

ITEMS OF INFORMATION
COUNCIL AGENDA – December 18, 2023

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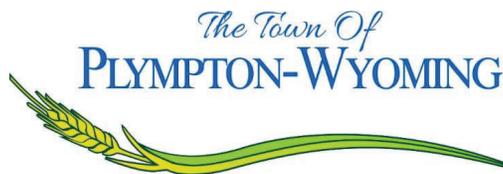
Haldimand County Provincial Offences Act Ticket Issuance Statistics

Year	2015	2016	2017	2018	2019	2020	2021	2022	2023
JANUARY	279	217	149	151	209	104	157	142	93
FEBRUARY	201	205	184	186	330	81	169	74	197
MARCH	273	248	364	213	283	84	229	173	77
APRIL	566	211	181	295	370	81	371	400	282
MAY	422	202	197	337	262	270	372	266	188
JUNE	398	197	214	271	238	140	160	135	213
JULY	567	171	146	345	349	216	269	203	178
AUGUST	336	272	203	303	325	122	131	162	200
SEPTEMBER	238	173	117	184	298	190	163	155	124
OCTOBER	242	258	143	212	236	154	139	212	175
NOVEMBER	302	153	164	248	108	113	122	139	113
DECEMBER	200	102	127	276	71	160	69	132	
Total	4024	2409	2189	3021	3079	1715	2351	2193	1840

The above figures reflect tickets issued in Haldimand County from all sources including Haldimand County By-law Enforcement, the O.P.P., and various provincial ministries. They do not include Part II (Parking) issued offences.

Comprehensive POA Stats - 2023

Legislation / By-law Reference	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Summary of Charges Laid by OPP												
Highway Traffic Act (Part I - ticket)	69	121	60	228	163	185	140	86	104	145	76	
Highway Traffic Act (Part III - information)	16	19	11	54	19	11	19	58	9	23	32	
Parking By-laws (Part II)	By-law 307/02					4	1					
	By-law 302/02 (snow)											
	By-law 1534-15 Parks											
Discharge Firearms	By-law 41-74											
	By-law 38-74											
	By-law 11-79											
Noise	By-law 1435/14											
Open Air Fires	By-law 1662/16											
EMCPA	7.0.11(2)(a)											
Late Filed Part 1 Tickets	these #'s not included in total											
Total of all Charges Laid	85	140	71	282	182	200	160	144	113	168	108	0
										OPP Total: 1653		
Summary of Charges Laid by County Staff												
Discharge Firearms	By-law 41-74											
	By-law 38-74											
	By-law 11-79											
Noise	By-law 1435/14											
Property Standards	By-law 730/06			2							2	
Ontario Building Code Act, 1992	Section 8(1) No Permit											
	Section 12(2) Fail to Comply to Order											
Open Air Fires	1662/16				1							
Planning Act	562(67)(1)	1							5			
Haldimand-Norfolk Tree By-law	By-law 15-00					3	3					
Heavy Trucks	By-law 2079/19									3		
Fire Protection	By-law 28(1)											
Parking By-laws (Part II)	By-law 307/02	18		104	16	132	161	205	152	31		16
	By-law 302/02 (snow)	1		5								
Parks	By-law 1534/15			3		6	14	67	11			1
Site Alteration By-law	By-law 1664/16											
Total of all Charges Laid	20	0	114	16	142	178	272	163	36	3	19	0
										Staff Total: 963		
Summary of Charges Laid by Other Enforcement Agencies												
Ministry of Natural Resources and Forestry						10		2		2	2	
Welland & District Society for the Prevention of Cruelty to Animals (SPCA)	1		4		1			3	1			
Ministry of Finance	6					6	10	33				
Ministry of Revenue												
Ministry of Transportation												
Ministry of Environment, Conservation & Parks			57			1	6	18	4	2		
Ministry of Labour												
Ministry of Housing												
Ministry of Agriculture, Food & Rural Affairs												
Ontario College of Trades												
Health Protection Act/Smoke Free Ontario Act					1				1		1	
Total of all Charges Laid	7	57	4	0	2	17	16	56	6	4	3	0
										Other Enforcement Agency Total: 172		
<p>*Note: Total Charges (Excluding Parking) reflects what is recorded and reported regularly to Council (through the Council Information Package) and PSB for year-by-year historical trends. The historical trends spreadsheet does not capture parking tickets.</p>										*Total Charges (Excluding Parking) 1840		
										OPP Issued Parking Charges 5		
										Staff Issued Parking Charges 943		
										Total Parking Charges Issued 948		
										Total of All 2022 Charges 2788		



Premier Ford
Premier of Ontario
premier@ontario.ca

The Honourable Paul Calandra
Minister of Municipal Affairs and Housing
minister.mah@ontario.ca

The Honourable Todd A. Smith
Minister of Energy, Ontario
MinisterEnergy@ontario.ca

SENT VIA EMAIL

December 1st, 2023

Re: Support to Revoke Strong Mayor Powers and Increase in the Leave to Construct Threshold

Dear Premier Ford, Minister Calandra, and Minister Smith,

Please be advised that at the Regular Council Meeting on November 29th 2023, the Town of Plympton-Wyoming Council passed the following motion, supporting the attached resolutions from the Western Ontario Wardens Caucus regarding Support to Revoke Strong Mayor Powers and Increase in the Leave to Construct Threshold.

Motion 14 Moved by Councillor Kristen Rodrigues
Seconded by Councillor John van Klaveren
That Council support item 'S' Strong Mayor Powers & 'T' Leave to Construct Threshold from the Western Ontario Warden's Caucus.

Carried.

If you have any questions regarding the above motion, please do not hesitate to contact me by phone or email at eflynn@plympton-wyoming.ca.

Sincerely,

Ella Flynn
Deputy Clerk
Town of Plympton-Wyoming

cc: Sent via e-mail
Western Ontario Wardens' Caucus
Hon. Rob Flack, Associate Minister of Housing – Rob.Flack@pc.ola.org
Matthew Rae, Parliamentary Assistant to the Minister of Municipal Affairs and Housing – Matthew.Rae@pc.ola.org
All Ontario Municipalities

October 24, 2023

Premier R. Ford
Premier of Ontario
premier@ontario.ca

and

The Honourable Paul Calandra
Minister of Municipal Affairs and Housing
Send electronically via email
minister.mah@ontario.ca

Re: Strong Mayor Powers

Dear Premier Ford and Minister Calandra

Please be advised at the regular meeting of the Western Ontario Wardens' Caucus held on October 13, 2023, the following resolution was passed:

Moved by M. Ryan, seconded by B. Milne:

THAT item of correspondence 7-1(b) be received; and

WHEREAS the Western Ontario Wardens Caucus Inc. (WOWC) is a not-for-profit organization representing 15 upper and single tier municipalities in Southwestern Ontario with more than one and a half million residents;

AND WHEREAS the purpose of WOWC is to enhance the prosperity and overall wellbeing of rural and small urban communities across the region;

AND WHEREAS the Strong Mayors, Building Homes Act, 2022, S.O. 2022, c. 18, for select municipalities, transfers legislative responsibility from the deliberative body of the Council to the Head of Council;

AND WHEREAS the Better Municipal Governance Act, 2022, S.O. 2022, c. 24 provides for provincially appointed facilitators to assess the regional governments to determine the mix of roles and responsibilities between the upper and lower-tier municipalities;

AND WHEREAS the Building Faster Fund arbitrarily ties housing supportive funding to municipalities that establish a housing target based solely on population size;

AND WHEREAS "responsible and accountable governments with respect to matters within their jurisdiction;

AND WHEREAS overcoming the housing and affordability crisis in Ontario requires sustained, strategic, and focused efforts from all levels of government, informed from the expertise of all levels of government.

NOW THEREFORE BE IT RESOLVED THAT WOWC calls on the provincial government to work with municipalities in Ontario, as a responsible and accountable level of government, to focus all efforts on tackling the housing and affordability crisis in Ontario by:

Revoking existing 'strong mayor powers' and not implementing legislation that transfers legislative responsibility from the body of Council to the Head of Council.

Respecting spheres of jurisdiction, recognizing that municipalities are best positioned to determine the mix of roles and responsibilities between upper and lower-tier municipalities and only conduct structural and service delivery reviews of municipalities or regions where a majority of municipalities included within the region, request the same.

Recognizing rural and small urban municipalities are critical to overcoming the housing and affordability crisis in Ontario and not allocating the majority of scarce provincial housing supportive funding to a limited subset of large urban municipalities in Ontario.

AND THAT WOWC calls upon the provincial government to provide all municipalities with the financial resources to tackle the housing and affordability crisis in Ontario that is pricing too many people, especially young families and newcomers, out of home ownership, while amplifying socio-economic disparities and reliance on municipally provided human services;

AND THAT this resolution be forwarded to the Association of Municipalities of Ontario for support so that the future governance of our communities is in the hands of its constituents;

AND THAT this resolution be forwarded to: the Minister of Municipal Affairs and Housing and the Premier of Ontario; WOWC Members; the EOWC, and all WOWC area MPs and MPPs. - **CARRIED**

Please contact Kate Burns Gallagher, Executive Director, Western Ontario Warden' Caucus, kate@wowc.ca should you have any questions regarding this matter.

Sincerely,



Glen McNeil
Chair, Western Ontario Wardens' Caucus

cc.

Hon. Rob Flack, Associate Minister of Housing

Rob.Flack@pc.ola.org

Matthew Rae, Parliamentary Assistant to the Minister of Municipal Affairs and Housing

Matthew.Rae@pc.ola.org

WOWC MPPs

WOWC MPs

Eastern Ontario Wardens' Caucus



October 24, 2023

The Honourable Todd A. Smith,
Minister of Energy, Ontario
Send electronically via email
MinisterEnergy@ontario.ca

Re: Leave to Construct Threshold

Dear Minister Smith,

On October 13, 2023, the WOWC passed a resolution in favour of the Government of Ontario updating the LTC cost threshold from \$2M to \$20M for hydrocarbon lines (by amending Ontario Regulation O.Reg.328/03) while maintaining current requirements and expectations for Indigenous consultation and environmental review for projects greater than \$2M and less than \$10M.

Western Ontario has seen significant growth in the past decade with pressures to build out the gas pipeline network. Many municipalities in our region have lost major investment opportunities because of the delays in getting natural gas to development sites. Any person or company planning to construct hydrocarbon transmission facilities within Ontario, must apply to the OEB for authorization, if the projected cost to build the pipeline is over \$2 million, a threshold that was set in 1998.

Industry proposes updating the LTC cost threshold from \$2M to \$10M for hydrocarbon lines (by amending Ontario Regulation O.Reg.328/03) while maintaining current requirements and expectations for Indigenous consultation and environmental review for projects greater than \$2M and less than \$10M. Increasing the cost threshold to \$10M would closer align Ontario with other Canadian jurisdictions (e.g., in B.C., these thresholds are \$15M for electricity and \$20M for natural gas). The WOWC is recommending a \$20M threshold for our Province to be competitive with other Canadian jurisdictions.

Ontario's outdated regulations are causing the LTC to apply far more broadly than intended when it was established over 20 years ago. Due to increased regulatory and cost pressures, as well as inflation, virtually all gas pipeline projects are now greater than \$2M rendering the threshold meaningless. Roughly 0.5 KM pipe in urban settings now often exceed the \$2M threshold.

Examples of businesses lost in the region due to the regulation include;

- EV Battery Manufacturer, investment of \$1 Billion
- New Distillery
- 2 New Agricultural processing plants - \$140 million total investment
- New Agricultural plant - \$225 million USD investment

Modernizing these outdated regulations would reduce delays and costs for economic development initiatives including new industries seeking to locate in Ontario and create jobs (or existing seeking to expand), transit projects, community expansion projects, housing developments, connections for low carbon fuel blending (e.g. renewable natural gas, hydrogen) as well as residential and business customer connections.

The WOWC supports an increase in the Leave to Construct threshold to \$20M.

Sincerely,

A handwritten signature in black ink that reads "Glen McNeil". The signature is written in a cursive, flowing style.

Glen McNeil
Chair, Western Ontario Wardens' Caucus

cc.

Western Ontario MPPs
WOWC Members
WOWC Local Municipalities



CLEARVIEW
TOWNSHIP

Clerk's Department
Township of Clearview
Box 200, 217 Gideon Street
Stayner, Ontario L0M 1S0
clerks@clearview.ca | www.clearview.ca
Phone: 705-428-6230

December 12, 2023

File: C00.2023

Hon. Todd McCarthy
Ministry of Public and Business Service Delivery
777 Bay Street, 5th Floor
Toronto ON M5B 2H7

Sent by Email

RE: Cemetery Transfer/Abandonment Administration & Management Support

Please be advised that Council of the Township of Clearview, at its meeting held on December 11, 2023, passed a resolution regarding Cemetery Transfer/Abandonment Administration & Management Support as follows:

Moved by Councillor Walker, Seconded by Councillor Broderick, Whereas under the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), when a cemetery is declared abandoned by a judge of the Superior Court Justice, the local municipality within whose geographic boundaries the land of the cemetery is located, becomes the owner of the cemetery with all the rights and obligations in respect of the cemetery and the assets, trust funds and trust accounts related to it that the previous owner or operator possessed;

And Whereas over the last decade, there has been an increase in the number of churches and local cemetery boards initiating processes to transfer ownership or abandon their owned and operated cemeteries to the local municipality due to such issues as high maintenance costs, inaccuracy of records, lack of financial and human resources to effectively operate and maintain the cemetery, increased regulatory processes regarding training, selling of interment rights, financial operation of the care and maintenance fund, etc.;

And Whereas municipalities experience the same issues and pressures that churches and local boards experience with the operation and maintenance of cemeteries within its jurisdiction, and additional transfers of cemetery lands only compound the burden on municipal taxpayers;

And Whereas cemeteries are important infrastructure where the reasonable costs for interment rights, burials, monument foundations, corner stones and administration charges do not sufficiently support the general operation of cemeteries;

And Whereas the interest earned from the care and maintenance fund(s) of a cemetery do not provide adequate funding to maintain the cemetery with the rising costs of lawn and turf maintenance contracts and monument restoration;

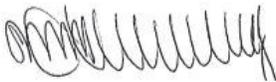
Now Therefore Be It Resolved that Council of the Township of Clearview requests that the Province through the Ministry of Public and Business Service Delivery and the Bereavement Authority of Ontario (BAO) consider the following to assist municipalities in this growing concern of cemetery transfers:

- Amend the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), to have the Province, through the BAO, identified as the default owner and operator of a cemetery when it is abandoned;
- Provide annual funding (based on the number of cemeteries a municipality owns and operates) to municipalities to assist with the maintenance of inactive and active cemeteries; Page 6 of 7
- Provide free training opportunities for municipalities regarding cemetery administration; and,
- Investigate and support the design of universal cemetery software for use by municipal cemetery operators that can be offered at an affordable cost.

And that this resolution be circulated to the Hon. Todd McCarthy, Ministry of Public and Business Service Delivery, Jim Cassimatis, BAO Interim CEO/Registrar, MPP Brian Saunderson and all Ontario municipalities. Motion Carried.

For reference, please find attached the Staff Report LS-032-2023 that provides background for the above resolution. If you have any questions, please do not hesitate to contact the undersigned.

Regards,



Sasha HelmKay-Playter, B.A., Dipl. M.A., AOMC
Clerk/Director of Legislative Services

cc: Jim Cassimatis, BAO Interim CEO/Registrar
MPP Simcoe Grey, Brian Saunderson
Ontario Municipalities

Staff Report

To: Mayor and Council

From: Sasha Helmkey, Clerk/Director of Legislative Services

Date: December 11, 2023

Subject: Report # LS-032-2023 – Cemetery Transfer/Abandonment Administration & Management Support

Recommendation

Be It Resolved that Council of the Township of Clearview hereby receives Report LS-032-2023 (Cemetery Transfer/Abandonment Administration & Management Support) dated December 11, 2023; and,

Whereas under the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), when a cemetery is declared abandoned by a judge of the Superior Court Justice, the local municipality within whose geographic boundaries the land of the cemetery is located, becomes the owner of the cemetery with all the rights and obligations in respect of the cemetery and the assets, trust funds and trust accounts related to it that the previous owner or operator possessed;

And Whereas over the last decade, there has been an increase in the number of churches and local cemetery boards initiating processes to transfer ownership or abandon their owned and operated cemeteries to the local municipality due to such issues as high maintenance costs, inaccuracy of records, lack of financial and human resources to effectively operate and maintain the cemetery, increased regulatory processes regarding training, selling of interment rights, financial operation of the care and maintenance fund, etc.;

And Whereas municipalities experience the same issues and pressures that churches and local boards experience with the operation and maintenance of cemeteries within its jurisdiction, and additional transfers of cemetery lands only compound the burden on municipal taxpayers;

And Whereas cemeteries are important infrastructure where the reasonable costs for interment rights, burials, monument foundations, corner stones and administration charges do not sufficiently support the general operation of cemeteries;

And Whereas the interest earned from the care and maintenance fund(s) of a cemetery do not provide adequate funding to maintain the cemetery with the rising costs of lawn and turf maintenance contracts and monument restoration;

Now Therefore Be It Resolved that Council of the Township of Clearview requests that the Province through the Ministry of Public and Business Service Delivery and the Bereavement Authority of Ontario (BAO) consider the following to assist municipalities in this growing concern of cemetery transfers:

- Amend the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), to have the Province, through the BAO, identified as the default owner and operator of a cemetery when it is abandoned;
- Provide annual funding (based on the number of cemeteries a municipality owns and operates) to municipalities to assist with the maintenance of inactive and active cemeteries;
- Provide free training opportunities for municipalities regarding cemetery administration; and,
- Investigate and support the design of universal cemetery software for use by municipal cemetery operators that can be offered at an affordable cost.

And that this resolution be circulated to the Hon. Todd McCarthy, Ministry of Public and Business Service Delivery, Jim Cassimatis, BAO Interim CEO/Registrar, MPP Brian Saunderson and all Ontario municipalities.

Background

Under the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), when a cemetery is declared abandoned by a judge of the Superior Court Justice, the local municipality within whose geographic boundaries the land of the cemetery is located, becomes the owner of the cemetery with all the rights and obligations in respect of the cemetery and the assets, trust funds and trust accounts related to it that the previous owner or operator possessed.

Over the last decade there appears to be a trend where cemeteries in Ontario are being transferred, whether through abandonment or a mutually agreed upon transfer, to the care and control of municipalities. This is often seen when there is a breakdown in existing cemetery boards and/or when churches cease operations. For many existing private cemetery boards their board members and volunteers are aging and are unable to assist with the operations and maintenance of the cemetery any longer. Finding new members proves to be difficult for these boards to continue. In addition to aging board members, there are other issues that are contributing to the increase in cemetery transfers:

- high maintenance costs
- inaccuracy of records
- lack of financial and human resources to effectively operate and maintain the cemetery

- increased regulatory processes that require ongoing training for selling of interment rights, and the financial operation of the care and maintenance fund, etc.

Township Owned Cemeteries

The Township of Clearview currently owns and operates nine (9) cemeteries within its geographic boundaries. Out of these nine cemeteries, four (4) are considered active meaning that there are still interment rights to be sold, or burials to take place. Below is a chart outlining these cemeteries and their status:

Cemetery Name	Address	Status
Batteau Hill Cemetery	2670 County Road 124, Duntroon	Inactive
Bethel Union Cemetery	2249 Creemore Avenue, New Lowell	Inactive
Dunedin Union Cemetery	9 Turkeyroost Lane, Dunedin	Active
Duntroon Pioneer Cemetery	2870 County Road 124, Duntroon	Inactive
Lavender Cemetery	827103 Mulmur/Nottawasaga Townline, Creemore	Active
Old Zion Presbyterian Church Cemetery	6130 Highway 26, Sunnidale Corners	Inactive
Second Line Nottawasaga Cemetery	2279 County Road 42, Stayner	Active
Stayner Union Cemetery	7661 Highway 26, Stayner	Active
Zion Presbyterian Church Cemetery	12358 County Road 10, Sunnidale Corners	Inactive

For the Dunedin and Stayner Union Cemetery, the Township looks after the maintenance and burials through a third-party contractor. The maintenance and burials for the Lavender Cemetery are conducted through the Board. For the Second Line Nottawasaga Cemetery all the interment rights have been sold, but there remains one burial to be completed. The cost to maintain an active cemetery is expensive. Although burial costs and the installation of markers, etc. are cost recovery through the purchaser, grounds maintenance is not.

Inactive cemeteries still require consistent grounds maintenance, which includes any monument restoration for health and safety, and record searches for the public register.

Comments and Analysis

When analyzing the number of cemeteries that Clearview Township currently owns and operates, maintenance and administration is a large undertaking. To add any additional cemeteries by way of transfer or abandonment will only compound the issues the Township is already facing. In the past year, the Township has been approached by two separate entities regarding possible cemetery transfers. When a board or cemetery transfers ownership to the municipality, the issues are transferred with it. Municipalities are not immune to the same concerns. It becomes a strain on municipal resources, financially, administratively, and operationally.

Administrative Impact

From an administrative perspective the management of four active cemeteries is both time consuming and complex. No interment is the same, and providing good customer service takes time especially for those making arrangements while also dealing with grief. Administrative tasks include but are not limited to: interment right sales and mapping, burial contracts and scheduling, monument placement, historical record searches, plot and monument staking, fees and charges review, family transfers of interment rights and annual reporting to the Bereavement Authority of Ontario (BAO).

- **Incomplete records**

Often the records accepted by the Township from a dissolved cemetery board or church are incomplete and disorganized. This is no fault of the previous board members, as they are also often operating with limited resources. However, it does make it difficult to manage the cemetery post-transfer when records are sparse. Understanding which plots are occupied and by who is critical to the sound management of a cemetery. Unfortunately, this is not made possible in all cases because of incomplete records. In addition, records received during a transfer usually are maintained under different records management standards and are often organized and named inconsistently. Adaptation to Township records keeping practices takes time.

- **Lack of human resources**

Cemetery management is a highly regulated professional field, with the responsibility of which is often placed on public sector employees who may have limited knowledge of cemeteries in general. With reduced resources within municipalities especially rural ones, the management of cemeteries often becomes a secondary responsibility to another position. There is also a lack of affordable training available for municipal employees who are required to abide by regulations set out by the FBCSA and the BAO.

- Increased regulatory processes

Annual reporting requirements of the BAO can be extensive and complex. This includes monitoring the number of interments, the transfers to the Care and Maintenance Fund (C&M), and how the C&M fund can be used. There are also regulations pertaining to maintaining a public register, how sales are to be conducted and strict guidelines on Cemetery By-law approvals, and expansions including the erection of columbaria structures.

- Inconsistent cemetery regulations

Cemeteries can have many different regulations related to plot size, number of burials allowed in a given plot, monument size, what types of flowers/shrubs are allowed to be installed near a headstone etc. The transfer of different cemeteries having inconsistent regulations can make it difficult to adapt management practices in order to maintain original cemetery operational standards.

Operational Impact

Similarly, from an operational perspective the grounds maintenance of cemeteries, whether active or inactive, is both time consuming and complex. A key issue when analyzing the maintenance component of cemetery management is the lack of financial resources to support the operation. Cemetery maintenance includes, but is not limited to: grass cutting (whipper snipping around monuments), tree and shrub maintenance, monument and corner stone maintenance, water pipe and washroom monitoring, and general upkeep of cemetery grounds (removal of debris, etc.).

- High maintenance costs

As with many services, there are rising costs to contend with. Municipalities have adopted different models to address the maintenance of such, with third party contractors being commonly used or it becomes the responsibility of an internal department such as Parks & Recreation. Regardless the model, the costs have increased significantly over the last decade with equipment purchases/upgrades, insurance requirements for third-party contractors, and the time it takes to cut the grass and whipper snip around monuments. To put it into perspective, the Stayner Union Cemetery with the expansion is 25 acres with monuments to manoeuvre around during ground care. Other considerations for maintenance includes monument restoration and ensuring that they are not deteriorated to the point where they are unsafe. This is important for older cemeteries where restoration hasn't been provided in the past and there are many deteriorating monuments.

- Cost of cemetery management software

Cemetery Management Software can help municipalities manage cemetery records, including plot sale contracts, interment rights certificates, and regulatory reporting.

However, these software solutions are often expensive and require a large amount of staff time to implement especially with incomplete data and records. These software solutions range in price from \$5,000 to \$100,000 with annual maintenance costs. This investment in software can be a large budget request and one that would need to be supported from taxation with the limited funds in cemetery general accounts.

- **Inadequate Care and Maintenance funds**

When the Funeral, Burial and Cremation Services Act, 2002 (FBCSA) was enacted, it stipulated that a care and maintenance fund for a cemetery shall be established. A cemetery operator is required to make contributions to the fund from the sale of in-ground graves, crypts, tombs, niches, scattering rights and monument installation. The contribution is prescribed under the FBCSA and differs dependant on the interment type. The idea is that the fund (income earned from the fund - interest) pays for maintenance costs after a cemetery has stopped making sales. In reality, this concept does not produce enough funds to maintain a cemetery. Looking at the Stayner Union Cemetery as an example, for the very basics (grass cutting and whipper snipping) the interest from the care and maintenance fund does not provide enough monies to maintain the cemetery for the 7 months it's required. In addition, the care and maintenance fund is also to be utilized for the stabilization, maintenance and security of markers. Cemeteries are not self funding, and maintenance of such is becoming a larger budget concern.

Support Request

Cemetery transfers and abandonments have been an ongoing concern for Clearview Township for many years. When you look at the large geography of the Township there are many cemeteries within the boundaries that have the potential to be transferred. To gauge the concern of other municipalities on this issue, staff addressed it at a Simcoe County Clerks group discussion. Many neighbouring municipalities expressed that they were dealing with the same issues and have also been approached by different external entities on possible transfers.

As result of the discussion, it was agreed that to assist with the real concerns with transfers and abandonments of cemeteries, it's vital that the Province provide assistance to adequately support this infrastructure. Support can be provided in many different forms, with staff making the following recommendations for the Ministry of Public and Business Service Delivery and the BAO:

- Amend the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), to have the Province, through the BAO, identified as the default owner and operator of a cemetery when it is abandoned;

- Provide annual funding (based on the number of cemeteries a municipality owns and operates) to municipalities to assist with the maintenance of inactive and active cemeteries;
- Provide free training opportunities for municipalities regarding cemetery administration; and,
- Investigate and support the design of universal cemetery software for use by municipal cemetery operators that can be offered at an affordable cost.

There is not one solution to solve all the issues, but at the very least it's important to identify the concerns and have open and real discussions at the provincial level on what support can be provided.

Clearview's Strategic Plan

The above initiative supports the following strategic pillars:

- Governance

Financial Implications

It is difficult to identify an exact dollar amount that can be attributed to a cemetery transfer/abandonment to the municipality. Every transfer is different and depends on a multitude of factors beginning with the cemetery status (active/inactive), acreage, care and maintenance fund (if any), maintenance of records, etc. What is being recommended by staff by way of support from the province is not meant to erase the costs entirely, but rather, to alleviate the financial burden in some capacity.

Report Appendices

Not applicable.

Approvals

Submitted by:	Sasha HelmKay, B.A., Dipl. M.A., AOMC, Clerk/Director of Legislative Services
Reviewed by:	Krista Pascoe, Deputy Clerk
Financial Implications Reviewed by:	Kelly McDonald, Treasurer
Approved by:	John Ferguson, CAO

December 12, 2023

Sent Via Email

Municipalities of Ontario

Re: Amendment to the Occupational Health and Safety Act to Clarify the Definition of "Employer"

The following resolution was passed by Council of the City of Greater Sudbury on December 5, 2023:

CC2023-303: WHEREAS in 2015 the City of Greater Sudbury (the "City") entered into a contract with a contractor experienced in road construction projects to complete a project on Elgin Street in the City's downtown core;

AND WHEREAS the contract provided that the contractor would be the constructor for the project as that term is defined in the Occupational Health and Safety Act (the "Act");

AND WHEREAS an employee of the constructor operating a grader on the project struck and killed a pedestrian;

AND WHEREAS the City was charged with offences under the Act as the constructor and the employer;

AND WHEREAS after being acquitted at trial and on appeal, the Ontario Court of Appeal, in a decision issued on April 23, 2021, found the City to be liable for contraventions of the Construction Regulations as an employer as it employed quality control inspectors to monitor the quality of work on the project from time-to-time;

AND WHEREAS the Supreme Court of Canada, in a decision issued on November 10, 2023, was evenly divided 4-4 on the issue resulting in dismissal of the City's appeal;

AND WHEREAS the consequence of this decision is that municipalities in Ontario, as well as all other owners of property in the province, who wish to undertake construction, are subject to being charged and convicted as an employer for offences in relation to project sites for which they have no control and have, in accordance with the Act, contracted with an entity to assume plenary oversight and authority over the work on such site as the constructor; AND WHEREAS the potential of an owner being charged as an employer as that term is defined in the Act in circumstances where it has engaged a constructor disregards and renders meaningless the owner-constructor provisions contained in the Act and presents an unacceptable level of increased risk and confusion for owners and contractors throughout the province;

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AND WHEREAS the City believes that the safety of workers is paramount however the safety of workers on construction projects in Ontario is not increased by placing liability on parties that do not have control of and are not responsible for the conduct of the work on such sites;

NOW THEREFORE BE IT RESOLVED THAT the Council for the City of Greater Sudbury requests that the province amend the Occupational Health and Safety Act to clarify the definition of "employer" to exclude owners that have contracted with a constructor for a project;

AND BE IT FURTHER RESOLVED THAT this motion be provided to the Honourable Doug Ford, Premier of Ontario, the Honourable David Piccini, Minister of Labour, Immigration, Training and Skills Development, the Honourable Paul Calandra, Minister of Municipal Affairs and Housing, France Gelin, MPP for Nickel Belt, Jamie West, MPP for Sudbury, the Association of Municipalities of Ontario, the Federation of Northern Ontario Municipalities, Ontario's Big City Mayors, Mayors and Regional Chairs of Ontario, Northern Ontario Large Urban Mayors, the Council of Ontario Construction Associations, the Ontario Chamber of Commerce and all Ontario municipalities.

Yours truly,

A handwritten signature in black ink, appearing to read 'Brigitte Sobush', written in a cursive style.

Brigitte Sobush
Manager of Clerk's Services/Deputy City Clerk

- c. Members of City Council
Eric Labelle, City Solicitor and Clerk