

# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number CEM2018-002**

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**Date:** June 5, 2018  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier: 16**

**Title:** Janetville Presbyterian Cemetery, 595 Janetville Road

**Description:** Transfer Ownership to Municipality

**Author and Title:** Cathy Sleep, Cemetery Administrator

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### **Recommendation(s):**

**That** Report CEM2018-002, **Janetville Presbyterian Cemetery, 595 Janetville Road**, be received;

**That** staff take the necessary action to transfer ownership of Janetville Presbyterian Cemetery as set out in the Funeral, Burial and Cremation Services Act, 2002, Section 101.1 Subsections 1 to 8; and,

**That** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application/agreement/decision.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

Janetville Presbyterian Cemetery is a one-quarter acre site located at 595 Janetville Road, just south of the village of Janetville. The cemetery abuts the Janetville United Church Cemetery. Each site is separately owned and operated, although there is no fence between them.

Many years ago, the Presbyterian Church at the site closed. The church building was moved to the Village of Janetville and became a residence. The only two volunteers who have kept the cemetery operating are aging and struggling to manage the administration and operational duties for the past few years.

In August 2017, the Secretary-Treasurer of Janetville Presbyterian Cemetery, Mary Lou Walker, wrote to request that the municipality assume ownership of the cemetery (Appendix A). The letter states that the cemetery does not have funds to obtain liability insurance or to maintain the operation.

There are no further lots available for sale and approximately six future interment rights to be exercised.

This report addresses the transfer of ownership of Janetville Presbyterian Cemetery to the City of Kawartha Lakes.

## **Rationale:**

The Funeral, Burial and Cremation Services Act, 2002 Section 101.1 (subsections 1 – 8) provides for the owner of a Cemetery to legally abandon a Cemetery and voluntarily turn ownership over to the Municipality (Appendix B). Upon a declaration that a cemetery is abandoned being registered in the appropriate land registry office, the municipality becomes the owner of the cemetery with all rights and obligations in respect to the cemetery and the assets, funds, and trust accounts related thereto that the previous owner had.

Pursuant to Section 101.1 s. 2 (b), staff advised Mary Lou Walker to contact the Bereavement Authority of Ontario (BAO) to make application to have the cemetery transferred to the municipality.

## **Other Alternatives Considered:**

As indicated in the Funeral, Burial and Cremation Services Act, the City is obliged to assume ownership.

## **Financial/Operation Impacts:**

THAT the maintenance of Janetville Presbyterian Cemetery grounds and monuments be incorporated in future budgets for Council's consideration.

- Estimated annual operating/maintenance costs are \$2,000.00
- There are no revenues from lot sales and interments revenue will be minimal
- Capital expenses: Future Monument Restoration estimated at \$2,000.00; fencing, stone gate post repairs and sign replacement estimated at \$7,000.00.

Scotiabank holds the care and maintenance account #78004702 with a balance of approximately \$1,859.00 as of December 31, 2017 (Appendix D). The account will be closed and the funds disbursed to the City for deposit to its Cemeteries Trust Account for Care and Maintenance.

The cemetery operator will notify Scotiabank to transfer ownership of GIC # 1923416 in the amount of \$1,349.25 due May 14, 2019 to the municipality (Appendix E).

Mary Lou Walker closed operating account # 63172 02873 26 at Scotiabank with the balance of \$143.40 paid to the grass cutting volunteer on July 11, 2017 to help offset gasoline and mower expenses (Appendix F).

## **Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:**

This report speaks to Good Government and the responsibility of maintaining local heritage and public safety.

## **Review of Accessibility Implications of Any Development or Policy:**

There are no accessibility implications associated with this report.

## **Consultations:**

Ministry of Government and Consumer Services  
Bereavement Authority of Ontario  
Manager, Parks, Recreation & Culture  
Supervisor, Parks & Open Spaces

## **Attachments:**

Appendix "A"	Copy of letter from Mary Lou Walker dated August 11, 2017
Appendix "B"	Section 101.1 of the Funeral, Burial and Cremation Services Act, 2002
Appendix "C"	Photos of Site
Appendix "D"	Scotiabank Statement dated December 31, 2017
Appendix "E"	Scotiabank GIC # 1923416 dated June 30, 2017
Appendix "F"	Scotiabank Account #63172 02873 26 closing Receipt

**Department Head E-Mail: [cshanks@kawarthalakes.ca](mailto:cshanks@kawarthalakes.ca)**

**Department Head: Craig Shanks**

Appendix A

Mary Lou Walker  
698 Janetville Road  
Janetville ON L0B1K0

August 11, 2017

To Whom It May Concern:

As the Director of record for the Janetville Presbyterian Cemetery I am hereby requesting that the Cemetery may be turned over to the City of Kawartha Lakes.


This cemetery has no liability insurance, no donors and no workers and I am too old and not able to do this anymore. There is a GIC at the Scotia Bank, Lindsay Branch.

Mr. Don Hughes has been cutting the grass for many years and has offered to continue doing so.

I am very concerned about the lack of liability insurance and there are no funds to purchase such. The site is full and no further graves are available..

I urge the City of Kawartha lakes to take over this cemetery as soon as possible.

Sincerely,



Mary Lou Walker

Appendix A

Mary Lou Walker  
698 Janetville Road  
Janetville ON L0B1K0

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Sincerely,



Mary Lou Walker

## **Appendix B**

### **Abandoned Cemeteries**

#### **Applications for declaration**

101.1 (1) A person set out in subsection (2) may apply to have a judge of the Superior Court of Justice declare a cemetery abandoned if the owner of the cemetery,

(a) cannot be found or is unknown;

(b) is unable to maintain it; or

(c) is not a licensed operator and there is no licensed operator for the cemetery. 2006, c. 34, Sched. D, s. 68.

#### **Who can apply**

(2) The application may be made by,

(a) the Crown if the cemetery is on land that is situated in territory without municipal organization;

(b) the local municipality within whose geographic boundaries the land of the cemetery is located;

(c) the owner or operator of the cemetery; or

(d) the registrar. 2006, c. 34, Sched. D, s. 68.

#### **Notice of application**

(3) An applicant shall give notice of the application to the following persons or entities, but is not required to give the notice to the applicant:

1. The owner or operator of the cemetery.

2. The local municipality within whose geographic boundaries the land of the cemetery is located, if there is one.

3. The Crown, if there is no local municipality within whose geographic boundaries the land of the cemetery is located.

4. The registrar. 2006, c. 34, Sched. D, s. 68.

## Appendix C



View of both cemeteries looking south, the Presbyterian site in the foreground and the United Church Cemetery in the background



Entrance to Janetville Presbyterian Cemetery



# Appendix D

NOTARY PUBLIC (P.E.I.)  
11-01-2018 0:00:00

All values in this statement are shown in Canadian dollars.  
The exchange rate used was \$1.36430 Canadian equals \$1.00 U.S.

JANETVILLE PRESBYTERIAN CHURCH  
ACCO. NO. 2110466 1806-379  
December 31, 2017

## Account Summary

ASSET CATEGORY	CANADIAN VALUE	% OF TOTAL
<input checked="" type="checkbox"/> Cash & Short Term	\$2	0.09%
<input checked="" type="checkbox"/> Fixed Income	1,857	99.91%
TOTAL ASSETS	\$1,859	100%
* Real estate and other assets may not be stated at current market value nor do they show estimated annual income		

Appendix "E"



Your Investments

N001480263  
JANETVILLE PRESBYTERIAN CEMETERY  
April 1 to June 30, 2017

Your account details

100.00% OF YOUR TOTAL PORTFOLIO

Investment Account #0000000001923416

Your non-registered account with The Bank of Nova Scotia

Your investment mix and account value



TYPE OF INVESTMENT	PERCENTAGE	VALUE AT JUN 30, 2017 (\$)
Guaranteed investments	100.00%	1,348.66
<b>ACCOUNT VALUE</b>		<b>\$1,348.66</b>



100% Guaranteed Investments

Details of your investments

Guaranteed Investments

GUARANTEED INVESTMENT CERTIFICATES

PURCHASE DATE	MATURITY DATE	INITIAL RATE	PRIB AMOUNT (\$)	MATURITY VALUE (\$)	VALUE AT JUN 30, 2017 (\$)
#100000019V988 May 13, 2017	RN1 Cashable GIC at maturity May 14, 2018	0.0500%	1,348.57	1,348.25	1,348.66
<b>TOTAL GUARANTEED INVESTMENTS</b>					<b>\$1,348.66</b>

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3 of 4  
0701500100000

Appendix F

SAVING ACCOUNT REGULATIONS

1. Cash withdrawals may only be made only by the person authorized on the form provided.
2. Interest is paid on the account at applicable rates and may be credited to the account or may be paid by cheque.
3. The bank reserves the right to require ten days notice of withdrawal for full or partial withdrawals from all savings accounts. The bank also reserves the right to require you to provide your account password and to make a withdrawal.
4. This passbook should be kept safe and not be loaned to anyone else. If it is lost or stolen, you should report it to the bank immediately.
5. Information about service charges which may be applied to your account may be obtained from the Scotiabank branch.
6. U.S. Dollar Deposit Accounts are not insured by the FDIC under the Canada Deposit Insurance Corporation Act.

EXPLANATION OF SYMBOLS

100 - Cash on hand	101 - Cash on hand	102 - Cash on hand
103 - Cash on hand	104 - Cash on hand	105 - Cash on hand
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283 - Cash on hand	284 - Cash on hand	285 - Cash on hand
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292 - Cash on hand	293 - Cash on hand	294 - Cash on hand
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298 - Cash on hand	299 - Cash on hand	300 - Cash on hand

1240219 (12/2018)  
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CUSTOMER RECEIPT PAGE 01/01

DATE: JUL 11 2017  
TIME: 10:00 AM  
BRANCH: 000100  
ACCOUNT: 63172 02N/2 06  
CASH RECEIVED: \$113.00  
ACCOUNT BALANCE: \$348.25  
SERVICE CHARGES: \$4.55  
TOTAL: \$457.70

ACCOUNT BALANCE: \$348.25  
SERVICE CHARGES: \$4.55  
TOTAL: \$457.70

Thank You  
Have an excellent day

July 11 2017

Money from Closing  
of "The Bank Account"  
given to Donald  
Hughes to wards  
Grass Cutting of  
J. P. Cemetery  
Donald Hughes