

**Township of Southgate**  
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## **Staff Report CL2021-002**

**Title of Report:** CL2021-002 - Land Assumption Request - Watson's Cemetery – Conc 13 N, Pt Lot 27, Egremont  
**Department:** Clerks  
**Branch:** Legislative and Council Services  
**Council Date:** January 13, 2021

### **Recommendation:**

**Be it resolved that** Council receive Staff Report CL2021-002 for information; and

**That** Council declare the lands described as Concession 13 North, Part Lot 27, Geographic Township of Egremont as surplus land; and

**That** Council waive the requirement to obtain an appraisal of the fair market value of the land; and

**That** Council direct staff to work with the members of the Old Order Mennonite Church to submit the necessary planning applications to add the additional lands to the cemetery lot; and

**That** Council direct staff to work with the members of the Old Order Mennonite Church to establish a development agreement to be approved by Council at a later date and registered on title; and

**That** Council direct staff to work with the members of the Old Order Mennonite Church to complete the transfer of the lands and advertise the intent to dispose of the lands in the local newspapers following the completion of all necessary planning applications and the registering of the development agreement on title.

### **Background:**

Staff have received correspondence (Attachment 1) and have been in discussion with members of the Old Order Mennonite Church regarding their request for assumption and ownership of the Watson Cemetery located at Concession 13 North, Part Lot 27, Geographic Township of Egremont, alternately described as 144668 Southgate Road 14. The Watson Cemetery is currently owned by the Township and is an inactive cemetery in accordance with the Bereavement Authority of Ontario (BAO).

The Township does not conduct any maintenance of this property at the current time. Further, the Township has no records of the cemetery or any burials that may have taken place. The members of the Old Order Mennonite Church would like to assume the ownership of the cemetery and restore it to being an active cemetery for future burials.

**Staff Comments:**

Staff have reached out to the BAO to inquire if an inactive cemetery can become active again. The BAO confirmed that this can be done. An inactive cemetery may only be transferred to a licensed operator and to become active again, this would typically just entail the selling of plots and for burials to take place.

Further, the BAO provided that the requester would need to conduct a Stage 1 Archaeological assessment of the grounds using ground penetrating radar to indicate where remains have been buried.

According to the Township's [Sale of Land Policy](#), Council must declare the lands as surplus, obtain an appraisal of the fair market value of the lands and give notice to the public on the intent to dispose of the lands. Staff recommend that Council waive the directive to obtain an appraisal of the fair market value of the lands as a Cemetery can not be developed into anything other than a cemetery, and therefore the land does not hold considerable value. Disposing of the land would also provide for a reduction of risk to the Township as the lands would then be assumed and maintained by another party.

**Planning Considerations:**

In discussions with the members of the Old Order Mennonite Church, it was suggested that they would want to have a church built on the property in addition to the cemetery. The lands are currently zoned as Community Facility (CF) which would permit this but, the lands are not currently large enough for this to occur. To enlarge the cemetery lot, would require the addition of lands from the adjacent farmland. It is staff's understanding that this farmer is willing to consider selling the lands to add to the existing cemetery lot. If this is the case, it is up to them to undertake the consent and rezoning process in order to add the additional lands to the cemetery lot. All application and survey costs would be their responsibility.

In the disposal of the lands there should be a development agreement that is registered on title that would require the purchaser to do the archeological review with ground penetrating radar and to require the owners to grant perpetual access via an easement to any existing grave sites. Site Plan Control would also be required if and when they build a church on the subject lands.

The Consent and Zoning processes are public processes, and it may be prudent to conduct those applications prior to the disposition of the lands. This would involve the owners of the adjacent farmland consenting for them to make the applications on their behalf and Council dealing with those issues first. This would ensure that they will be receiving a parcel that they can build a church on and not simply receiving a cemetery parcel that is no longer usable.

Provided the above recommendations are followed, the Township Planning Department supports this proposal.

**Financial Implications:**

There is no financial impact to the municipality as a result of this report other than the cost to advertise in the local papers. The interested party would be responsible for all legal costs associated with the transfer of the lands and all planning department related costs associated.

**Communications & Community Action Plan Impact:**

This report has been written and presented to Council to communicate accurate information to the public.

**Concluding Comments:**

That Council receive Staff Report CL2021-002 for information, that Council declare the lands described as Concession 13 North, Part Lot 27, Geographic Township of Egremont as surplus land, that Council waive the requirement to obtain an appraisal of the fair market value of the land, that Council direct staff to work with the members of the Old Order Mennonite Church to submit the necessary planning applications to add the additional lands to the cemetery lot, that Council direct staff to work with the members of the Old Order Mennonite Church to establish a development agreement to be approved by Council at a later date and registered on title and that Council direct staff to work with the members of the Old Order Mennonite Church to complete the transfer of the lands and advertise the intent to dispose of the lands in the local newspapers following the completion of all necessary planning applications and the registering of the development agreement on title.

Respectfully Submitted,

**Dept. Head:** Original Signed By  
Lindsey Green, Clerk

**Municipal Planner:** Original Signed By  
Clinton Stredwick, Planner



**CAO Approval:** Original Signed By  
Dave Milliner, CAO

**Attachments:** Letter received from the the members of the Old Order Mennonite Church