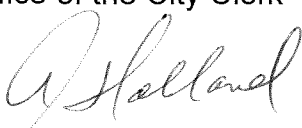




Hamilton

CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
City Clerk's Office

TO:	Governance Review Sub-Committee
COMMITTEE DATE:	February 12, 2020
SUBJECT/REPORT NO:	Civil Marriage Solemnization (CL19012(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Janet Pilon (905) 546-2424 Ext. 4304
SUBMITTED BY:	Andrea Holland City Clerk Office of the City Clerk
SIGNATURE:	

RECOMMENDATION(S)

- (a) That the City of Hamilton provide Civil Marriage Solemnization services as of April 6, 2020, using current resources;
- (b) That the Proposed 2020 User Fees and Charges respecting Civil Marriage Ceremony services attached as Appendix 'C' to Report CL19012(a), be approved, and included in Schedule 'A' of the By-law to Establish Certain 2020 User Fees and Charges for Services, Activities or the Use of Property;
- (c) That a By-law to Authorize Civil Marriage Solemnization Services and To Delegate the Authority to Solemnize Marriages in the City of Hamilton attached as Appendix 'A' to Report CL19012(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and
- (d) That staff report back to the Governance Review Sub-Committee within a one year period to provide an update on Civil Marriage Solemnization services.

EXECUTIVE SUMMARY

Governance Review Sub-Committee on November 26, 2019 referred Report CL19012 respecting Civil Marriage Solemnization, back to staff to obtain public input; and directing staff to report back on the number of officiants in the City of Hamilton.

Staff reached out to the members of the following Advisory Committees to ask the members for their input on this matter, comments which were received are included in Appendix 'G':

- Advisory Committee for Persons with Disabilities
- Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee (LGBTQ)
- Seniors Advisory Committee
- Hamilton Aboriginal Advisory Committee
- Hamilton Status of Women Committee
- Advisory Committee for Immigrants and Refugees

The existing 920 Registered Religious Marriage Officiants in the City of Hamilton (Appendix 'H') are not permitted to perform civil marriage ceremonies as their ceremonies must include religious connotations, as per the ceremony scripts they have submitted to the Ontario Registrar General in order to be registered as a Religious Marriage Officiant.

Upon the implementation of this service by the City of Hamilton, the City Clerk would be fulfilling a service that is currently not provided for in the City of Hamilton.

In 2004, *Ontario Regulation 285/04* amended the *Marriage Act, R.S.O. 1990, c. M.3*, to authorize the clerk of a local municipality to solemnize marriages under the authority of a licence. The legislation is discretionary, and municipalities can choose whether or not to offer this service.

Currently, there are a considerable number of municipalities in the Province of Ontario providing Civil Marriage Solemnization services onsite (within their town/city halls) and offsite (halls, restaurants, homes, etc.) during regular business hours and outside of regular business hours.

Staff are recommending that the Civil Marriage Solemnization services be offered at the City of Hamilton at City Hall during regular business hours, in order to provide a service that is currently not offered by the City of Hamilton and has been requested by a large number of citizens over the past several years, as well as a new revenue source for the Clerk's Office.

Staff will implement a feedback form for customers to ensure the services provided are meeting their needs.

Staff will report to the Governance Review Sub-Committee, summarizing the comments received through the feedback form and if necessary, with further recommendations.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial:

Revenue: Fees and Charges

In determining the fee, staff reviewed the fees of neighbouring municipalities (attached as Appendix 'B'), and determined that the average charge was \$339.00 (includes HST) with additional charges for the facility, travel, witnesses, and a cancellation fee.

Civil Marriage Ceremony

\$339.00 (includes HST) held at City Hall or Meeting Room 830 during regular business hours and subject to availability, a cancellation fee would apply in the amount of \$113.00 (includes HST).

Civil Marriage Ceremony – Renewal of Vows

\$56.50 (includes HST) held at City Hall or Meeting Room 830 during regular business hours and subject to availability, a cancellation fee would apply in the amount of \$28.25 (includes HST).

Civil Marriage Ceremony - Witness Fee

\$28.25 (includes HST) per witness.

Staffing:

Civil Marriage Solemnization services will be managed through the Legislative Services Division of the Clerk's Office and by offering the service onsite and within regular business hours, there will be no overtime costs incurred.

The City Clerk will delegate the authority to solemnize marriages in the City of Hamilton, to individuals who are City of Hamilton staff in writing with the ability to revoke the delegation(s) in the same manner (Appendix 'A'). Any requests for offsite services in the first year will be evaluated on a case by case basis.

Legal:

There are legal requirements that must be met before the ceremony takes place and in addition couples must attend a consultation meeting with the Officiant prior to the marriage ceremony. The consultation meeting appointment will be mandatory and takes place at City Hall. Couples will need to make sure that they meet all of the requirements for a civil marriage and provide the following at the consultation meeting:

- A valid Province of Ontario marriage licence. Marriage Licences can be obtained at Hamilton City Hall and the Municipal Service Centres, information can be found on the City's website at: [/www.hamilton.ca/life-events/marriage-](http://www.hamilton.ca/life-events/marriage-)

licences/marriage-licence-certificates to find more information on obtaining a marriage licence.

- The names and addresses of two (2) witnesses and confirmation that they will be present at the ceremony or the City can provide witnesses for a fee.
- Identification – couples must present a valid piece of government-issued photo identification for each applicant. Parental consent is required for persons who are 16 or 17 years of age.
- A completed Civil Marriage Ceremony Questionnaire (Appendix 'D').
- Language Interpreter – couples are responsible for bringing a language interpreter, and the cost is borne by the applicants. The interpreter cannot act as one of the witnesses and is required to complete and sign the Interpreter Certificate (Appendix 'E'), confirming that they have interpreted the marriage ceremony.

The City Clerk and/or designate will ensure that the mandatory declarations as per Section 24(3) of the *Marriage Act*, as noted in **bold** font in the example of a Civil Ceremony Option attached as Appendix 'F' are declared without exception.

The City Clerk and/or designate will not solemnize a marriage of any person and deem it ineligible if:

- One or both parties are under physical or mental duress;
- As per the *Marriage Act*, R.S.O. 1990, c. M.3, "No person shall issue a licence to or solemnize the marriage of any person who, based on what he or she knows or has reasonable grounds to believe, lacks mental capacity to marry by reason of being under the influence of intoxicating liquor or drugs or for any other reason".

HISTORICAL BACKGROUND

Over the last 5 years the City of Hamilton has issued an average of 2211 marriage licences annually, with an interest from approximately 45% of the applicants of the licences issued, for a civil marriage ceremony at City Hall. When informed that the City does not provide this service, they were advised to refer to the Provincial website for a list of authorized officiants.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

As previously noted, *Ontario Regulation 285/04*, provides the Clerk or designate of a local municipality with the authority to solemnize marriages under the authority of a licence.

As per Section 10 (1) of the *Municipal Act, 2001*, as amended, a single-tier municipality may provide any service that the municipality considers necessary or desirable for the public.

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

As per Section 228 (4) of the *Municipal Act, 2001*, as amended, the clerk may delegate in writing to any person, other than a member of Council, any of the clerk's power and duties under this and any other Act.

A marriage ceremony requires two (2) witnesses, the minimum age of a witness, although there isn't a minimum age requirement, will be set at fourteen (14) years of age, as the witnesses should be able to understand and appreciate the ceremony which is taking place and be able to give evidence of such at a later date, if required.

RELEVANT CONSULTATION

Staff initiated a public consultation from January 15, 2020 to February 5, 2020 to obtain public comments on providing the Civil Marriage Solemnization service at the City of Hamilton, Appendix 'G' contains the public comments received.

Staff reviewed the public feedback and have concluded that the public is in strong support of the provision of this service.

Staff searched the web and visited the Provincial website to acquire the list of existing Officiants in the City of Hamilton, which has been included as Appendix 'H' to the report.

The existing 920 Registered Religious Marriage Officiants in the City of Hamilton (Appendix 'H') are not permitted to perform civil marriage ceremonies as their ceremonies must include religious connotations, as per the ceremony scripts they have submitted to the Ontario Registrar General in order to be registered as a Religious Marriage Officiant.

Other municipalities were contacted and staff have determined from those conversations and based on the requests the City has received, the City should consider providing the Civil Marriage Solemnization service.

While most municipalities who provide Civil Marriage Solemnization service provide the service onsite and offsite and during regular business hours and outside of business hours, staff felt it would be prudent to begin providing the service onsite and during regular business hours with a provision to examine the possibility of expanding the service to offsite and outside of regular business hours in the future. As noted earlier, any requests for offsite services in the first year will be evaluated on a case by case basis by the City Clerk.

Staff also obtained a wide variety of information from a number of municipal websites (Appendix 'B') in order to establish the City's process, fees & charges, the location, ceremony schedule.

Overall municipalities were consistent in ensuring there was a consultation meeting prior to the ceremony with the Officiant, that requires the completion of a Civil Marriage

Ceremony Questionnaire (Appendix 'D') to assist the Officiants in providing high quality service and in order to ensure that the couple have met all of the requirements.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

Staff are recommending that the Civil Marriage Solemnization services be offered at the City of Hamilton, in order to provide a service that has been requested by a high number of citizens over the past several years, as well as a new revenue source for the Clerk's Office.

ALTERNATIVES FOR CONSIDERATION

Staff are recommending the provision of the Civil Marriage Solemnization services at City Hall and within regular business hours, with the City Clerk evaluating on a case by case basis any requests for offsite services.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix 'A' – Draft By-law To Authorize Civil Marriage Solemnization Services and To Delegate the Authority to Solemnize Marriages in the City of Hamilton - ***Revised***

Appendix 'B' - Civil Marriage Solemnization at Neighbouring Municipalities

Appendix 'C' – Proposed 2020 User Fees and Charges

Appendix 'D' – Civil Marriage Ceremony Questionnaire

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Appendix 'E' - Interpreter Certificate

Appendix 'F' – Example of a Civil Marriage Ceremony Option - ***Revised***

Appendix 'G' – Public Comments

Appendix 'H' – Religious Marriage Officiants listed by Name, Religious Body and Municipality