

## **Environmentally and Culturally Sensitive Dispersal of Funeral Ashes in Parks and Waterways**

**Date:** April 7, 2022

**To:** Infrastructure and Environment Committee

**From:** General Manager, Parks, Forestry and Recreation

**Wards:** All

### **SUMMARY**

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At its June 8 and 9, 2021 meeting, City Council directed Parks, Forestry and Recreation to provide an update to the Infrastructure and Environment Committee on the results of stakeholder consultations related to the environmentally and culturally sensitive dispersal of funeral ashes at municipal parks and waterways.

By identifying sites that are most suitable for this practice and working with stakeholder groups to provide appropriate visitor education, the City can help ensure the privacy and dignity of bereaved community members, maintain park areas in good condition and limit the risk of user conflict on Toronto's busy waterfront. Such an approach, which supports the public to disperse funeral ashes at particular locations, but does not designate parkland for this exclusive use, is approved by the Bereavement Authority of Ontario and is consistent with practices other Ontario municipalities have implemented.

Through consultations with stakeholders and based on lessons learned from other jurisdictions, 22 considerations have been developed to guide the identification of sites in City of Toronto parks that are suitable for the environmentally and culturally sensitive dispersal of funeral ashes into water.

### **RECOMMENDATIONS**

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The General Manager, Parks Forestry and Recreation recommends that:

1. The Infrastructure and Environment Committee receives this report for information.

## FINANCIAL IMPACT

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There are no financial impacts resulting from the adoption of the recommendations in this report.

Any financial impacts that arise from identifying and establishing public sites for dispersal of funeral ashes will be addressed within existing resources or as part of future budget processes.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial implications as identified in the Financial Impact section.

## DECISION HISTORY

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On June 8 and 9, 2021, City Council directed the General Manager, Parks, Forestry and Recreation, in co-ordination with the City Solicitor and appropriate City divisions, to engage the Toronto Region and Conservation Authority, other municipalities, faith groups, environmental experts, other stakeholders and the general public in the review of options for the environmentally and culturally sensitive dispersal of funeral ashes at municipal parks and waterways and to provide an update to the Infrastructure and Environment Committee in first quarter of 2022.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.IE22.3>

On May 5 and 6, 2021 City Council directed the General Manager, Parks, Forestry and Recreation to report to the May 25, 2021 meeting of Infrastructure and Environment Committee on the feasibility of creating designated areas for the scattering of ashes along the City's waterfront.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.IE21.19>

## COMMENTS

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### 1. Background

The dispersal of funeral ashes into water and associated ceremonial practices, including the placement of religious offerings such as coins, cloth, jewellery and fruit, is a practice that is important to Torontonians from a number of faith groups, including Hindu and Sikh communities. According to some faith community stakeholder estimates, as many as 60 funeral ashes dispersals are completed each month along the watercourses in the Toronto area. Traditionally, family members may also return to the site on subsequent dates, such as one year after the funeral ashes were dispersed, and during important festivals or special occasions.

While Ontario law does not prohibit dispersal of funeral ashes on public lands, there has occasionally been reports of park user conflict related to this practice along Toronto's Lake Ontario shoreline. No formal complaints have been received by the City since 2015.

Following the Toronto and Region Conservation Authority's release of a report on this matter in 2021, and in light of experiences in some other Ontario municipalities, City Council directed staff to consult with stakeholders and identify options for the environmentally and culturally sensitive dispersal of funeral ashes and provide an update to the Infrastructure and Environment Committee.

## 2. Authorities

### 2.1 Funeral Burial and Cremation Services Act, 2002; Bereavement Authority of Ontario

The dispersal of cremated remains is regulated by the Province of Ontario under the *Funeral Burial and Cremations Services Act 2002 (the Act)*. The provisions of the *Act* are administered by the Bereavement Authority of Ontario (BAO), on behalf of the Ministry of Government and Consumer Services.

The BAO has provided written confirmation that the City of Toronto may establish shoreline sites for the public to disperse funeral ashes into water, under the following conditions: a) no permit and/or fee is required to access the location; and b) the site is not set aside for the exclusive purpose of dispersal of funeral ashes.

### 2.2 Toronto and Region Conservation Authority

The Toronto and Region Conservation Authority (TRCA) owns and has jurisdiction over a watershed area spanning 21 municipalities in southern Ontario, including Toronto. This area comprises nine watersheds from west to east – Etobicoke Creek, Mimico Creek, Humber River, Don River, Highland Creek, Petticoat Creek, Rouge River, Duffins Creek and Carruthers Creek, in addition to the Lake Ontario waterfront. The lands that TRCA administers are used for flood control, recreation, and education and watershed preservation activities, including drinking water source protection.

In addition to its role as the authority and landowner, TRCA has the capacity to conduct technical reviews and provide expert advice with respect to the identification environmentally and culturally appropriate shoreline sites for dispersal of funeral ashes. TRCA has worked with other municipalities, including Pickering and more recently, Mississauga, to identify appropriate funeral ashes dispersal sites and ensure environmental considerations are addressed.

In 2021, in response to inquiries received from municipalities and members of faith communities on this issue, TRCA considered the dispersal of funeral ashes in watercourses within its jurisdiction and committed to assist municipalities in selecting appropriate sites for this practice.<sup>1</sup> TRCA proposed the following principles to guide the site selection process:

- Compliance with relevant legislation
- Evidence there is no negative impact on the watercourse
- Provided there is no negative impact, infrastructure to minimize damage to shoreline should be considered

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<sup>1</sup> <https://pub-trca.escribemeetings.com/filestream.ashx?DocumentId=7058>

- Archaeological sites along watercourses should be considered to prevent the contamination of those sites
- Cultural appropriateness and physical accessibility of sites
- Outreach to the community requesting access

Over the course of this review, City staff have worked closely with TRCA to develop specific considerations for Toronto sites that build on the TRCA principles and that also meet the conditions set by the BAO. These can be found in section 5.

### 3. Lessons from Other Municipalities

To better understand approaches in other jurisdictions, City staff consulted six Ontario municipalities, including three municipalities (Pickering, Sarnia, and Halton Hills) that have established a public site for the dispersal of funeral ashes into water and one (Mississauga) that is currently working with TRCA on site options. The City of Pickering established its site in 2009; while the Sarnia site was established in 2017 and the Halton Hills site was established in 2021. In all three of these cases:

- The municipality is not a licensed cemetery operator and no bylaw changes were required to identify the site.
- The shoreline site is located in a municipal public park, but is not located adjacent to any other active park spaces such as a playground.
- The shoreline site is not designated for the exclusive purpose of funeral ashes dispersal.
- The municipality collaborated directly with local faith community members from the local Hindu Temple and/or the Hindu Federation to plan the site and support site implementation.
- The site is identifiable by onsite signage developed in collaboration with the participating faith community.
- Use of the site for funeral ashes dispersal is not subject to a permit or a fee.

In terms of impacts for park operators and other park users, the municipalities reported:

- Little to no added maintenance burden.
- Mitigation of maintenance issues has been achieved through collaboration with faith group volunteers.
- No bylaw enforcement has been required and no charges/fines have been issued.
- Little to no complaints about the site have been received from other park users.
- Little to no competition issues at the site.

In addition to the municipal sites mentioned above, the public can also use other sites that have also been designated for this practice in the GTA: the *Ontario Kalsa Darbar* Sikh Gurdwara (temple) site on the Etobicoke Creek in Mississauga, which was established in 2020 in partnership with the TRCA; the Bronte Creek Provincial Park site in Oakville; and the Forks of the Credit Provincial Park site in Caledon.

## 4. Stakeholder Consultations

In response to Council direction, Parks, Forestry and Recreation Division engaged with the Mississaugas of the Credit First Nation and consulted with stakeholders representing funeral service providers, interested faith communities, TRCA, Toronto Public Health and key City of Toronto Divisions responsible for environmental monitoring and stewardship of waterfront areas. Stakeholder consultations took place between September 2021 and February 2022 and were guided by the City's commitments to: anti-racism, diversity, equity and inclusion; the protection and stewardship of the natural environment and habitat; meaningful engagement, partnership and collaboration with stakeholders; and the creation of an adaptable park system that balances diverse parks uses and users.

### 4.1 Faith Communities

City staff conducted separate consultations with five Hindu and Sikh faith communities and convened one multi-faith group consultation with six interested communities. Faith groups were consulted to better understand: current issues and experiences related to dispersal of funeral ashes on Toronto's waterfront; desirable features for a public site for funeral ashes dispersal; and interest in participating in community education to ensure appropriate use of such a site, including interest in collaborating with the City of Toronto.

Faith community representatives participated based on their leadership positions in faith-based and cultural organizations, their knowledge of and interest in this issue and their connections across their faith communities. Participating groups and individuals included: *The Hindu Federation*, *The Canadian Tamil Congress*, the *Sikh Spiritual Centre Gurdwara* and the *Gursikh Sabha Canada Gurdwara*, and a priest who conducts end of life ceremonies for Tamil speaking Hindu communities. A leader from the *Durham Chinese Cultural Centre* and *Happy Seniors Group* was also included due to interest expressed by the Chinese community on this issue.

### 4.2 Environmental Monitoring and Stewardship Authorities

Consultations on environmental considerations involved TRCA (Senior Ecologists and Senior Managers of Environmental Monitoring), Toronto Public Health (Healthy Environments; Blue Flag Beach Monitoring Program); Toronto Water (Water Treatment and Supply; Environmental Monitoring and Protection) and Parks, Forestry and Recreation (Urban Forestry). The potential environmental impacts of funeral ashes dispersal into bodies of water and added human traffic on the Toronto shoreline were reviewed, including; any impacts on water quality and water flow and impacts on shoreline erosion and on local vegetation and biodiversity.

## 5. Site Considerations for Environmentally and Culturally Sensitive Dispersal of Funeral Ashes into Water

By identifying sites that are most suitable for this practice and by providing appropriate visitor education, the City and stakeholder groups can ensure that the dispersal of funeral ashes can be conducted with privacy and dignity on Toronto's busy waterfront. Such an approach, which supports the public to disperse funeral ashes at

environmentally and culturally suitable locations, but does not designate parkland for this exclusive purpose, is approved by the Bereavement Authority of Ontario and is consistent with other practices Ontario municipalities have implemented.

Through consultations with stakeholders and based on lessons learned from other jurisdictions, 22 considerations have been developed to guide the identification of sites in City of Toronto parks that are suitable for the environmentally and culturally sensitive dispersal of funeral ashes into water. These considerations are presented below, organized into four thematic areas: archaeological protection; parks operations/safety; environmental protection; and community participation and support. A site should meet all 22 considerations. Sites that meet these considerations may be identified by the City as suitable for the purpose of dispersal of funeral ashes but will not be designated for this exclusive use.

#### Archaeological protection:

- There shall be no archaeological sites at risk registered along associated stretches of the shoreline and there is no risk of impacting or contaminating archaeological sites.

#### Parks operations/safety:

- Site is not designated for the exclusive purpose of dispersal of funeral ashes; other park visitors can access the site(s).
- Permits are not required to disperse ashes from the site and fees are not charged.
- Sites that are within TRCA jurisdiction must be approved by TRCA.
- Site locations should be balanced geographically to serve Torontonians equitably.
- Site should be located directly on a large body of moving water that is accessible year-round.
- Visitors should be able to access/touch the water's edge from the site.
- Site should be located in a quiet/passive park area that is at minimum 5 metres away from active park sites, e.g. playgrounds, sport fields.
- Site should provide safe and accessible year-round access to water, e.g.; gentle sloping beach, decommissioned/unused boat launch and/or platform/activity node.
- Garbage and recycling containers should be available nearby and/or easily accessed within the park.
- Site should be accessible for Parks staff to maintain as part of usual park maintenance.
- Standing area at the water's edge should be large enough to accommodate five people.
- Surrounding park area should be large enough to accommodate up to 20 people.
- A seating area or space to add benches should be available within a five to 10 minute walking distance.
- Parking for approximately five cars should be available within five to 10 minute walking distance.
- Site should have sufficient and suitable space to erect visible signage.

#### Environmental Protection:

- Site shall not be located within an Environmentally Significant Area (ESA), Area of Natural or Scientific Interest (ANSI) or other ecologically sensitive area as determined by the City of Toronto.
- Local ecology and biodiversity shall not be adversely impacted by the site, e.g. there are no sensitive plants or wildlife in the vicinity.
- The land at the shoreline shall not be adversely impacted by the site;
  - There must be no clearing, injury or removal of vegetation,
  - There shoreline shall not be eroded by human traffic at the site.
- Site shall be located at an approved distance from drinking water intakes as determined by Toronto Water.
- Site shall be located outside of a Blue Flag Beach area.

#### Community participation and support:

- Participating faith communities should inform their members about use of the site and should contribute to site maintenance, e.g. volunteer clean-up days.

### **6. Collaboration to Achieve Success**

The faith communities consulted over the course of this review recognize the importance of collaborating with the City of Toronto and have expressed a strong willingness to support the appropriate use of funeral ashes dispersal sites and enhance the parks where sites are located. Faith communities have indicated they are willing to fundraise for signage, translate educational materials, monitor site use and provide volunteer assistance with periodic site clean-ups as needed.

The Hindu Federation has collaborated with other municipalities, such as Halton Hills and Pickering, and with the TRCA and local communities to find and promote appropriate sites for funeral ashes dispersal. It has also worked to organize local volunteers to ensure the appropriate use of the sites and ensure the sites remain attractive for all park users. Participating cities report that this collaborative model has been key to the success of their sites.

The Hindu Federation has developed a written resource on the appropriate use of funeral ashes dispersal sites in both English and Hindi languages and collaborated with Halton Hills on the development of site signage in both languages. In Pickering, the Hindu Federation and local Hindu Temple donated funds towards the installation of park infrastructure and community members have volunteered to assist with park shoreline enhancements, such as planting trees. This onsite support was provided in addition to the provision of regular site monitoring and volunteer site clean-ups as needed.

This collaborative approach to awareness raising and onsite volunteer support can be applied to the Toronto context and will include the participation of other faith communities through stakeholders, including; the Canadian Tamil Congress, the Sikh Spiritual Centre and Gursikh Sabha Canada.

## 7. Next Steps

Beginning in Spring 2022, Parks, Forestry and Recreation staff will work with TRCA, local City Councillors and faith communities to: identify and communicate public sites for dispersal of funeral ashes which meet the considerations and conditions outlined in this report; develop appropriate signage and information materials; and provide relevant, sensitive education for City staff in Parks, Forestry and Recreation and Municipal Licensing and Standards.

Taking these steps will help to ensure that dispersal of funeral ashes on Toronto's waterfront can be conducted with dignity, while reducing user conflict and limiting maintenance issues. This approach is consistent with what other municipalities have implemented and supported by the TRCA.

## CONTACT

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## SIGNATURE

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