

Pilon, Janet

Subject: Matter to be Reconsidered by Council

From: John Kozlowski

Sent: September 13, 2022 8:05 AM

To: clerk@hamilton.ca

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Dear City Council

We the citizens of Hamilton would like the by-law 12-151 affecting Section 24 of East lawn cemetery in Hamilton Ontario to be repealed.

We ask for a reconsideration of the city of Hamilton's decision on the section 24 only flat stone markers be allowed and that upright monuments be the survivors choose.

Its plot owners that have erected monuments not allowed by the by-laws on their loved ones graves to identify the flat markers. Some of these monuments get taken down in the spring, but they are all put back up again.

I inquired back in March about the monuments and at the time i was told the by-law decision was the director

Cynthia Graham, OALA, CSLA

Acting Director - Environmental Services Division

Public Works

City of Hamilton

Cynthia Graham said - What is important to note that the director (me) has a right to designate marker and monument placing and how sections are treated. by-laws are ratified by city council, as are changes to a by-law.

Pursuant to section 48 (1)(b) of the *Funeral, Burial and Cremation Services Act, 2002* (the "Act") "an interment rights holder..... has the right to erect a marker on the lot... to which the interment rights relate if doing so does not contravene the cemetery by-laws."

Under the Act, a marker is defined to include a monument, tombstone, plaque, headstone or other structure or ornament affixed to a burial lot.

In the City of Hamilton's By-law 12-151, as amended, being a By-law respecting the City of Hamilton's Cemeteries (the "**By-law**"), Schedule "A", Section 1.12 sets out the various requirements and permissions for the erection of a Monument.

Within the By-law a "*monument*" means any permanent tombstone, plaque, headstone, cornerstone or ornament that projects from the surface of the ground and is used to mark the location of a lot or plot, in contrast to the definition of "*marker*" which means any permanent

tombstone, plaque, headstone, cornerstone or ornament that is set flush with the surface of the ground and is used to mark the location of a grave.

Section 1.12 is reproduced below for ease of reference:

Monument Placement

1.12 Monument Installation

In addition to meeting the applicable requirements of Part 1 of this Schedule:

Monument Placement

- a. for a single-grave lot in locations designated by the Director or for a two-grave plot, no more than 1 monument shall be placed at the head of a lot or plot;

As you will see, for single-grave lots, such as the one you have purchased, Monuments may only be placed in locations designated by the Director. This is in contrast to the permissions for two-grave plots which allow 1 Monument as of right. Pursuant to section 1.12(a), if a single grave has not been designated by the Director to permit the placement of Monuments, then the placement of a Monument is prohibited and placement of a Monument in that location would be in contravention of the By-law.

The Cemetery Mapping for Section #24 provides that no upright Monuments are permitted. Therefore, Section #24 is not a location designated for Monuments as required pursuant to the By-law. To the contrary, only flat markers of a specified size are permitted in this section.

I inquired as to why a veterans upright monument was allowed to be erected in the section 24 and was told by

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Since a flat marker is not an option for a veteran monument, this has been allowed by special exception. Since non-veteran burials have the option of a flat marker, the requirement for flat markers are enforced for those sections where applicable.

John Perrotta

Superintendent, Cemeteries

Public Works

Environmental Services, City of Hamilton

John Perrotta was asked as to why he thought people erected upright monuments at their loved ones graves he did agree that this was done to identify the plots.

In order to have a understanding as to who can make these monument, marker decisions, I have reached out to the Bereavement Authority of Ontario and Im waiting a response.

Let people choose how they want to remember/find their departed loved ones.

Thank You