

Date: 2021-09-09

Subject: **Amendment to Cemetery By-law 83-2016**

Contact: Ed Fagan, Acting Director, Parks Maintenance and Forestry
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Report Number: Community Services-2021-1152

Recommendations:

1. That the report titled: **Amendment to Cemetery By-law 83-2016**, to the Committee of Council Meeting of November 17, 2021, be received; and
2. That Council approve the price increases outlined in this report for prices in section 3.15 Care and Maintenance Fund Contributions and section 5.20 Care and Maintenance Fund Marker Contributions of By-law 83-2016 and enact an amending by-law in the form and content attached to this report.

Overview:

- **Changes are being made to the O. Reg. 30/11 under the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), which affects the cemetery care and maintenance funds managed by the City.**
- **The changes will be in force January 1st, 2022 and will permit non-commercial cemetery operators to access the capital portion of a cemetery care and maintenance fund or account to increase the capacity of a cemetery. This is subject to approval from the Registrar of the Bereavement Authority of Ontario (BAO), under the condition that the capital is paid back into the trust fund or account.**
- **Contribution amounts to the cemetery care and maintenance fund accounts will increase, affecting section 3.15 and section 5.20 of the current Cemetery By-law 83-2016, and the Minister will be required to review the prescribed amounts at least once every five years.**

Background:

The Bereavement Authority of Ontario (BAO) is the governing body of cemeteries that regulates the amounts of Care and Maintenance Fund Contributions that are to be charged and deposited into the Cemetery Trust Accounts. The Cemetery By-law 83-2016 is in compliance of The Bereavement Authority of Ontario, thus reflective of any amendments that are made.

Current Situation:

The Bereavement Authority of Ontario has mandated increases to the Care and Maintenance Fund Contributions by all Cemeteries. Increased amounts are captured in the rates and fees that will be approved by Council. These Care and Maintenance Fund Contributions (mandated by the BAO) are in the current Cemetery By-law 83-2016 under section 3.15 and 5.20 and require updating. The new Care and Maintenance Fund Contribution amounts are to be changed effective January 1st, 2022 as follows:

Care and Maintenance Fund Contributions

3.15 The amount required to be deposited to the Care and Maintenance Fund shall be determined as follow:

- (i) In the case of an in-ground Lot greater than 2.23 square metres (24 square feet) for the Interment of an adult, the greater of 50% of the Interment Rights price as set out on the Price List or \$290.00; (previously \$250.00)
- (ii) In the case of an in-ground Lot smaller than 2.23 square metres (24 square feet) for the burial of a child or of cremated human remains, the greater of 50% of the Interment Rights price as set out on the Price List or \$175.00; (previously \$150.00)
- (iii) In the case of a niche or compartment in a Columbarium, the greater of 15% of the Interment Rights price as set out on the Price List or \$165.00; (previously \$100.00)
- (iv) In the case of a Scattering Ground for only one Scattering Rights Holder, the greater of 40% of the Scattering Rights price as set out on the Price List or \$115.00; (previously \$100.00)
- (v) In the case of a Scattering Ground for more than one Scattering Rights Holder, the greater of 15% of the Scattering Rights price as set out on the Price List or \$30.00; (previously \$25.00)
- (vi) In the case of a Scattering Ground for which there is no Scattering Rights Holders, \$30.00; (previously \$25.00)

Care and Maintenance Fund Marker Contributions

5.20 Unless provided in the Price List every person, before installing a Marker in a Cemetery, shall pay to the City not less than the following amounts:

- (i) No charge for Care and Maintenance Fund - Markers for the installation of a Flat Marker measuring less than 1, 116.13 square centimetres (173 square inches);
- (ii) One Hundred dollars (\$100.00) for Care and Maintenance Fund – Markers for the installation of a Flat Marker measuring at least 1,116.13 square centimetres (173 square inches);(previously \$50.00)
- (iii) Two hundred dollar (\$200.00) for Care and Maintenance Fund – Markers for the installation of an upright Monument measuring 1.22 metres (4 feet) or less in height and 1.22 metres (4 feet) or less in length, including the base; (previously \$100.00)
- (iv) Four hundred dollars (\$400.00) for Care and Maintenance Fund – Markers for the installation of an upright Monument measuring more than 1.22 metres (4 feet) in either height or length, including the base; (previously \$200.00)

Next Steps:

Once approval of price increase have been made, City staff will adjust the appropriate documentations and pricing to reflect the changes to be effective for January 1st, 2022.

Corporate Implications:

Financial Implications:

With the amendments to the contribution amounts, there will be an increase in revenue into the cemetery care and maintenance funds. Such increase will be reflected in the cost of services offered to customers.

Other Implications:

N/A

Term of Council Priorities:

This report supports the following Term of Council Priorities:

- Brampton is a Well-Run City – Through stewardship of assets and services the corporation is able to demonstrate the value for money of City programs and services offered, by securing funding that will enhance the operational needs of the cemetery division while complying with provincial legislations.

Conclusion:

The *Funeral, Burial and Cremation Services Act, 2002* (FBCSA) and O. Reg. 30/11 thereunder has mandated a price increase for contribution amounts effective January 1st, 2022. Such increase will affect the cemetery care and maintenance funds, specifically section 3.15 Care and Maintenance Fund Contributions and section 5.20 Care and Maintenance Fund Marker Contributions of the current Cemetery By-law 83-2016. With this change, non-commercial cemetery operators will be permitted to access the capital portion of a cemetery care and maintenance fund or account to increase the capacity of a cemetery. Funds that are taken from the capital are expected to be paid back into the trust fund and are subjected to be reviewed every five years. An increase in contribution amounts will result in a larger capital access, further allowing the ability of enhanced services offered and customer delivery. Upon approval, increase amounts will take effect in 2022 and will be reflective in the cost of services.

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Attachments:

Appendix 1 – Cemetery Care and Maintenance Fund/Account Contribution Amount Increases

Appendix 2 – Proposed By-law to Amend By-law 83-2016