

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.

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