

## Request for Decision

### Changes to Cemetery Legislation

Presented To: Community Services  
Committee

Presented: Monday, Dec 02, 2013

Report Date Wednesday, Nov 20,  
2013

Type: Presentations

#### **Recommendation**

WHEREAS funeral homes and monument dealers have been collecting specific cemetery fees on behalf of the City of Greater Sudbury, and;

WHEREAS the Funeral, Burial and Cremation Services Act, effective July 1, 2012 continues to allow this practice but requires any third party collecting funds on behalf of the City to enter into a legal agreement, and;

WHEREAS changes to By-law 2003-47, Maintenance and Management of Cemeteries in the City of Greater Sudbury be amended, and;

THEREFORE BE IT RESOLVED THAT that the City of Greater Sudbury enter into a legal agreement with funeral homes and monument dealers to continue the practice of collecting cemetery fees on behalf of the City of Greater Sudbury;

AND THAT the necessary amendments to By-law 2003-47 are brought forward to Council.

#### **Signed By**

##### **Division Review**

Ron Henderson  
Director of Citizen Services  
*Digitally Signed Nov 20, 13*

##### **Recommended by the Department**

Catherine Matheson  
General Manager of Community  
Development  
*Digitally Signed Nov 20, 13*

##### **Recommended by the C.A.O.**

Doug Nadorozny  
Chief Administrative Officer  
*Digitally Signed Nov 20, 13*

#### **Background**

Cemetery Services are regulated locally by Cemetery By-laws that were approved by City Council at municipal amalgamation. Cemetery By-laws for the most part are fairly static but from time to time are reviewed by staff to reflect changes in provincial legislation, needs of families and trends within the service.

Below is the rationale for entering into a legal agreement with service providers and how amendments to By-law 2003-47 will better serve the needs of families.

#### **Legal Agreement with Funeral Homes and Monument Dealers**

Since 1981, it has been common practice for local funeral homes and monument dealers to collect certain cemetery fees on behalf of the City of Greater Sudbury (City). Specifically, funeral homes have been

collecting opening and closing burial fees while the monument dealers have been collecting foundation installation and care and maintenance fees for the City. This practice is in place as it allows families the ease of a “one stop” location for making payment.

New Cemetery Legislation which came into effect in 2012, continues to allow this practice, however, this requires the City to enter into a purchase of service agreement with any third party (funeral homes and monument dealers) that collects funds on behalf of the City.

### **By-Law Amendments**

#### **Credit**

Currently families pay the full amount for Cemetery Services before any services are received. At issue is that often families require time to collect Canadian Pension Plan (CPP) death benefits and/or life insurance benefits as part of the proceeds of the estate.

As such, Cemetery Services will amend By-law 2003-47 allowing payment terms of 60 days after cemetery services are received. This change would be consistent with local funeral homes and other municipal cemeteries within the province.

#### **Memorial Bench Program**

Since 2000 a Memorial Bench Program has been in place which provides families the option of purchasing a memorial bench that is typically placed near their loved ones grave site. Since the introduction of the program, the aging and number of benches in the cemetery system has become problematic. As an example, since 2000, Civic Memorial Cemetery has accumulated approximately 200 benches. At issue is the fact that benches over time begin to deteriorate and ultimately become a safety hazard as witnessed by many of the benches at Civic Memorial Cemetery today. As well, as benches accumulate, they create challenges for grass cutting and grave side services.

As such, Cemetery Services are recommending that the existing Memorial Bench Program be continued, however, that benches be “Leased” to families for a period of 10 years for \$1,000.00 rather than sold. In this way, cemetery services will retain ownership of all benches and have the option of removing the bench after the 10 year lease period. Families will always have the option of releasing a new bench for a further 10 year term.

It is recommended that all existing benches be “grandfathered” into the new program, however, cemetery management will have the right to remove any benches deemed to be unsafe upon proper notification of the family.

Cemetery Services recognizes the fact that benches provide families some convenience and comfort in the early years of grieving, but are attempting to balance that need with the safety and maintenance issues that benches present over time. An amendment to By-law 2003-47 will reflect the Memorial Bench Program.