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May 14, 2014

Kimberly Kitteringham
City Clerk
Clerk's Department
City of Markham
101 Town Centre Boulevard
Markham, ON L3R 9W3

Re: **City By-law 2014-65**
General Housekeeping Zoning By-law Amendments (Parking Standards)
Definitions of Cemetery and Funeral Home

Dear Ms. Kitteringham,

Our firm represents firms with respect to land use planning matters associated with the development and intensification of cemeteries within Ontario and across Canada. In this regard, it has come to our attention that the City of Markham will be considering the adoption of a Zoning Bylaw (2014-65) which is described as a "General Housekeeping Zoning Bylaw Amendments (Parking Standards)".

While reviewing the proposed amendments we have noted the proposed addition of a definition for "Cemetery", and change to the definition of a "Funeral Home", wherein the following definitions are proposed:

Cemetery means land used for the interment of human remains and includes a mausoleum, columbarium or other Structure intended for the interment of human remains.

Funeral Home means a Funeral Home, funeral parlour, undertaking establishment, funeral establishment, or similar use used for furnishing funeral supplies and services to the public and including facilities intended for the care and preparation of the human body for internment or cremation and facilities for the coordination of rites and ceremonies with respect to internment or cremation.

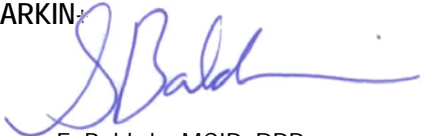
Whereas the definitions are generally accurate, they do not appear to reflect recent changes in Provincial Legislation on July 1, 2012 with the repeal of the *Cemeteries Act (Revised)* and the *Funeral Directors and Establishments Act*, replacing them with the *Funeral, Burial and Cremation Services Act* (FBCAS). The change with the most impact in the death care industry was that 'Funeral Establishments' are now considered to be a permitted use and structure on cemeteries. The new legislation replaces the terminology associated with Funeral Homes and Reception (Visitation) Centres with "Funeral Establishments". Furthermore, the FBCSA permits "Funeral Establishments" to be located on Cemeteries, whereas under the *Cemeteries Act (Revised)* Funeral Homes were not allowed on cemeteries.

In light of the new legislation, we believe that additional language should be inserted to these definitions which avoid the suggestion of a mutually exclusive siting situation arising from the omission of "Funeral Establishments" (Funeral Homes) from the Cemetery definition, which in our respectful submission would be contrary to the intent of current Provincial Policy.

We would be pleased to meet with the City provide additional information with respect to this matter should that be of assistance. Nevertheless, we respectfully request that we be provided with formal notice of the passing of the above referenced bylaw.

Sincerely,

LARKIN:



Sarah F. Baldwin, MCIP, RPP

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cc: Mayor Frank Scarpitti and Members of Council
Jim Baird, Commissioner of Development Services