

## Report to Corporate Services Committee

**To:** Chair and Members  
Corporate Services Committee

**From:** Anna Lisa Barbon, Deputy City Manager, Finance Supports

**Subject:** Cemetery Assumption  
Scottsville Cemetery and North Street United Church Cemetery

**Date:** February 21, 2023

## Recommendation

That, on the recommendation of the Deputy City Manager, Finance Supports, on the advice of the Director, Realty Services, with respect to two cemeteries known as the Scottsville Cemetery and the North Street United Church Cemetery, in the City of London, County of Middlesex, the following actions be taken

- a) the subject cemetery property located at 5190 Colonel Talbot Road, shown as Property Number One on Appendix A, known as the Scottsville Cemetery, **BE ASSUMED** by The Corporation of the City of London;
- b) the subject cemetery property located at 5825 Colonel Talbot Road, shown as Property Number Two on Appendix B, known as the North Street United Church Cemetery, **BE ASSUMED** by The Corporation of the City of London; and
- c) that all administrative acts **BE APPROVED** to allow for the assumption of each of the two subject properties, inclusive of a future land transfer, on an amicable basis as prescribed by legislation informed by the Bereavement Authority of Ontario (BAO).

## Executive Summary

The Corporation of the City of London operates one active cemetery and administers a number of other pioneer, or inactive, cemetery sites.

The governing legislation associated with cemeteries sites is the Funeral, Burial and Cremation Services Act, 2002. Ontario Regulation 30/11, Section 101.1, provides for circumstances that could see a cemetery abandoned and “upon declaration the cemetery and all assets shall be deeded to the local municipality”:

*(7) When an order declaring that a cemetery is abandoned is registered in the appropriate land registry office, the local municipality within whose geographic boundaries the land of the cemetery is located, or the Crown if there is no such local municipality, 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 had. 2006, c. 34, Sched. D, s. 68.*

There are currently two identified cemetery sites that are no longer being supported by the current and/or former cemetery boards with assumption being sought out from The Corporation of the City of London.

## Linkage to the Corporate Strategic Plan

Municipal Council’s 2019-2023 Strategic Plan identifies “Leading in Public Service” and “Building a Sustainable City” as strategic areas of focus.

Leading in Public Service

- Maintaining London’s finances in a transparent well-planned manner to balance

- equity and affordability over the long term
- The assumption of additional active or inactive cemetery sites requires resourcing in the form of administration

#### Building a Sustainable City

- Maintain or increase current levels of service
- The assumption of additional active or inactive cemetery sites ultimately supports local users of the cemetery

## Analysis

### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

None.

#### 1.2 Summary

The cemetery located at 5190 Colonel Talbot Road is known as the Scottsville Cemetery. The property is approximately 1.33 acres and legally described as Part Lot 64 ETR London/Westminster held in ownership by the Trustees of the Public Meeting House and Burying Ground of the Township of Westminster.

The cemetery located at 5825 Colonel Talbot Road is known as the North Street United Church Cemetery. The property is approximately 1.52 acres and legally described as Part Lot 60 WTR London/Westminster held in ownership by the Trustees of the North Street Congregation of the United Church of Canada.

#### 1.3 Salient Property Details

##### **Subject Property One – 5190 Colonel Talbot Road – Scottsville Cemetery**

Approximate Area:	1.33 acres
Shape:	Rectangular
Topography:	Generally flat with topography with sloping towards the southerly approach to the property with headstones placed throughout the majority of the site
Zoning:	OS3
Official Plan	Rural Neighbourhood
Current Use:	Cemetery

##### **Subject Property Two – 5825 Colonel Talbot Road – North Street United Church Cemetery**

Approximate Area:	1.52 acres
Shape:	Rectangular
Topography:	Generally flat with topography with a few prominent headstones placed in a single portion of the property
Zoning:	OS3
Official Plan	Rural Neighbourhood
Current Use:	Cemetery

## 2.0 Discussion

### Subject Property One – Scottsville Cemetery

The board associated with this cemetery approached the municipality initially a number of years ago requesting that the cemetery and its operations be assumed by the City of London (City). Anecdotally, the care and maintenance funds associated with the cemetery were not being properly maintained and there was a lack of funds available to continue to maintain the cemetery. On this basis, the maintenance of the cemetery was assumed by the City which entailed regular lawn maintenance. This was originally intended to be a short term solution while transfer and/or abandonment was pursued. The assumption to date has not yet been completed and the cemetery board continued to operate the site until recently with maintenance support being provided by the City.

In late 2022 consultation with the Bereavement Authority of Ontario (BAO) was completed to determine how best to assume the cemetery, understanding that by way of legislation should a cemetery site become abandoned then it is assumed by the municipality. It is the preference of the BAO that the cemetery be assumed amicably instead of formally through the legislative abandonment process.

The following process details were provided by the BAO representative:

*A Board may submit to the BAO a letter requesting the transfer of the cemetery to a municipality (or other Licensed entity) along with a letter (or this can be incorporated into the same letter) authorizing the transfer. We would also require the most up to date survey map depicting the burials. The municipality would submit a letter accepting responsibility of the cemetery. This documentation would be forwarded to the Financial Compliance team who would facilitate a transfer of any available Care and Maintenance funds to the municipality. Once completed the cemetery would be officially transferred to the municipality. A letter of transfer would be issued and the municipality would have 60 days to register the transfer with the local Land Registry Office. A copy of the new Land Registry abstract would be required to be filed with the BAO.*

The letter of request has been received from the representative of the cemetery board and the site map has also been provided. This report and associated recommendation will serve as the letter authorizing the transfer.

This cemetery has a low number of potential right holders that may seek future interments.

### Subject Property Two – North Street United Church Cemetery

The second subject site was brought to the attention of Realty Services by the BAO in the context of potential abandonment. Realty Services engaged in a discussion with representatives of the North Street Congregation of the United Church and were recently advised of the following without having prior consultation:

At the November 26, 2022 meeting of the Executive of Antler River Watershed Regional Council, the following was passed:

*MOTION by Richard Auckland/Louise Hall that the Antler River Watershed Regional Council Executive:*

- 1) authorizes the transfer of the North Street United Church Cemetery to the City of London;*
- 2) appoints the President, Treasurer, and Executive Minister to act as Trustees for the same; and,*
- 3) agrees to cover any legal costs involved.*

*CARRIED*

This cemetery site is inactive.

This report and associated recommendation will serve as the letter authorizing the transfer.

### **3.0 Benefits to the City**

The benefits include ensuring that cemetery sites continue to be appropriately maintained and managed in support of rights holders and those already interred in the cemetery.

### **4.0 Financial Impact**

The cost implications are not yet fully understood but should be minor in nature. Cemetery maintenance costs have for the most part been absorbed in current approved base operating budgets within Realty Services to support maintenance for the existing owned cemeteries. Depending on the amount of activity and the accounting of any care and maintenance trust accounts to be transferred to the City, there may be a future need to increase base budgets to support continued cemetery operations. The demand in this area is growing with additional sites such as those noted in this report being assumed by the municipality, which required personnel support to ensure appropriate service levels are provided, along with maintaining legislative requirements such as annual filings and trust accounts. It is more desirable for a Board and the local municipality to come to an amicable agreement for transfer of the cemetery to the municipality as any legal fees for abandonment would be borne by the municipality.

## **Conclusion**

Assumption of the two cemetery sites detailed in this report is recommended to ensure the ongoing maintenance and administration is properly observed in perpetuity as the respective board members and/or representatives are no longer able or willing to do so.

A Location Map of subject property one is shown as Appendix A.

A Location Map of subject property two is shown as Appendix B.

**Prepared by:** Bryan Baar, Manager II, Realty Services

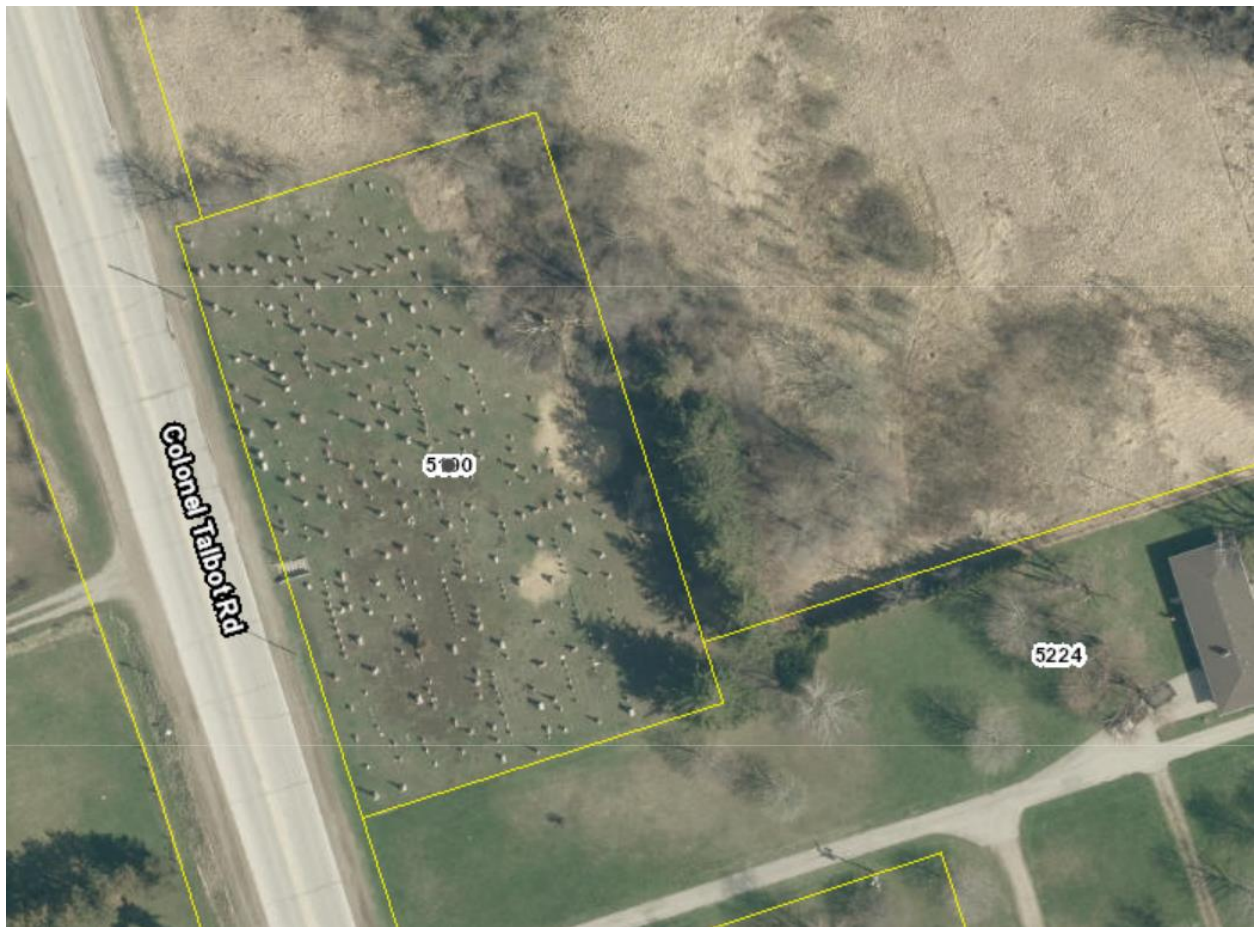
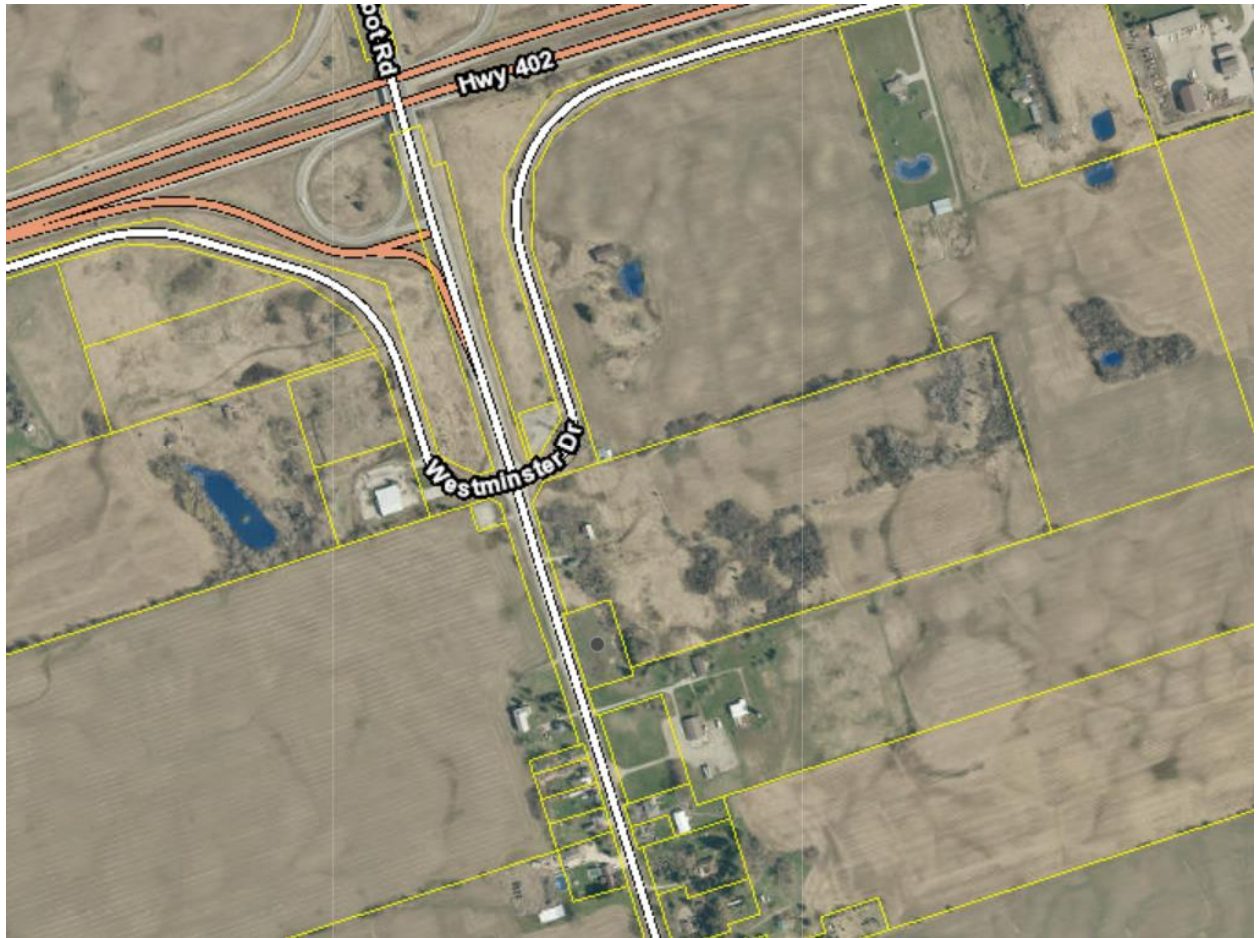
**Submitted by:** Bill Warner, AACI, Papp, Director, Realty Services

**Recommended by:** Anna Lisa Barbon, CPA, CGA, Deputy City Manager, Finance Supports

cc: Gary Irwin, Division Manager and Chief Surveyor, Geomatics  
Sachit Tatavarti, Solicitor

February 8, 2023

**Appendix A Location Map – Subject Property One**





**Appendix B Location Map - Subject Property Two**

