



## Committee of the Whole Report

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**Report Number:** CEM2024-001  
**Meeting Date:** January 16, 2024  
**Title:** Assumption of St. Alban's Cemetery  
**Author and Title:** Pat Wykes, Cemetery Administrator

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### Recommendations:

**That** Report CEM2024-001, Assumption of St. Alban's Cemetery, be received;

**That** Staff take the necessary action to assume ownership of St. Alban's Cemetery as set out in the Funeral, Burial and Cremation Services Act, 2002, Section 101.1 Subsections 1 to 8; and

**That** this recommendation be brought forward to Council for consideration at the next regular council meeting.

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

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

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

## **Background:**

St. Alban's Anglican Church Cemetery is located at 2 St. Alban Road, Janetville, south west of the Village of Janetville. It is located on the corner of Nesbitt Line Road and St. Alban Road on the border of Scugog and the City of Kawartha Lakes. The property is three-quarters of an acre in size.

In 2008 St. Alban's Cemetery was added to the City of Kawartha Lakes Cemetery Operator Licence. Typically, this transaction is completed with the transfer of any/all cemetery related reserves or trust funds (Care and Maintenance Funds), along with approval from the Bereavement Authority of Ontario (BAO). It is unknown to current staff and associates of the St. Alban's Cemetery as to why the final two stages were not completed in 2008.

During a discussion in 2022 with the Property Resources Specialist for The Incorporated Synod of the Diocese of Toronto (registered owner of the site), it was decided that either the Diocese should take the licence back and maintain the Cemetery exclusively, or that the records, Care and Maintenance Funds and the title to the property be transferred to the municipality for full assumption.

In September 2023 a legal representative of the Diocese contacted municipal staff to request that the City assume St. Alban's Cemetery. At that time, the Cemetery Abandonment or Transfer by Mutual Consent form was forwarded to the legal representative for the Diocese, as advised by the BAO. This form has been completed by both parties (Appendix A) and submitted to the BAO who has formally approved the transfer of the existing St. Alban's Care and Maintenance Fund to the municipality.

St. Alban's Cemetery is an inactive cemetery with no further lots for sale and no interment rights to be exercised.

## **Rationale:**

The Funeral, Burial and Cremation Services Act, 2002 Section 101.0 (subsections 1-8) provides for the owner of a Cemetery to legally abandon a Cemetery and voluntarily turn ownership over to the Municipality. The fact that the City holds the Cemetery licence for St. Alban's and yet the land title, records and care and maintenance remained with the Diocese makes this situation somewhat unique. In most circumstances the licence, records, care and maintenance fund and the land title would be turned over at the same time. The BAO authority advised the use of the Cemetery Transfer by Mutual Consent Form to facilitate moving forward to finalize the transfer rather than a declaration of abandonment.

Pursuant to Section 101.1 (7) the City is obligated to assume a Cemetery that lies within our geographic boundaries if so requested.

### **Other Alternatives Considered:**

The Funeral, Burial, Cremation Services Act 2002, 101.1 is provided in Appendix B, for reference. This Act obligates the municipality to assume ownership.

### **Alignment to Strategic Priorities**

Healthy Environment:

5. Protect and preserve natural areas and prime agricultural land.

- Protect Cemetery spaces within our Municipality

An Exceptional Quality of Life

5. Community Building.

- Support and promote culture and heritage.
- Increase beautification efforts.

Good Government

1. Asset management.

- Effective management of municipal land portfolio (cemeteries).
- Ensure municipal assets are well maintained and well managed.

2. Increase efficiency and effectiveness of service delivery.

### **Financial/Operation Impacts:**

Annual Operating/Maintenance Cost Estimation:

- Turf and property maintenance - \$2,000

Capital Cost Estimation:

- Fencing - \$20,000-\$30,000
- Signage - \$5,000
- Monument Restoration - \$5000
- Survey- \$3000-\$5000

The Diocese of Toronto held a St. Alban's Care and Maintenance Account at Scotia Wealth Management with a value, on November 1, 2023, of \$36,028.08 and a second income portion of \$7655.64. The BAO provided consent for the transfer of these funds to CKL. The funds were deposited into the CKL RBC's Care and Maintenance Trust and operating fund respectively on November 2, 2023.

### **Servicing Implications:**

After initial capital expenditures to complete necessary repairs, the ongoing maintenance of the Cemetery can be absorbed by existing staff and/or contracted services. It is expected that grass cutting at this location would be considered a Level 2 (which is approximately 10 cuts per year).

### **Consultations:**

Bereavement Authority of Ontario  
Director of Community Services  
Manager Parks and Recreation  
Supervisor Capital and Special Projects

### **Attachments:**

Appendix A- Cemetery Transfer by Mutual Consent



Cemetery Transfer by  
Mutual Consent

Appendix B – Funeral, Burial, Cremation Services Act 2002, 101.1



FBCSA

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