2024. Re:Public Urbanism has provided planning services to Elgin County since the beginning of 2022. Initially, they only offered limited services. However, in May 2022, their scope expanded, allowing them to work on the County Official Plan and provide planning services related to the County's approval authority function. The revised agreement extended their services through 2023, and now the County is looking at options for planning services in 2024.

## Pioneering Efficiency in POA Prosecutions with Extended Green Light

Elgin County Council has given the green light to extend the Interim Transfer Agreement for Parts III and IX of the Provincial Offences Act to continue until January 3, 2026. The Province of Ontario has mandated the transfer of Parts III and IX POA prosecutions to Municipalities in a phased approach, which began as a pilot project. The successful implementation in Elgin County, which has demonstrated effective resource utilization and cost savings, has prompted the extension request. Elgin County initially took on this responsibility in December 2021, successfully managing more serious offences through a full-time prosecutor.



For the complete **December 6, 2023 Agenda Package**, please visit the following link:  
[County Council Agenda Package](#)

**Ministry of Natural Resources and Forestry**

Resources Planning and Development  
Policy Branch  
Policy Division  
300 Water Street  
Peterborough, ON K9J 3C7

**Ministère des Richesses naturelles et des Forêts**

Direction des politiques de planification et d'exploitation des ressources  
Division de l'élaboration des politiques  
300, rue Water  
Peterborough (Ontario) K9J 3C7

Good Morning,

Today, the government posted a decision notice to the [Environmental Registry of Ontario](#) finalizing the “[Technical bulletin - Flooding hazards: data survey and mapping specifications](#)”.

This new technical bulletin is to be applied when delineating the flooding hazard through mapping new, or updating existing, maps. It is intended to assist technical personnel experienced in mapping and geomatics in undertaking flood hazard surveying and mapping in Ontario and to serve as the definitive source of flood hazard data, survey and mapping guidance for use in Ontario.

Feedback on the draft technical bulletin was accepted from July 4th until September 5th, 2023. Feedback was for the most part supportive of the criteria and guidance provided in the Technical Bulletin. Comments received supported the additional clarity with regards to the necessary data considerations and mapping specifications to support flood hazard identification in Ontario. There was broad support for the Technical Bulletin providing flood hazard mapping recommendations, but not being a set of mandatory instructions to be applied in all circumstances.

Expanded guidance and clarification was provided for using surveyed and remotely sensed channel bathymetry and floodplain surface topography, to support the use of different types of models. Clarification and guidance related to vertical and horizontal datum transformations to the CGVD2013 datum (see Section 3.0 of Technical Bulletin), and associated limitations on the conversion process were sought however, MNRF endeavours to update this Technical Bulletin in the future to align with and reference pending Government of Ontario Information and Technology Standards.

Other additional comments received will be revisited in future revisions of this Technical Bulletin as future associated Technical Bulletins (e.g., hydrology and hydraulics methods) are released and new content can be added. The Ministry intends to keep this and other future natural hazard technical bulletins in an ‘evergreen’ state and update as new science and methods emerge.

As committed to in Ontario's Flooding Strategy, MNRF is in the process of updating other natural hazard technical guidance and anticipates additional documents to be released for public comment over the coming months and years.

Sincerely,

Jennifer Keyes  
Director, Resources Planning and Development Policy Branch  
Ministry of Natural Resources and Forestry

December 12, 2023

**\*Sent Via Email\***

Municipalities of Ontario

Re: Amendment to the Occupational Health and Safety Act to Clarify the Definition of “Employer”

The following resolution was passed by Council of the City of Greater Sudbury on December 5, 2023:

*CC2023-303: WHEREAS in 2015 the City of Greater Sudbury (the “City”) entered into a contract with a contractor experienced in road construction projects to complete a project on Elgin Street in the City’s downtown core;*

*AND WHEREAS the contract provided that the contractor would be the constructor for the project as that term is defined in the Occupational Health and Safety Act (the “Act”);*

*AND WHEREAS an employee of the constructor operating a grader on the project struck and killed a pedestrian;*

*AND WHEREAS the City was charged with offences under the Act as the constructor and the employer;*

*AND WHEREAS after being acquitted at trial and on appeal, the Ontario Court of Appeal, in a decision issued on April 23, 2021, found the City to be liable for contraventions of the Construction Regulations as an employer as it employed quality control inspectors to monitor the quality of work on the project from time-to-time;*

*AND WHEREAS the Supreme Court of Canada, in a decision issued on November 10, 2023, was evenly divided 4-4 on the issue resulting in dismissal of the City’s appeal;*

*AND WHEREAS the consequence of this decision is that municipalities in Ontario, as well as all other owners of property in the province, who wish to undertake construction, are subject to being charged and convicted as an employer for offences in relation to project sites for which they have no control and have, in accordance with the Act, contracted with an entity to assume plenary oversight and authority over the work on such site as the constructor; AND WHEREAS the potential of an owner being charged as an employer as that term is defined in the Act in circumstances where it has engaged a constructor disregards and renders meaningless the owner-constructor provisions contained in the Act and presents an unacceptable level of increased risk and confusion for owners and contractors throughout the province;*

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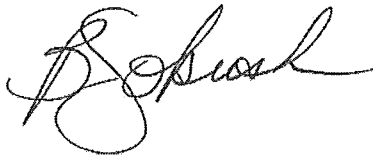
www.greatersudbury.ca  
 www.grandsudbury.ca

*AND WHEREAS the City believes that the safety of workers is paramount however the safety of workers on construction projects in Ontario is not increased by placing liability on parties that do not have control of and are not responsible for the conduct of the work on such sites;*

*NOW THEREFORE BE IT RESOLVED THAT the Council for the City of Greater Sudbury requests that the province amend the Occupational Health and Safety Act to clarify the definition of "employer" to exclude owners that have contracted with a constructor for a project;*

*AND BE IT FURTHER RESOLVED THAT this motion be provided to the Honourable Doug Ford, Premier of Ontario, the Honourable David Piccini, Minister of Labour, Immigration, Training and Skills Development, the Honourable Paul Calandra, Minister of Municipal Affairs and Housing, France Gelin, MPP for Nickel Belt, Jamie West, MPP for Sudbury, the Association of Municipalities of Ontario, the Federation of Northern Ontario Municipalities, Ontario's Big City Mayors, Mayors and Regional Chairs of Ontario, Northern Ontario Large Urban Mayors, the Council of Ontario Construction Associations, the Ontario Chamber of Commerce and all Ontario municipalities.*

Yours truly,

A handwritten signature in black ink, appearing to read 'Brigitte Sobush', written in a cursive style.

Brigitte Sobush  
Manager of Clerk's Services/Deputy City Clerk

- c. Members of City Council  
Eric Labelle, City Solicitor and Clerk





CLEARVIEW  
TOWNSHIP

**Clerk's Department**  
Township of Clearview  
Box 200, 217 Gideon Street  
Stayner, Ontario L0M 1S0  
[clerks@clearview.ca](mailto:clerks@clearview.ca) | [www.clearview.ca](http://www.clearview.ca)  
Phone: 705-428-6230

December 12, 2023

File: C00.2023

Hon. Todd McCarthy  
Ministry of Public and Business Service Delivery  
777 Bay Street, 5<sup>th</sup> Floor  
Toronto ON M5B 2H7

Sent by Email

**RE: Cemetery Transfer/Abandonment Administration & Management Support**

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Please be advised that Council of the Township of Clearview, at its meeting held on December 11, 2023, passed a resolution regarding Cemetery Transfer/Abandonment Administration & Management Support as follows:

Moved by Councillor Walker, Seconded by Councillor Broderick, 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 Township of Clearview 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:

- Amend 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; Page 6 of 7
- 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 Brian Saunderson and all Ontario municipalities. Motion Carried.

For reference, please find attached the Staff Report LS-032-2023 that provides background for the above resolution. If you have any questions, please do not hesitate to contact the undersigned.

Regards,



Sasha HelmKay-Playter, B.A., Dipl. M.A., AOMC  
Clerk/Director of Legislative Services

cc: Jim Cassimatis, BAO Interim CEO/Registrar  
MPP Simcoe Grey, Brian Saunderson  
Ontario Municipalities

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**To:** Mayor and Council

**From:** Sasha Helmkey, Clerk/Director of Legislative Services

**Date:** December 11, 2023

**Subject:** Report # LS-032-2023 – Cemetery Transfer/Abandonment Administration & Management Support

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## Recommendation

Be It Resolved that Council of the Township of Clearview hereby receives Report LS-032-2023 (Cemetery Transfer/Abandonment Administration & Management Support) dated December 11, 2023; and,

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;

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- Provide free training opportunities for municipalities regarding cemetery administration; and,
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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 Brian Saunderson and all Ontario municipalities.

## **Background**

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.

Over the last decade there appears to be a trend where cemeteries in Ontario are being transferred, whether through abandonment or a mutually agreed upon transfer, to the care and control of municipalities. This is often seen when there is a breakdown in existing cemetery boards and/or when churches cease operations. For many existing private cemetery boards their board members and volunteers are aging and are unable to assist with the operations and maintenance of the cemetery any longer. Finding new members proves to be difficult for these boards to continue. In addition to aging board members, there are other issues that are contributing to the increase in cemetery transfers:

- high maintenance costs
- inaccuracy of records
- lack of financial and human resources to effectively operate and maintain the cemetery

- increased regulatory processes that require ongoing training for selling of interment rights, and the financial operation of the care and maintenance fund, etc.

### Township Owned Cemeteries

The Township of Clearview currently owns and operates nine (9) cemeteries within its geographic boundaries. Out of these nine cemeteries, four (4) are considered active meaning that there are still interment rights to be sold, or burials to take place. Below is a chart outlining these cemeteries and their status:

Cemetery Name	Address	Status
Batteau Hill Cemetery	2670 County Road 124, Duntroon	Inactive
Bethel Union Cemetery	2249 Creemore Avenue, New Lowell	Inactive
Dunedin Union Cemetery	9 Turkeyroost Lane, Dunedin	Active
Duntroon Pioneer Cemetery	2870 County Road 124, Duntroon	Inactive
Lavender Cemetery	827103 Mulmur/Nottawasaga Townline, Creemore	Active
Old Zion Presbyterian Church Cemetery	6130 Highway 26, Sunnidale Corners	Inactive
Second Line Nottawasaga Cemetery	2279 County Road 42, Stayner	Active
Stayner Union Cemetery	7661 Highway 26, Stayner	Active
Zion Presbyterian Church Cemetery	12358 County Road 10, Sunnidale Corners	Inactive

For the Dunedin and Stayner Union Cemetery, the Township looks after the maintenance and burials through a third-party contractor. The maintenance and burials for the Lavender Cemetery are conducted through the Board. For the Second Line Nottawasaga Cemetery all the interment rights have been sold, but there remains one burial to be completed. The cost to maintain an active cemetery is expensive. Although burial costs and the installation of markers, etc. are cost recovery through the purchaser, grounds maintenance is not.

Inactive cemeteries still require consistent grounds maintenance, which includes any monument restoration for health and safety, and record searches for the public register.

## Comments and Analysis

When analyzing the number of cemeteries that Clearview Township currently owns and operates, maintenance and administration is a large undertaking. To add any additional cemeteries by way of transfer or abandonment will only compound the issues the Township is already facing. In the past year, the Township has been approached by two separate entities regarding possible cemetery transfers. When a board or cemetery transfers ownership to the municipality, the issues are transferred with it. Municipalities are not immune to the same concerns. It becomes a strain on municipal resources, financially, administratively, and operationally.

### Administrative Impact

From an administrative perspective the management of four active cemeteries is both time consuming and complex. No interment is the same, and providing good customer service takes time especially for those making arrangements while also dealing with grief. Administrative tasks include but are not limited to: interment right sales and mapping, burial contracts and scheduling, monument placement, historical record searches, plot and monument staking, fees and charges review, family transfers of interment rights and annual reporting to the Bereavement Authority of Ontario (BAO).

- **Incomplete records**

Often the records accepted by the Township from a dissolved cemetery board or church are incomplete and disorganized. This is no fault of the previous board members, as they are also often operating with limited resources. However, it does make it difficult to manage the cemetery post-transfer when records are sparse. Understanding which plots are occupied and by who is critical to the sound management of a cemetery. Unfortunately, this is not made possible in all cases because of incomplete records. In addition, records received during a transfer usually are maintained under different records management standards and are often organized and named inconsistently. Adaptation to Township records keeping practices takes time.

- **Lack of human resources**

Cemetery management is a highly regulated professional field, with the responsibility of which is often placed on public sector employees who may have limited knowledge of cemeteries in general. With reduced resources within municipalities especially rural ones, the management of cemeteries often becomes a secondary responsibility to another position. There is also a lack of affordable training available for municipal employees who are required to abide by regulations set out by the FBCSA and the BAO.

- **Increased regulatory processes**

Annual reporting requirements of the BAO can be extensive and complex. This includes monitoring the number of interments, the transfers to the Care and Maintenance Fund (C&M), and how the C&M fund can be used. There are also regulations pertaining to maintaining a public register, how sales are to be conducted and strict guidelines on Cemetery By-law approvals, and expansions including the erection of columbaria structures.

- **Inconsistent cemetery regulations**

Cemeteries can have many different regulations related to plot size, number of burials allowed in a given plot, monument size, what types of flowers/shrubs are allowed to be installed near a headstone etc. The transfer of different cemeteries having inconsistent regulations can make it difficult to adapt management practices in order to maintain original cemetery operational standards.

### **Operational Impact**

Similarly, from an operational perspective the grounds maintenance of cemeteries, whether active or inactive, is both time consuming and complex. A key issue when analyzing the maintenance component of cemetery management is the lack of financial resources to support the operation. Cemetery maintenance includes, but is not limited to: grass cutting (whipper snipping around monuments), tree and shrub maintenance, monument and corner stone maintenance, water pipe and washroom monitoring, and general upkeep of cemetery grounds (removal of debris, etc.).

- **High maintenance costs**

As with many services, there are rising costs to contend with. Municipalities have adopted different models to address the maintenance of such, with third party contractors being commonly used or it becomes the responsibility of an internal department such as Parks & Recreation. Regardless the model, the costs have increased significantly over the last decade with equipment purchases/upgrades, insurance requirements for third-party contractors, and the time it takes to cut the grass and whipper snip around monuments. To put it into perspective, the Stayner Union Cemetery with the expansion is 25 acres with monuments to manoeuvre around during ground care. Other considerations for maintenance includes monument restoration and ensuring that they are not deteriorated to the point where they are unsafe. This is important for older cemeteries where restoration hasn't been provided in the past and there are many deteriorating monuments.

- **Cost of cemetery management software**

Cemetery Management Software can help municipalities manage cemetery records, including plot sale contracts, interment rights certificates, and regulatory reporting.

However, these software solutions are often expensive and require a large amount of staff time to implement especially with incomplete data and records. These software solutions range in price from \$5,000 to \$100,000 with annual maintenance costs. This investment in software can be a large budget request and one that would need to be supported from taxation with the limited funds in cemetery general accounts.

- **Inadequate Care and Maintenance funds**

When the Funeral, Burial and Cremation Services Act, 2002 (FBCSA) was enacted, it stipulated that a care and maintenance fund for a cemetery shall be established. A cemetery operator is required to make contributions to the fund from the sale of in-ground graves, crypts, tombs, niches, scattering rights and monument installation. The contribution is prescribed under the FBCSA and differs dependant on the interment type. The idea is that the fund (income earned from the fund - interest) pays for maintenance costs after a cemetery has stopped making sales. In reality, this concept does not produce enough funds to maintain a cemetery. Looking at the Stayner Union Cemetery as an example, for the very basics (grass cutting and whipper snipping) the interest from the care and maintenance fund does not provide enough monies to maintain the cemetery for the 7 months it's required. In addition, the care and maintenance fund is also to be utilized for the stabilization, maintenance and security of markers. Cemeteries are not self funding, and maintenance of such is becoming a larger budget concern.

### **Support Request**

Cemetery transfers and abandonments have been an ongoing concern for Clearview Township for many years. When you look at the large geography of the Township there are many cemeteries within the boundaries that have the potential to be transferred. To gauge the concern of other municipalities on this issue, staff addressed it at a Simcoe County Clerks group discussion. Many neighbouring municipalities expressed that they were dealing with the same issues and have also been approached by different external entities on possible transfers.

As result of the discussion, it was agreed that to assist with the real concerns with transfers and abandonments of cemeteries, it's vital that the Province provide assistance to adequately support this infrastructure. Support can be provided in many different forms, with staff making the following recommendations for the Ministry of Public and Business Service Delivery and the BAO:

- Amend 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.

There is not one solution to solve all the issues, but at the very least it's important to identify the concerns and have open and real discussions at the provincial level on what support can be provided.

### **Clearview's Strategic Plan**

The above initiative supports the following strategic pillars:

- Governance

### **Financial Implications**

It is difficult to identify an exact dollar amount that can be attributed to a cemetery transfer/abandonment to the municipality. Every transfer is different and depends on a multitude of factors beginning with the cemetery status (active/inactive), acreage, care and maintenance fund (if any), maintenance of records, etc. What is being recommended by staff by way of support from the province is not meant to erase the costs entirely, but rather, to alleviate the financial burden in some capacity.

### **Report Appendices**

Not applicable.

### **Approvals**

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<b>Reviewed by:</b>	Krista Pascoe, Deputy Clerk
<b>Financial Implications Reviewed by:</b>	Kelly McDonald, Treasurer
<b>Approved by:</b>	John Ferguson, CAO