

Report to Council

Report Title: Starkvale Cemetery Monument Request

Prepared By: Cally Mann, Municipal Executive Coordinator

Department: Operations

Date: March 8, 2022

Report Number: PW2022-04 **File Number:** C11PW

Attachments:

Recommendation:

That the Council of the Municipality of Brockton hereby receives Report Number PW2022-04 – Starkvale Cemetery Monument Request, prepared by Cally Mann, Municipal Executive Coordinator, for information purposes and in doing so directs staff to follow the Cemetery By-law currently in place.

Report:

Background:

On December 14, 2021, Report Number PW2021-31 was presented to Council outlining the initial request from Wesley and Susan Leybourne to have Council approve an oversized monument in the Starkvale Cemetery. The Leybourne's purchased four consecutive plots in 2017 and are requesting that they be allowed to place an oversized monument across all four (4) of their plots.

Staff requested information from the Bereavement Authority of Ontario (BAO) regarding the proposal and have received the following response:

The cemetery bylaws are the rules and regulations of the cemetery operator and are intended to ensure that all interment rights holders are provided with the same privileges and facilities so long as those allowances do not violate the *Funeral, Burial and Cremation Services Act, 2002*.

The cemetery operator may accommodate requests not specified in their bylaws so long as they would then provide similar allowances to another Interment Rights Holders. In other words, if you allow one variation of a monument, you may then have other requests that you will have to accommodate. It's a call your council, as the operator, must make and be prepared to deal with, in the future.

Should you decide to allow this request, you must amend your bylaws and have them approved to address these types of "one off" requests in the future. When you decide to accommodate special requests, you should consider the long-term obligations related to allowing that request. There is

nothing to stop you from “asking” that the Interment Rights Holder provide a larger contribution / donation to the Care and Maintenance Fund.

As noted above, should Council wish to approve the oversized monument, the Cemetery by-law will need to be updated, for all Brockton Cemeteries, to address future requests of this nature.

Council directed staff to get some more information on the By-law requirements and to review the site and request again.

Analysis:

While neither the Bereavement Authority of Ontario or the legislated regulations in place have a maximum stone size, the cemetery bylaws are the rules and regulations of the cemetery operator and are intended to ensure that all interment rights holders are provided with the same privileges and facilities so long as those allowances do not violate the *Funeral, Burial and Cremation Services Act, 2002*. The exact reason as to why these measurements were chosen for the Brockton Cemetery By-law are not documented.

Within the Brockton Cemetery By-law there are ‘maximum’ dimensions for monuments. For a double plot, which is eight (8) feet wide, the maximum is 48 inches (4 feet) high, 56 inches (4.6 feet) long, and 14 inches thick. Please note that two (2) inches are added to all sides for the base. In most cases when dealing with 4 consecutive plots there would either be 4 or 2 monuments permitted. When it comes to measurements within the cemetery, ‘inches’ are significant.

The location of the plots ensures easier access for a monument installation; however, it also poses some difficulties. Below, the blue/purple box shows the approximate location and size of the proposed monument. A crane would be required for the installation of the monument. Access is available from Bruce Road 1 and the access road just south of the plots.



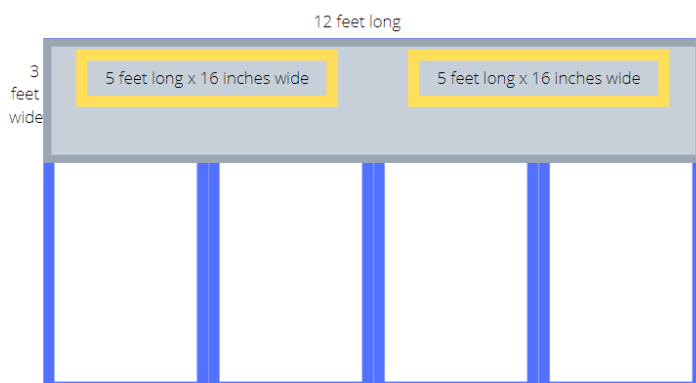
The physical monument itself is the responsibility of the Interment Rights Holder of the plots, however the concrete foundation that the monument and base rest on is the responsibility of the Municipality. Therefore, if the foundation should need to be repaired or be replaced, the Municipality would be responsible for the costs associated with arranging to have the monument moved with a crane and then reinstalled once the concrete cures (48 hours). These costs would come from the Care and Maintenance Fund, of which the municipality is permitted to use the interest on the principle for specific costs. However, only a limited number of foundations can be repaired or replaced each year due to the cost.



There are a couple of concerns to note:

- 1.) The size of the base required for this oversized monument would impact the available space in the plots themselves. Should the Leybourne's wish to be buried in a vault, the vault would not fit within the dimensions of the plot as the base of the monument would be also be oversized. The variation is only a few inches, however should Council wish to approve this request the monument would need to be placed partly on Municipal lands as the plots have no ability to shift south due to already sold plots to ensure spacing. As plot sizes are approved by the BAO prior to sale, the size cannot be expanded, at this time.

The base for this monument would have no space on either end of the plots as each plot is 3 feet wide in Starkvale. A normal Starkvale plot would have at least 1 inch on either side of a single monument, 6 inches on each side for a double lot monument and only be 16 inches wide. For reference, below the yellow boxes outline two double monuments, whereas the grey box is the approximate size of the oversized monument.



- 2.) A second concern, raised by local residents in the area of the Starkvale Cemetery, is that Bruce Road 1, as you enter into Paisley, claims to have a lot of vehicle speeding. There is a concern that the placement of the oversized monument could be detrimental in a motor vehicle accident. Hitting this oversized monument would be significantly worse than the smaller monuments.

For the reason noted above and after further consideration staff recommend that Council deny the request for the oversized monument, leave the Cemetery Bylaw as is and that staff be directed to notify the Leybourne's that they will need to work within the existing bylaw requirements.

Strategic Action Plan Checklist:

What aspect of the Brockton Strategic Action Plan does the content/recommendations in this report help advance?

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| • Recommendations help move the Municipality closer to its Vision | N/A |
| • Recommendations contribute to achieving Heritage, Culture, and Community | N/A |
| • Recommendations contribute to achieving Quality of Life | N/A |
| • Recommendations contribute to achieving Land Use Planning and the Natural Environment | N/A |
| • Recommendations contribute to achieving Economic Development | N/A |
| • Recommendations contribute to achieving Municipal Governance | N/A |

Financial Impacts/Source of Funding:

- Do the recommendations represent a sound financial investment from a sustainability perspective?
N/A

The cost last year for larger monuments is \$200 for any monument over four (4) feet. This cost beginning 2022, is \$400 for any monument over four (4) feet.

Reviewed By:



Trish Serratore, Chief Financial Officer

Respectfully Submitted by:



Cally Mann, Municipal Executive Coordinator

Reviewed By:



Sonya Watson, Chief Administrative Officer