

Staff Report

Report To: Community Services Committee
Report From: Adam Parsons, Manager of Parks and Open Space
Meeting Date: December 14, 2022
Report Code: CS-22-160
Subject: Greenwood Cemetery By-law Update – Comments from the Regulator (BAO)

Recommendations:

THAT in consideration of Staff Report CS-22-104 respecting updating the Greenwood Cemetery By-law, the Community Services Committee recommends that City Council directs staff to bring forward a by-law to:

1. Repeal Greenwood Cemetery By-law No. 2014-012 and replace it with a revised by-law in accordance with Attachment 1 to this report;
2. Authorize the Mayor and Clerk to execute an agreement to dedicate Northwest Section Ranges 36, 37, 38 and 39 lot numbers 3 to 32 as the Muslim Section; and
3. Authorize the Mayor and Clerk to execute an agreement to dedicate Northwest Section Ranges 40 and 41 lot numbers 3 to 32 as the Jewish Section.

Highlights:

- The update to the Greenwood Cemetery Master Plan completed in 2020 included 16 recommendations.
- In order to ensure the Cemetery meets the needs and expectations of families and funeral service providers and ensures that the Cemetery can respond to the changing ways that the interment of a

- loved one can be celebrated, several recommendations require updates to the Greenwood Cemetery Bylaw to enact the changes.
- These included formalizing dedicated Muslim and Jewish Sections to provide culturally appropriate interment options locally and establishing a natural burial section based on community feedback.
 - The draft bylaw update to incorporate these changes and draft agreements are presented for approval.

Strategic Plan Alignment:

[Strategic Plan](#) Priority: Service Excellence - KR1 - Further develop a culture of learning, development, well-being and embrace new approaches to service provision

Previous Report/Authority:

[CS-20-023 2020-2024 Greenwood Cemetery Master Plan Recommendations and Next Steps;](#)

[Greenwood Cemetery Master Plan.](#)

[CS-21-140 Greenwood Cemetery Natural Burials Landscape Plan](#)

[CS-22-104 Greenwood Cemetery Bylaw Update and Dedicated Section Agreements](#)

Background:

In 2020, a new Greenwood Cemetery Master Plan was approved by Council. The goal of the review and update was to:

- Ensure continuity of service delivery to the community and guide decision-makers in ensuring the Cemetery is viable into the next century;
- Ensure the needs and expectations of families and funeral service providers are being met;
- Ensure the Cemetery can respond to the changing and diverse needs of the community and offer options for families to celebrate the life of a loved one at the time of interment; and,
- Examine the lifespan and sustainability of Greenwood Cemetery.

The updated Plan included 16 recommendations across the key themes of Internment Options, Administration, Operations and Grounds and Buildings and Maintenance.

At the September 2022 Community Services Committee meeting, report [CS-22-104 Greenwood Cemetery Bylaw Update and Dedicated Section Agreements](#) indicated that the draft bylaw would be submitted to the Bereavement Authority of Ontario (BAO), the cemetery regulator in Ontario as required by the Funeral Burial and Cremation Services Act (FBCSA).

The BAO review of the draft bylaw returned 24 changes. Most changes modified definitions to standardized definitions recommended by the regulator.

The purpose of this report is to:

1. Update Committee and Council on the changes requested by the BAO; and,
2. Provide an updated timeline for the adoption and enactment of the new Greenwood Cemetery Bylaw.

Analysis:

Summary of regulator comments

The changes suggested by the BACO are included in the revised Draft By-law in Attachment 1. Attachment 2 includes a summary of the changes requested by BAO including:

- Standardized several definitions;
- Addition of new standard definitions for “Contract” and “Liability” that did not appear in the bylaw or draft bylaw previously;
- Added clauses that were previously reflected only in the FBCSA such as the prohibition of interring non-human remains on the cemetery grounds; and,
- Standardized wording for some operational clauses such as monument safety and upkeep and the approval of a disinterment.

Regulator comments are antecedent to a 30-day public comment period required under the FBCSA. In accordance with regulations, signs are posted at Greenwood Cemetery entrances and offices. Hard copies for review of the draft bylaw are available at the Greenwood Cemetery Office and City Hall. Notice and the draft bylaw are posted on the Greenwood Cemetery website.

In addition to the regulator comments, the revised draft bylaw indicates an additional 58 lots added to the Muslim Section following consultation with the Owen Sound Muslim Association, and a revised monument specifications chart has been added to the draft bylaw as Appendix B.

Financial Implications:

Legal fees for research and preparation of the dedicated Muslim and Jewish Sections and preparation of the draft bylaw.

There is no cost to submit the amended Greenwood Cemetery Bylaw to the BAO for approval.

Staff time.

Communication Strategy:

This Report.

The Bereavement Authority of Ontario requires that any new or amended bylaw must be posted for 30 days at the cemetery, and once in a local newspaper with regular circulation.

Public Notice was posted in the Owen Sound Sun Times from December 8, 2022, to December 12, 2022.

The Draft Bylaw was posted in Hard Copy at each Cemetery entrance and at the Greenwood Cemetery Office on December 8. Pending approval, the amended bylaw can be enacted on January 8, 2023.

Once approved, the updated bylaw will be available in hard copy at Greenwood Cemetery and on the Greenwood Cemetery website as required by the BAO.

The new draft bylaw and dedicated agreements will be communicated with the Owen Sound Muslim Association, Beth Ezekiel Synagogue, local bereavement sector partners, monument dealers who have installed monuments at Greenwood cemetery in the past five years and parks and cemetery staff.

Consultation:

Beth Ezekiel Synagogue
Owen Sound Muslim Association
City Solicitors
Pam Coulter, Director of Community Services
Parks and Cemetery Administrative Co-ordinator
Bereavement Authority of Ontario

Attachments:

Attachment 1. Draft Greenwood Cemetery Bylaw- Revised
Attachment 2. Summary of Changes Requested by the Regulator

Recommended by:

Adam Parsons, Manager of Parks and Open Space
Pam Coulter, Director of Community Services

Submission approved by:

Tim Simmonds, City Manager

For more information on this report, please contact Adam Parsons, Manager of Parks and Open Space at aparsons@owensound.ca or 519-376-1440 x 1221.