



**City of Kingston
Report to Council
Report Number 25-044**

To: Mayor and Members of Council
From: Janet Jaynes, City Clerk
Resource Staff: Derek Ochej, Deputy City Clerk
Date of Meeting: February 18, 2025
Subject: Cemetery By-Law Updates

Council Strategic Plan Alignment:

Theme: 2. Lead Environmental Stewardship and Climate Action

Goal: 2.2 Support climate action and sustainability for residents, businesses and partners.

Executive Summary:

The purpose of this report is to provide Council with an update on preparations for the green burial area at Pine Grove Cemetery. Relocation of the originally approved green burial is required for operational purposes. Additionally, staff are proposing minor amendments to the By-Law to Establish Rules and Regulations for Cemeteries Operated by The Corporation of the City of Kingston (the Cemetery By-Law) that received first and second reading in 2023. Staff have submitted an updated Cemetery By-Law to the Bereavement Authority of Ontario and received approval. Staff are recommending that Council provide third and final reading to the updated Cemetery By-Law.

Recommendation:

That Council provide third reading to the updated by-law, "A By-Law to Establish Rules and Regulations for Cemeteries Operated by The Corporation of the City of Kingston", attached as Exhibit A to Report Number 25-044; and

That Council approve a budget amendment for green burial site preparation of \$8,000 to be funded from the Working Fund Reserve; and

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That Council approve the repayment of the \$8,000 working fund contribution through the receipt over time from the sale of green burial plots.

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Authorizing Signatures:

ORIGINAL SIGNED BY CITY CLERK

Janet Jaynes, City Clerk

ORIGINAL SIGNED BY CHIEF

ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Paige Agnew, Commissioner, Growth & Development Services	Not required
Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate & Emergency Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Ian Semple, Acting Commissioner, Transportation & Infrastructure Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	

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Options/Discussion:**Background**

At Council's direction, staff began exploring the possibility of establishing a natural green burial cemetery within the City of Kingston. As staff explored the possibility of expanding Pine Grove Cemetery, they determined that the City's current cemetery administration processes and by-law provisions were not reflective of the *Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33* (the "FBCSA"), which is the legislation that currently governs, among other things, cemetery operations in Ontario.

Staff took this opportunity to overhaul the City's regulatory and management processes related to its cemeteries with a primary focus on ensuring that the City's cemetery operations are compliant with the FBCSA and reflective of best practices.

In July 2023 Council gave first and second reading to By-Law Number 2023-140, A By-Law to Establish Rules and Regulations for Cemeteries Operated by The Corporation of the City of Kingston (the Cemetery By-Law). This by-law consolidates the regulations for the one active cemetery (Pine Grove) and the several inactive cemeteries owned by the City of Kingston, being:

- By-Law Number 99-280 "A By-Law to Provide for the Maintenance, Management and Control of Pine Grove Cemetery", as amended (Pine Grove Cemetery By-Law);
- By-Law Number 99-281 "A By-Law to Authorize the Establishment of Pine Grove Cemetery Board of Management", as amended; and
- By-Law Number 6-89 "A By-Law to Establish a Milton Cemetery Committee", as amended.

Following first and second reading, staff were to submit a draft of the by-law for review by the Bereavement Authority of Ontario (BAO) for final approval by the Registrar.

As detailed later in this report, further updates to the Cemetery By-Law are recommended, prior to the by-law receiving its third reading, in order to relocate the green burial site, as well as other minor amendments. The updated version of the Cemetery By-Law, attached to this report as Exhibit A, has been reviewed and approved by the BAO.

Green Burials

Green burials are based on five principles, as detailed by the [Green Burial Society of Canada](#):

1. No embalming.
2. Direct earth burial. The body is wrapped in a shroud made of natural fibres or a casket or alternate form of container that is made of sustainable and biodegradable materials.

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3. Ecological restoration and conservation. The surface of the grave is allowed to settle naturally before being restored with local species of grasses, ground coverings or trees.
4. Simple memorialization. Memorialization is done in a communal fashion using locally sourced, natural materials.
5. Optimized land use. The design of the site will have minimal infrastructure and optimize the land it occupies.

In addition to interment, green burials are also notable for their ceremonial or ritual approach to the grieving process for the family and loved ones of the departed. This may include participation in such actions as the lowering of the casket or the filling of the burial site. City staff will work with its cemeteries operator to facilitate such requests as possible. This will include directing purchasers of green burial plots to private companies or individuals that offer these services directly to families.

Work Completed

Throughout 2024 staff have engaged in the process of hiring a third-party cemeteries operator. In Fall 2024 staff entered into an agreement with a cemeteries operator, who immediately began work to complete the necessary maintenance on the traditional burial area of Pine Grove Cemetery and to prepare for the sale of interment rights for traditional burial sites. Prior to the hiring of the cemeteries operator, maintenance and sale of interment rights were the responsibility of staff in the City's Public Works Services and Taxation & Revenue Departments respectively.

Staff met with Green Burials Kingston (GBK); a nonprofit group founded in 2017. GBK and its members have been involved through the process of establishing a municipally owned green burial site in Kingston. In a meeting in December 2024 staff shared the proposed changes to the green burial area at Pine Grove Cemetery and received feedback from GBK members regarding best practices for green burials and the application of those practices in the Cemetery By-Law.

Proposed Changes to the Cemetery By-Law

Through discussions with the cemeteries operator, it was determined that the originally proposed green burial site would need to be relocated. Concerns were expressed that the site's proximity to the densely forested area would significantly impede the site excavation process for burials due to the presence of tree root, leading to increased costs for interment due to the additional time to dig, and wear and tear on equipment.

After discussions with the cemeteries operator and GBK, the green burial site is being relocated from the southern lot line of the property to an approximately 70 foot by 70 foot area near the eastern lot line, just to the south of existing traditional burial sites. Approximately 100 individual plots will be available in the new green burial area, an increase from the original 83 individual plots.

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This change creates a distinct area for green burials, as opposed to original area that was partially interspersed with traditional burial plots. The green burial site will be ringed with natural material to delineate it from the traditional burial area. Signage will also be placed at the cemetery to regarding the green burial area and its differing appearance as compared to the traditional burial area.

Preparation for the green burial site includes the excavation of the top six-to-eight inches of sod and topsoil, replacing it with new screened topsoil, seeding with native ground covering, the purchase and placement of the natural material (mulch or crushed stone) around the green burial area and procurement of communal markers. The costs of this work will be recovered through the sale of green burial plots.

Additional changes to the Cemetery By-Law include:

- Section 13.10 is amended to increase the number of cremated human remains to be permitted per lot from two to four and the number of cremated human remains that can be interred with a full casket from one to three. This change is to make the practice for number of interments for traditional burial consistent with those for green burials.
- Section 17.3 is amended to change the lot size for green burials from 3.10 metres in length by 1.25 metres in width to 2.44 metres in length and 1.2 metres in width. This change allows for an increased number of lots to be sold in the green burial area. Green burial containers or shrouds are smaller than traditional caskets and can accommodate the reduced lot size.
- Section 17.16 is amended to delete the words “At the sole discretion of the City Clerk, families may request a native “memorial tree” be planted on, or near to the grave for the applicable fee set out in the fee schedule. To maintain operational flexibility, staff are recommending that trees or shrubs only be planted in the green burial area after a ‘section’ of the area has been filled with interments.
- Section 18.1 is amended to change the hours of operation from 8:30 a.m. to 4:30 p.m. to one half hour before sunrise to one half hour after sunset. This change is to account for seasonal variations in daylight experienced throughout the year.
- Section 18.6 (j) is deleted in its entirety. This section originally limited entry to the cemetery to only service animals. Staff determined this was unnecessarily restrictive and that the regulations of the By-Law Number 2021-166, the Animal Control By-Law, can still be applied to prevent any unwanted behaviours.

Prior to the finalization of this Report, staff circulated the updated Cemetery By-Law to the BAO for the review. Approval of the updated by-law was received on January 30, 2025 via confirmation letter attached to this Report as Exhibit B. A series of minor administrative amendments were included to ensure that the by-law compliant with the FBCSA and its

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regulations, in particular regarding disinterment and consumers' rights. Staff are recommending the updated by-law, attached to this Report as Exhibit A, receive third and final reading.

Next Steps

Following third reading of the Cemetery By-Law, the City's cemeteries operator will prepare the green burial site as soon as weather permits in Spring 2025. Sales for green burial plots will begin in March 2025, with information added to the City website and the creation of hard copy pamphlets.

Over the past two years staff have been maintaining a contact list of persons interested in purchasing a green burial lot. Information will be provided to the persons on this contact list in early March 2025 regarding the green burial lot purchasing process.

Existing Policy/By-Law

[*Funeral, Burial and Cremation Services Act, 2002 S.O. 2002, c.33*](#)

Financial Considerations

The estimated costs for green burial site preparation are \$8,000. The anticipated revenue from the sale of green burial plots will be sufficient to recoup site preparation costs.

Staff are recommending that the costs for green burial site be funded from the Working Fund Reserve, and that the proceeds of the green burial plots sales be reallocated to repay the Working Fund Reserve over time.

Contacts:

Janet Jaynes, City Clerk, 613-546-4291 extension 1262

Other City of Kingston Staff Consulted:

Derek Ochej, Deputy City Clerk, Clerk's Department

Lana Foulds, Director, Financial Services

Exhibits Attached:

Exhibit A – By-Law Number 2025-99, “A By-Law to Establish Rules and Regulations for Cemeteries Operated by The Corporation of the City of Kingston”.

Exhibit B – BAO Approval Letter