

To: **COUNCIL**

Meeting Date: **01/18/22**

Subject: **Request to Scatter Cremated Remains in the Grand River**

Submitted By: **Michael Hausser, P. Eng., Director of Operations**

Prepared By: **Michael Hausser, P.Eng., Director of Operations**

Report No.: **22-011(IFS)**

File No.: **C1102**

Recommendation(s)

THAT report 22-011 (IFS) Request to Scatter Cremated Remains in the Grand River be received for information.

Executive Summary

Purpose

- This report provides the results of the research conducted by staff as directed by Council in response to report 21-059(IFS) Request to Scatter Cremated Remains in the Grand River presented to Council on April 13, 2021.

Key Findings

- Consultation with Ministry of Environment Conservation and Parks, Grand River Conservation Authority, Region of Waterloo, Department of Fisheries and Oceans, Region of Waterloo Public Health, Bereavement Authority of Ontario (BAO) have not yielded any further information then was presented in the report presented to Council on April 13, 2021.
- No options or process exists to obtain approvals for this activity in the Grand River and is not within the Jurisdiction of the City of Cambridge to permit this activity.

Financial Implications

- There are no financial implications

Background

Report 21-059(IFS) Request to Scatter Cremated Remains in the Grand River was presented to Council on April 13, 2021.

Upon receiving this report, Council requested staff to report back following further consultation with the Grand River Conservation Authority, the Region of Waterloo, other Ontario Municipalities, the BAO and other ministry's and the Province of Ontario and include a draft framework for the request of scattering of cremated human remains from City owned lands adjacent to waterways for Council's consideration.

Analysis

Strategic Alignment

PEOPLE To actively engage, inform and create opportunities for people to participate in community building – making Cambridge a better place to live, work, play and learn for all.

Goal #1 - Community Wellbeing

Objective 1.1 Work with partners to create a safe, inclusive and accessible city.

This follow up report is in reference to a request in support of cultural diversity within our community.

Comments

In addition to the agencies consulted, Staff have also participated in an industry scan by the City of Toronto having a similar request. The City of Toronto does have options to support the request as they have direct access to Lake Ontario. Scattering of cremated remains in Lake Ontario is permitted by Provincial Regulation.

Other municipalities may also have options to support similar requests where they are located within or adjacent to bodies of water that fall within the Provincial Regulation that permit this activity.

Existing Policy/By-Law

Funeral, Burial and Cremation Services Act, 2002.

Financial Impact

There is no financial impact.

Public Input

No formal public consultation has taken place at this time, however, public input was received as a result of the report presented to Council on this matter on April 13, 2021.

Staff received communications from residents and other stakeholders and was not in favour of supporting this request.

A letter was received from the Office of Secretary General for the Mohawk Nation of Grand River Country. They do not support the use of the Grand River to scatter cremated human remains. This letter was circulated to Council and the Community as Correspondence on April 30, 2021 as part of the Council Information Package.

Internal/External Consultation

In collaboration with Clerks, Legal Services, and Communications, a questionnaire was assembled and the agencies noted in the direction from Council were contacted requesting a response.

Not all agencies responded, and, informal contacts from some of those agencies indicated they would not be responding as the Province has already outlined what is permitted for scattering of cremated human remains on land and in waterways.

The Federal Department of Fisheries and Oceans (DFO) has not responded.

Given the feedback and information provided, it is difficult to establish a framework for proceeding with this request as there is no clear path provided from any of the governmental agencies. Almost all respondents referred to existing regulations which permits scattering of cremated human remains on land, in specific locations in water and does not include the Grand River. No option was presented that would provide an application to permit this activity to take place in the Grand River.

The following is a summary of responses received.

Region of Waterloo

- Refer to GRCA

GRCA

- Refer to prior response of September 25, 2020. This response outlined the existing options available in Ontario which does not include options to perform this activity in the Grand River.
- Regulation 150/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation) would not apply within this request except, that, if land is being requested to be developed or structures built.

- Refer to MECP, Ministry of Northern Development, Mines, Natural Resources and Forestry as well as the Federal Department of Fishers and Oceans.

Ministry of Environment Conservation and Parks

- Referred to Bereavement Authority of Ontario, the Funeral Burial and Cremation Services Act, 2002 on behalf of the Ministry of Government and Consumer Services.
- Should this proposal proceed, it is recommended that the City of Cambridge engage in discussions with downstream communities, organizations with an interest in protecting the Grand River and First Nations communities. We note that the communities of Brantford and Ohsweken draw their drinking water from the Grand River downstream of Cambridge. Dunnville also has a raw water intake located in the Grand River available for use in emergency situations.

Region of Waterloo Public Health

- Recommend we adhere to the Funeral, Burial and Cremation Services Act, 2002.

Conclusion

The existing Provincial Regulations permit the scattering of cremated remains on land and in bodies of water in Ontario, but not in the Grand River.

No option from the Province has been presented to amend the Provincial Regulations.

At this time, with the lack of the City's jurisdiction for activities in and on the Grand River, the City is not able to approve the scattering of human remains in the Grand River, as such, is not able to provide land to access the Grand River for this purpose.

Signature

Division Approval



Name: Mike Hausser

Title: Director of Operations

Reviewed by the CFO

Reviewed by Legal Services

Departmental Approval



Name: Yogesh Shah

Title: Deputy City Manager Infrastructure Services

City Manager Approval



Name: Hardy Bromberg

Title: Acting City Manager

Attachments

- n/a