



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Environmental Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	August 16, 2018
SUBJECT/REPORT NO:	Parkside Cemetery (PW18074) (Ward 13)
WARD(S) AFFECTED:	Ward 13
PREPARED BY:	Kara Bunn (905) 546-2424, Extension 4334
SUBMITTED BY:	Craig Murdoch, B. Sc., Director, Environmental Services Division Public Works Department
SIGNATURE:	

RECOMMENDATION

- (a) That the establishment of a new city-owned and operated cemetery on the entire property municipally known as 31 Parkside Avenue in Dundas be approved and staff be directed to send a copy of its decision to the Registrar appointed under the Funeral, Burial and Cremation Services Act, 2002 (“FBCSA”) (the “Registrar”) and to publish notice of the decision in a local newspaper;
- (b) That staff be directed to seek the consent of the Registrar for the establishment of the cemetery as required pursuant to FBCSA by submitting the prescribed application, together with the required supporting documentation, and the General Manager of Public Works be authorized to execute any documentation respecting the application for consent;
- (c) That staff be directed to and authorized to execute the documents required with the Registrar of Cemeteries to designate 31 Parkside Avenue as a cemetery;
- (d) That staff be directed to proceed with applications to fulfil the Planning Act requirements for zoning approval, site plan approval and Official Plan amendment.

EXECUTIVE SUMMARY

Pursuant to the General Issues Committee Meeting Report 16-004, Item 11 (b), the purchase of the property municipally known as 31 Parkside Avenue was approved for

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the purposes of cemetery development, with any excess land to be sold for development to offset the costs of acquisition. On April 12, 2017, the property was purchased by the City.

Staff undertook a design of the site, and reviewed a business case related to the operation of a cemetery, and concluded that in order to run a viable cemetery in this location, the entire site is required for cemetery use.

The proposed design of the cemetery considers the access required for utility easement and continues to allow the public to use the slope on site for park activities, without impact to the cemetery.

Alternatives for Consideration – See Page 6

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The conceptual design of the cemetery was completed by Landscape Architectural Services staff. Detailed design, and construction of the site will be a future capital budget requirement, and is to be phased over time as the cemetery is used and new areas are required. The first phase would establish the roadway and walkways, grading, ground cover, the first areas for burial and one columbarium. The first phase is estimated to cost \$370,000, and the remaining phases are estimated to cost \$950,000 in 2018 dollars. The remaining phases, which include additional burial areas, columbaria, and memorial spaces, would be constructed over time, throughout the lifespan of the cemetery.

Annual operating costs will be shown as an Operating Impact from Capital on a future capital budget detail sheet submission. Operating costs for the first phase only is \$110,000 and 1.33 FTE.

Staffing: A cemetery staff staging location is included in the design of this cemetery, to be staffed by future cemeteries employees, on an as-needed basis. As burial and maintenance occurs and increases over time, staff needs will increase totalling 2.66 FTE in future phases.

Legal: Prior to the establishment of a new cemetery, the Funeral, Burial and Cremation Services Act, 2002 (FBCSA) (requires the approval of the local municipality in which the cemetery would be situate. If Council grants this authority by approving recommendation (a) the City must provide notice of its decision to the Registrar and must publish notice of the decision in a local newspaper. Thereafter, the City must seek consent from the Registrar by submitting the prescribed application form together with the required supporting documentation respecting the proposed cemetery. Consent must

be obtained before any interments are permitted. If the Registrar consents to the establishment of a cemetery, a Certificate of Consent (the “Certificate”) will be provided to the City and once the Certificate is registered in the land registry office, the lands described in the Certificate become a cemetery. Pursuant to the requirements of Ontario Regulation 30/11, staff will give notice of intention to apply to the Registrar for consent to establish a cemetery concurrently with this report.

HISTORICAL BACKGROUND

In 2014, a study conducted by Lees and Associates identified a need for more cemetery lands in Dundas.

In light of this, when the property municipally known as 31 Parkside Avenue (formerly a high school), shown in Appendix “A” attached to Report PW18074, was declared surplus by the Hamilton-Wentworth District School Board, staff identified the possibility for a future cemetery on the site. The City purchased the property through the authorization of General Issues Committee Report 16-004, Item 11 (b). Through this report, staff were directed to pursue the use of a portion of the subject site for cemetery purposes.

In the Spring of 2017, the building on site was demolished, with existing trees and the entrance feature preserved.

Staff worked to develop a preliminary conceptual design for the cemetery. Through this process, the property restrictions, including easements, grading, and existing trees were considered as part of the design.

Public consultation took place on January 22, 2018 with the adjacent residents and the Ward Councillor.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Bereavement Authority of Ontario (“the Authority”) administers provisions of the Funeral, Burial and Cremation Services Act, 2002 (FBCSA) on behalf of the Ministry of Government and Consumer Services. The Authority is responsible for protection of the public interest, and works toward the regulation and licensing of the bereavement sector across Ontario by reviewing and approving cemetery plans and municipal by-laws.

The FBCSA provides the framework for the regulation of the bereavement sector including cemeteries, funeral establishments, transfer services, crematoriums and staff employed by these businesses.

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The FBCSA requires that all cemeteries that sell, assign, or transfer interment rights establish a trust fund called a “Care and Maintenance Fund”, for the purpose of providing money for the long-term preservation and operation of the cemetery. Payments must be made into the fund upon installation of markers, the construction of private structures, the sale or transfer of interment and scattering rights, and other times as may be prescribed by Ontario Regulation 33/11, made under the FBCSA (Sections 166–168). A cemetery operator can only use amounts paid into the fund for prescribed purposes and in accordance with the rules prescribed in Ontario Regulation 33/11, (Section 93).

Following the preparation of the conceptual design, the following Planning Act considerations must be addressed:

- The official plan designation for the subject lands;
- The zoning for the subject lands, and
- The need for site plan approval under Section 41 of the Planning Act.

A planning justification study follows and then the process is to move into detailed design.

A permit application and sales drawings are required as a final step pursuant to the FBCSA and Ontario Regulation 30/11; which will be reviewed by local regulatory agencies; an application to the provincial Ministry of Consumers Services, Consumer Protection Branch, Cemeteries Regulation Unit is also required.

Any procurement of services or goods required for the development and construction of the cemetery shall be done in accordance with the City of Hamilton’s Procurement Policy.

RELEVANT CONSULTATION

The following internal stakeholders were consulted about this report’s recommendations, and are supportive:

Ward 13 Councillor
Corporate Services Department, Legal Services Division
Corporate Services Department, Financial Services Division, Procurement Section

In addition, there was a public meeting held on January 22, 2018, and a summary of the comments from the public are as follows:

- Preference for the site was for cemetery over other development options

- Concern for screening of staging area and equipment storage area, which is addressed in the concept plan, shown in Appendix “B” attached to Report PW18074
- Maintenance of the access for some park activities, which is addressed in the concept plan, shown in Appendix “B” attached to Report PW18074.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Staff have identified that the Dundas area has increasingly fewer interment and columbaria availability for residents; however, it should be noted that this cemetery will provide services for all City of Hamilton residents.

In the 2014 City of Hamilton Business Plan Strategy and Land Need Assessment by Lees and Associates it was noted that:

- a) The communities of Dundas and Hamilton are expected to drive demand with their higher proportion of seniors and higher death rates;
- b) The community of Dundas is the most constrained with respect to potential cemetery inventory and interment space;
- c) If the recent pattern of cemetery use does not change, Dundas has only about 15 years of cemetery space remaining (as of 2014), and no additional land to develop;
- d) The main capacity challenge in Dundas is accommodating traditional in-ground burial at the current Grove cemetery;
- e) The planning, approval and development of cemetery land can take up to ten years in Ontario and best practices suggests that the initial stage of acquisition for any new lands that are required is often done 5-10 years in advance of the start of the planning phase;
- f) We should maintain the opportunity for Hamiltonians to be buried within their individual communities.

The site has several challenges relating to geography, vehicular access, utility corridor and other site constraints which reduce the developable land area. In order to meet the need for in ground burials, as well as building a cemetery that will be visually appealing and functional, the entire site is required.

The proposed concept design maximizes the available burial space, utilizing a loop road for efficiency, and offering different types of burial options including columbarium, traditional burial plots, a celebration of life outdoor space and a space for storage of

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equipment. This allows the site to be viable beyond the 50 year timeframes that were analysed in the 2014 City of Hamilton Business Plan Strategy and Land Need Assessment by Lees and Associates.

ALTERNATIVES FOR CONSIDERATION

An alternative to the recommendation is to approve only a portion of the site for a future cemetery. Council may choose to direct staff to undertake a plan for only part of the site to be cemetery, with the remaining portion to be sold for development lots. A challenge with this alternative is that the road frontage limits the number of buildable lots that would be possible, and restricts the capacity of the cemetery. In addition, impacts to the existing neighbourhood must to be considered in this alternative. In the meeting with the adjacent landowners, the desire expressed was for a cemetery over other development possibilities. As this does not maximize the longevity of the cemetery, filling a need in the community for places to be buried where people live their lives and make their homes, this alternative is not recommended.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix A: 31 Parkside Avenue Site Location

Appendix B: Conceptual Design