

Legislative
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Bill 74

An Act respecting the continuation of the corporation known as Trustees of the Toronto General Burying Grounds

Ms J. Bell

Private Member's Bill

1st Reading December 8, 2021

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill repeals a number of Acts and enacts the *Mount Pleasant Public Cemeteries Act, 2021*. In the new Act, the corporation incorporating a trust known as the Mount Pleasant Group of Cemeteries is continued as a corporation without share capital under the name Mount Pleasant Public Cemeteries. The Act sets out the composition of the Mount Pleasant Public Cemeteries Corporation and its objects and powers. The Act provides requirements related to the Corporation's board of directors, by-laws and employees. Additionally, the Act sets out auditing and reporting requirements and provides for regulation-making authority.

**An Act respecting the continuation of the corporation known as
Trustees of the Toronto General Burying Grounds**

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

DEFINITIONS

Definitions

1 In this Act,

“Corporation” means the corporation named Mount Pleasant Public Cemeteries continued under section 2; (“Société”)

“Minister” means the Minister responsible for the administration of this Act. (“ministre”)

CORPORATION CONTINUED, OBJECTS

Corporation continued

2 (1) The corporation incorporating the trust known as the Trustees of the Toronto General Burying Grounds, now known as the Mount Pleasant Group of Cemeteries, is continued as a corporation without share capital under the name Mount Pleasant Public Cemeteries in English and Cimetières publics Mount Pleasant in French.

Charitable corporation

(2) For greater certainty, the Corporation is deemed to be a charitable corporation within the meaning of the *Not-for-Profit Corporations Act, 2010*.

Composition

(3) The Corporation is composed of its members.

Same

(4) A person ceases to be a director of the Corporation when the person ceases to be a member.

Terms of trust continued

3 The terms of the trust set out in the following Acts are continued:

1. An Act to authorize certain persons therein named, and their successors, to hold certain land for the purpose therein mentioned, 1826, 7th Geo IV, c. 21.
2. An Act to amend an Act therein mentioned, and to vest the Toronto General Burying Ground in certain Trustees, and their Successors, 1849, 12 Vict c.104.

Application of certain Acts

4 (1) The Corporation is a public body for the purposes of the *Public Service of Ontario Act, 2006*, even if it is not prescribed as one under clause 8 (1.1) (a) of that Act.

Same

(2) For greater certainty, the Corporation is deemed to be a trustee within the meaning of the *Charities Accounting Act*.

Conflict with other Acts

(3) This Act prevails in the event of a conflict between this Act and any other Act that applies to the Corporation.

Crown Agent

5 The Corporation is an agent of the Crown in right of Ontario and all property owned or acquired by the Corporation is the property of the Crown in right of Ontario.

Objects

6 The Corporation has the following charitable objects:

1. To maintain and operate cemeteries for use as burial, cemetery and columbarium facilities.

2. To provide environmentally responsible crematorium facilities.
3. To provide visitation centres to be used by the funeral home sector.
4. To preserve the historical significance of the various cemetery lands and gravesites, including the landscape architectural design and the natural arboretum, and to preserve cemeteries as National Historic Sites.

Powers

7 (1) Except as limited by this Act and the regulations, the Corporation has the capacity, rights, powers and privileges of a natural person for carrying out its objects.

Subsidiaries

(2) The Corporation shall not create or acquire a subsidiary.

Limitation

(3) The Corporation shall not purchase real property or borrow money without the approval of the Minister and the Minister of Finance.

Terms

(4) An approval under subsection (3) may be subject to such terms as are considered advisable by the Minister and the Minister of Finance.

Memorandum of understanding

8 The Corporation and the Minister shall enter into a memorandum of understanding.

BOARD OF DIRECTORS, EMPLOYEES

Composition, etc.

9 (1) The board of directors of the Corporation shall consist of up to 10 members appointed by the Lieutenant Governor in Council.

Term

(2) A member may be appointed for a term not exceeding three years and may be re-appointed for one or more further terms.

Chair and vice-chair

(3) The Lieutenant Governor in Council shall designate one of the members as chair and one of the members as vice-chair of the board.

Chair to preside

(4) The chair shall preside at all meetings of the board and, in the absence of the chair or if the office is vacant, the vice-chair shall have all the power and shall perform the duties of the chair.

Quorum

(5) A majority of the members constitutes a quorum of the board of directors.

Remuneration

(6) The members of the board of directors shall receive the remuneration and reimbursement for reasonable expenses as the Lieutenant Governor in Council determines.

By-laws

10 (1) The board of directors may, by resolution, make, amend or repeal any by-law governing its proceedings and generally for the conduct and management of the Corporation's affairs.

Financial by-laws

(2) A by-law of the Corporation relating to borrowing, investing or managing financial risks does not take effect until is it approved by the Minister and, if the Minister is not the Minister of Finance, by the Minister of Finance.

Provision of by-laws to Minister

(3) The board of directors shall ensure that all by-laws of the Corporation are provided to the Minister.

Employees

11 The Corporation may appoint such officers and employees and retain such assistance as it considers necessary.

AUDITS AND REPORTING

Audits

12 The accounts and financial transactions of the Corporation shall be audited by the Auditor General.

Annual report

13 (1) The Corporation shall prepare an annual report, provide it to the Minister and make it available to the public.

Same

- (2) The Corporation shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,
- (a) the form and content of the annual report;
 - (b) when to provide it to the Minister; and
 - (c) when and how to make it available to the public.

Same

(3) The Corporation shall include such additional content in the annual report as the Minister may require.

Tabling of annual report

(4) The Minister shall table the Corporation's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

Financial reports

14 The Corporation shall give the Minister and, if the Minister is not the Minister of Finance, the Minister of Finance, at the times required by the Minister of Finance, reports setting out the Corporation's net profit and net profit forecasts and containing such additional financial information as the Minister of Finance may request.

Business plans and financial statements

15 The Corporation shall promptly give the Minister any business plans and financial statements approved by the board of directors.

Other reports

16 The Corporation shall promptly give the Minister such other reports and information as the Minister may request.

REGULATIONS

Regulations

17 The Lieutenant Governor in Council may make regulations,

- (a) prescribing anything that, under this Act, may or must be prescribed, done or provided for by regulation;
- (b) dealing with any transitional matters arising from the implementation of this Act and the repeal of any of the Acts referred to in section 19;
- (c) requiring the divestment, disposal, sale or lease of any property or assets of the corporation or any entity owned or operated by the Corporation.

TRANSITION

First board

18 (1) The first board shall be established within 30 days of the day this Act comes into force.

First board, composition

(2) The first board shall consist of up to three members appointed by the Lieutenant Governor in Council.

Same

(3) No person shall be selected to be a member of the first board if the person is or was previously a member or director of any of the following not-for-profit corporations:

1. The Trustees of the Toronto General Burying Grounds.
2. Commemorative Services of Ontario.
3. Canadian Memorial Services.
4. Mount Pleasant Group of Cemeteries.
5. Mount Pleasant Memorial Services.

First board, term

(4) Despite subsection 9 (2), the term of the members appointed to the first board shall be one year.

REPEALS, COMMENCEMENT AND SHORT TITLE**Repeals****19 The following Acts are repealed:**

1. An Act to authorize the Trustees of the Toronto General Burying Ground, to acquire an additional lot of land, 1851, 14 & 15 Vict c. 167.
2. An Act to enable the Trustees of the Toronto General Burying Ground, to close the same, to sell a portion thereof, and to acquire other ground for the purpose of the Trust, 1855, 18 Vict c. 146.
3. An Act to Incorporate the Trustees of the Toronto General Burying Ground, to confirm certain purchases made by them, to authorize them to acquire additional land for the purpose of the said trust, and to amend the Act relating to the said trust, 1871, 34 Vict c. 95.
4. An Act to amend the Act incorporating the Trustees of the Toronto General Burying Grounds, and to enable said Corporation to remove the remains of the dead now interred in the Potters' Field, and to sell the same after the removal of such remains, 1874, 38 Vict c. 90.
5. An Act to authorize the sale of certain lands by the Trustees of the Toronto General Burying Grounds to the City of Toronto, 1876, 39 Vict c. 66.
6. An Act to authorize the Trustees of the Toronto General Burying Grounds to sell certain lands, 1888, 51 Vict c. 88.
7. An Act respecting the Trustees of the Toronto General Burying Grounds, 1910, 10 Ed 7 c. 160.
8. An Act to authorize the Trustees of the Toronto General Burying Grounds to acquire and hold additional lands in the County of York, 1925, 15 Geo 5 c. 132.
9. An Act respecting the Trustees of the Toronto General Burying Grounds, 1968, c. 178.
10. An Act respecting the Trustees of the Toronto General Burying Grounds, 1977, c. 110.
11. An Act to revise the Cemeteries Act, 1989, ch. 50, s. 88 which amended s. 1 of The Toronto General Burying Grounds Act, 1977, *supra*.

Commencement

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

Short title

21 The short title of this Act is the *Mount Pleasant Public Cemeteries Act, 2021*.