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66 ELIZABETH II, 2017

Bill Pr72

An Act respecting the Beechwood Cemetery Company

Mme. N. Des Rosiers

Private Bill

1st Reading October 31, 2017

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

An Act respecting the Beechwood Cemetery Company

Preamble

The board of directors of the Beechwood Cemetery Company (“the company”) has applied for special legislation to amend *An Act to incorporate “The Beechwood Cemetery Company of the City of Ottawa”*, being chapter 149 of the Statutes of Ontario, 1873. That Act was amended by Acts enacted in 1894, 1914, 1921, 1928, 1962-63 and 2013. The company is also governed by *The Beechwood Cemetery Company of the City of Ottawa Act, 1956*.

The applicant represents that the company owns and operates Beechwood Cemetery in Ottawa, which, in addition to serving all cultural and faith communities in Ottawa and the surrounding areas, is the National Cemetery of Canada, a National Historic Site, the National Military Cemetery of Canada, and an RCMP National Memorial Cemetery.

The applicant would like to amend the Act to take into account changes to the laws of Ontario governing corporations and cemeteries and to modernize some of the provisions relating to the governance of the board of directors. The proposed amendments are: to increase the term limit of directors on the board of directors from one year to three years; to provide that the written consent of at least 80 per cent of the directors of the board shall be required to authorize the sale or other disposition of any of the lands owned by the company; and to repeal certain provisions concerning the earned surplus of the company that are obsolete and inconsistent with provisions of the *Funeral, Burial and Cremation Services Act, 2002*.

It is appropriate to grant the application.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1 Section 3 of *An Act to incorporate “The Beechwood Cemetery Company of the City of Ottawa”*, being chapter 149 of the Statutes of Ontario, 1873, as re-enacted by section 1 of the *Beechwood Cemetery Company Act, 2013*, is repealed and the following substituted:

Company may acquire certain lands

3 (1) The company may acquire, take and hold a lot or tract of land within the former Township of Gloucester, now in the City of Ottawa, not exceeding 400 acres.

Company may dispose of rights to land

(2) The company may sell or transfer interment or scattering rights with respect to the land described in subsection (1) in lots, plots or parcels to be used exclusively as a cemetery or place of burial for the dead.

Form of certificate

(3) The interment or scattering rights certificate for a sale or transfer of interment or scattering rights with respect to any lot, plot or parcel of land in the cemetery shall be in the appropriate form required by law.

Approval by board

(4) The sale or other disposition of any land of the company, other than such sales or transfers of interment or scattering rights in respect of a lot, plot or parcel of land for a cemetery or place of burial for the dead as contemplated by this section, shall require the signed written approvals of at least 80 per cent of the directors of the board of directors.

2 Section 4 of the Act, as re-enacted by section 1 of *An Act respecting The Beechwood Cemetery Company of Ottawa*, being chapter 127 of the Statutes of Ontario, 1914, and by section 3 of *An Act respecting The Beechwood Cemetery Company of the City of Ottawa*, being chapter 148 of the Statutes of Ontario, 1962-63, is repealed and the following substituted:

Dividends

4 (1) Dividends on the issued shares of the company may be declared and paid by its directors out of net profits or earned surplus of the company, but no dividend shall be declared or paid in any fiscal year in an amount in excess of \$7 per share.

Earned surplus. endowment reserve

(2) All net profits in each fiscal year after payment of or provision for dividends, if any, under subsection (1) shall be applied to the preservation, improvement and embellishment of the cemetery.

3 Section 6 of the Act, as re-enacted by section 1 of *An Act respecting the Beechwood Cemetery Company of Ottawa*, being chapter 136 of the Statutes of Ontario, 1921 and by section 2 of the *Beechwood Cemetery Company Act, 2013*, is repealed and the following substituted:

Board of directors

6 (1) The board of directors of the company shall manage the affairs of the company.

Number of directors

(2) The number of directors on the board of directors shall be a number established by the company's by-laws that is no less than seven and no more than 15.

Quorum

(3) A majority of the directors constitutes a quorum.

Election

(4) The directors shall be elected by the shareholders of the company in accordance with the by-laws.

Term of office

(5) Each director shall hold office for three years or until his or her successor is elected.

Commencement

4 This Act comes into force on the day it receives Royal Assent.

Short title

5 The short title of this Act is the *Beechwood Cemetery Company Act, 2017*.