

**City Council****Notice of Motion**

MM24.14	ACTION			Ward:All
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**Requesting a Staff Report on the Separation Distance of Crematoriums to Sensitive Land Uses and Residential Areas - by Councillor Kristyn Wong-Tam, seconded by Councillor Peter Milczyn**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to referral to the Planning and Growth Management Committee. A two-thirds vote is required to waive referral.*

**Recommendations**

Councillor Kristyn Wong-Tam, seconded by Councilor Peter Milczyn, recommends that:

1. City Council direct the City Manager, in consultation with the Chief Planner and Executive Director, City Planning, the Medical Officer of Health and Chief Building Official and Executive Director, Toronto Building, to review the official plan policies and zoning provisions in the context of the *Funeral, Burial and Crematorium Services Act, 2002* and report to the September 13, 2012 Planning Growth Management Committee meeting:
  - on the land use implications and potential health impacts of the new Act;
  - to propose revised official plan and zoning regulations to address the issue of appropriate locations; and
  - on minimum separation distances from crematoriums to sensitive land uses.
2. City Council direct the Chief Planner and Executive Director, City Planning to hold a public community meeting no later than August 31, 2012 and to report to the September 13, 2012 Planning Growth Management Committee meeting; such report to determine the appropriateness of permitting crematoriums in Intensification Areas and any areas where there are large concentrations of residents and/or employees in multi-unit buildings, residential neighbourhoods and other such sensitive land use locations.
3. City Council request the Chief Planner and Executive Director, City Planning to report to the Planning and Growth Management Committee on any applications for approval of new crematoriums and changes to existing crematoriums.

**Summary**

Currently, the Province of Ontario licences all funeral homes, crematoriums and cemeteries under the *Cemeteries Act (Revised)*, the *Funeral Directors and Establishment Act*. The

legislation permits crematoriums only in cemeteries.

On July 1, 2012, *the Funeral, Burial and Cremation Services Act, 2002* will come into effect and establish a new regulatory framework for most of the bereavement sector, including crematoriums. The new legislation will allow applications for a licence to operate a crematorium outside of a cemetery.

Crematoriums currently require and will continue to require, a Certificate of Approval from the Ministry of the Environment (MOE) to ensure the environment is not adversely affected through concentrations of air pollutants meeting provincial guidelines on and beyond a cemetery property under normal operations.

When human remains and the funeral caskets are cremated, a number of by-products or trace air pollutants are created that could pose potential health impacts. These include particulate matter volatile organic compounds, carbon monoxide, nitrogen oxides, sulphur dioxides, hydrogen chloride, plastic, fabric, wood, paper, rubber, chemicals, heavy metals (cadmium, mercury, lead) and dioxins and furans.

Odours and visible smoke can be a nuisance to neighbours. In the case of smoke, the problem is mainly associated with certain stages of the burn cycle. For example, the clothing and plastic wrap that often accompany the body can result in significant quantities of smoke, particularly in the burn cycle. The magnitude of these emissions may depend on the types of incinerator that is used.

Studies regarding the ability to mitigate the health impacts of crematoriums are inconclusive, but in abundance of caution, crematoriums should be directed away from locations that are in close proximity to residential and to other sensitive land uses (e.g. daycares, schools).

The City has the ability to impose separation distances between industrial uses and sensitive land uses to avoid or minimize the potential for land use conflicts that extend beyond the property limits of industrial activity. Typical emissions that may affect the amenity of nearby sensitive land uses includes gaseous and particulate emissions, noise, dust and odour. It is generally assumed that the impacts on the environment will generally decrease with increased distance from the source of the emission.

The Minister of Consumer Services has indicated that a municipality may wish to introduce separation distances through its zoning powers under the *Planning Act*. In this regard, MOE's "Compatibility Between Industrial Facilities and Sensitive Land Uses (D-6-3) Separation Distances" (collectively known as the "D6 Guidelines") may be used as a guide to develop separation distances between crematoriums and sensitive land uses. Furthermore, the Minister has confirmed that a licence for a crematorium will not be granted by the Province until municipals approvals have been obtained.

Crematoriums are identified by air quality experts as Type II facilities under the D6 Guidelines. The recommended minimum set back for Type II industrial use from a sensitive land use is 70 metres with a potential area of influence of 300 metres. Based on this information, crematoriums shall be located a minimum 300 metres from sensitive and other sensitive land uses. According to the D6 Guidelines, residential land use shall be considered sensitive 24 hours/day.

While the new *the Funeral, Burial and Cremation Services Act, 2002* does not require municipalities to expand the areas in which crematoriums may locate, the legislation was updated to be more responsive to consumer needs and to provide increased options for

bereavement services. In the past, Toronto residents and property owners have already express concerns about potential land use conflicts between new and existing crematoriums and residential uses. If the City chooses to maintain the status quo, it will have to evaluate each crematorium proposal on an individual basis in the absence of policies that meet the intent of the new provincial legislation. Without examining this matter on a city-wide basis, the City could be vulnerable to site specific appeals at the Ontario Municipal Board.

(Submitted to City Council on June 6 and 7, 2012 as MM24.14)

**Background Information (City Council)**

Member Motion MM24.14