



City of Hamilton

PUBLIC WORKS COMMITTEE ADDENDUM

Meeting #: 21-004
Date: March 22, 2021
Time: 1:30 p.m.
Location: Due to the COVID-19 and the Closure of City Hall

All electronic meetings can be viewed at:

City's Website:

<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel:

<https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

Alicia Davenport, Legislative Coordinator (905) 546-2424 ext. 2729

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6. DELEGATION REQUESTS	
*6.4. Garth Nelson, The Stone Centre Inc., respecting Item 10.2 - Cemeteries Business Plan (PW21015) and Report PW21005 - City of Hamilton's Cemeteries By-law Update (for today's meeting)	2
*6.5. Gary Foster, Ontario Monument Builders Association, respecting Item 10.2 - Cemeteries Business Plan (PW21015) and Report PW21005 - City of Hamilton's Cemeteries By-law Update (for today's meeting)	3
7. CONSENT ITEMS	
7.5. Annual Watermain Break Report - 2020 (PW21011) (City Wide)	
*7.5.a. Added Map to Report PW21011, respecting Watermain Breaks 2017-2020 (as referred to during the meeting)	6

Added Item 6.4

Request to Speak to Committee of Council

Submitted on Wednesday, March 17, 2021 - 4:47 pm


==Committee Requested==

Committee: Public Works Committee

==Requestor Information==

Name of Individual: Garth Nelson

Name of Organization: The Stone Centre Inc.

Contact Number: 519-743-3511 work 

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Mailing Address:

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Waterloo, Ontario

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Reason(s) for delegation request:

To address the Public Works Committee, Chair and Members, with respect to:

The Cemeteries Business Plan (PW21015) (Item 10.2)

and The City of Hamilton's By-Law 12-151 Update (PW21005) (Item 9.2) from the February 19th, 2021 meeting.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

Added Item 6.5

Request to Speak to Committee of Council

Submitted on Wednesday, March 17, 2021 - 4:52 pm

==Committee Requested==

Committee: Public Works Committee

==Requestor Information==

Name of Individual: Gary Foster

Name of Organization: Ontario Monument Builders Association

Contact Number: 613-970-8275

Email Address: gary.omba@gmail.com

Mailing Address:

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Belleville, Ontario
K8N 0M4

Reason(s) for delegation request:

To address the Public Works Committee, Chair and Members, with respect to:

The Cemeteries Business Plan (PW21015) (Item 10.2)

and The City of Hamilton's By-Law 12-151 Update (PW21005) (Item 9.2) from the February 19th, 2021 meeting.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

ATTENTION : Alicia Davenport , Legislative Coordinator, City of Hamilton

OMBA submission to the City of Hamilton Public Works Department Environmental Services Division
Committee meeting of March 22 2021

I would like to begin by thanking the members of the Public Works Committee to allow me the opportunity to speak today on behalf of members of your business community, the monument builders of Hamilton. My name is Gary Foster and I have been involved with government relations on behalf of the Ontario Monument Builders for over 20 years and currently serve as the Executive Director of the Association. I have been invited here today by the MBH to provide you with a broader perspective on the implications of the sale of monuments and markers by Cemetery staff.

I would like to take a moment to share with you the unique properties of Cemetery Memorialization that makes this initiative particularly damaging to these long standing craft businesses and their customers.

All those that have been touched by the death of a loved one know how disorienting the sudden whirlwind of activity while planning for a funeral service and the permanent resting place of their loved ones can be. The psychological vulnerability of these consumers is well documented.

It is the position of the OMBA that consumer protection needs to be the critical consideration guiding policy makers in the bereavement sector.

It is our belief that a competitive marketplace with many suppliers provides the best and most cost effective consumer protection. Unfortunately experience has shown that when cemeteries embark on the sale of monuments and related services consumer choice is greatly compromised. Typically within short order these craft businesses are bankrupted and permanently disappear taking their unique skills with them.

Cemeteries through their bylaws and the Funeral Burial and Cremations Services Act regulate the activity of monument builders and their customers. Cemetery managers and staff play a critical role in controlling the size of monuments, their placement, design approvals and ultimately releasing installation certificates for the gravesite. Once you r regulator becomes your competitor there is distortion in the marketplace that quickly leads to business collapse. In most industries regulators are not allowed to sell the products they regulate because of the inherent unfairness. Long gone are appliance sales by public utilities. The problem here is more than an overlap in providing similar services such as golf courses and fitness facilities. Private golf courses and fitness centers would not last long if they needed permission to provide services on a per customer basis from the municipally operated facility.

When the provincial government framed the current regulatory legislation, the Funeral Burial and Cremation Services Act, much of the stakeholder consultation addressed consumer protection through the maintenance of a level playing field, when cemeteries engage in the sale of monuments, the provision of funeral services and other non-traditional goods and services consumer choice and

protection is at risk. These services are provided under the benign label of one stop shopping. We do not even allow our most trusted profession, medical doctors the right to sell drugs.

In the twenty years since the legislation was passed the ability to maintain fairness in the marketplace and provide consumer protection under one stop shopping has proven a failure.

Indeed four months ago the Auditor General office of Ontario released a scathing report on the failure of the BAO the Bereavement Authority of Ontario -an industry funded agency - charged with applying and enforcing the provincial legislation with failure to protect consumers. Furthermore evidence of regulatory capture by large Toronto based cemetery groups is rampant . It would appear that powerful business groups now control the decision making of this oversight agency.

Industry consumer groups such as the Memorial Society (FAMS) and the recently formed CCIFB now recognize that the greatest threat to consumer protection in the bereavement sector comes from “one stop shopping” cemeteries.

Most municipally operated cemeteries do not engage in these commercial ventures as they are wary of putting long standing local craft businesses out of business and potentially offending their taxpayers during the purchase of a complicated, emotional and costly purchase.

Unfortunately within the time constraints of this format the opportunity to provide a detailed review the cemeteries business plan is not possible. A quick note however I believe that logical inconsistencies and missing statistics in this report will challenge your ability to make a fair decision today.

Finally on behalf of the MBH we ask that the request by the cemetery manager to sell monuments be denied and that staff prepare a thorough review of the pricing of existing services which are currently below market value and the extension of these services in the construction of a crematorium. This common source of cemetery income does not even receive consideration in this report.

In the presentations ahead members of the HBC will be sharing with you the impact of the proposed sale of monuments has already had on them and their future survival.

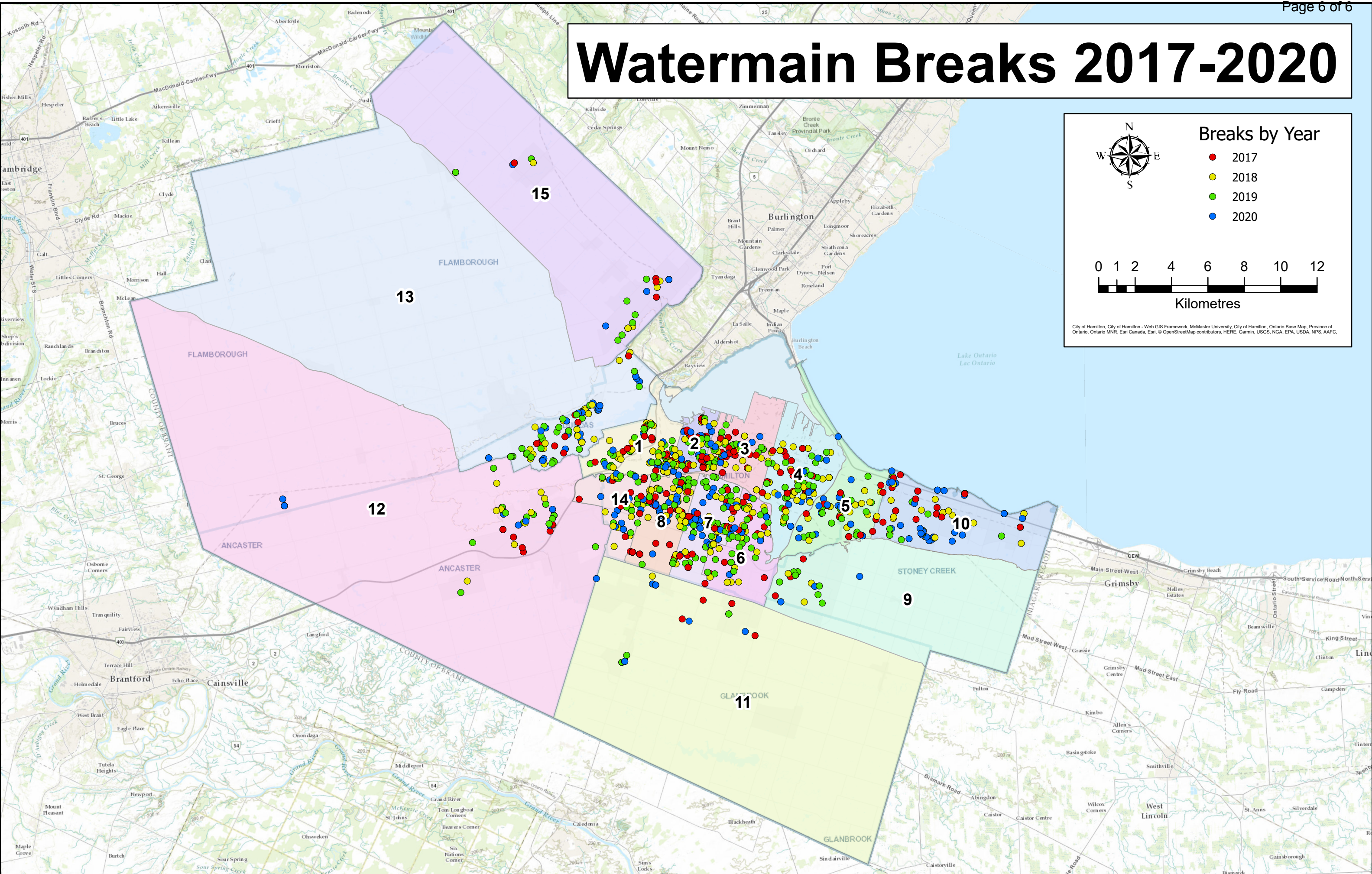
Gary Foster B.A. M.A. CMM.

Executive Director

Ontario Monument Builders Association

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Watermain Breaks 2017-2020



Breaks by Year

- 2017
- 2018
- 2019
- 2020

0 1 2 4 6 8 10 12
Kilometres

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