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Re: Complaint with regards to Oakhill Cemetery in Brantford, Ontario

December 7, 2020

This complaint to the Registrar of the Bereavement Authority of Ontario is in response to public information disseminated by the City of Brantford which is to build a highway through the centre of Oakhill Cemetery property.

The City of Brantford first opened the Oakhill Cemetery in 1993.

My infant granddaughter was the first of our family to be buried there in the year 2000. In 2008, I purchased a plot and buried my husband who had passed unexpectedly. I am hoping to be buried in that same plot next to my husband. At that time my daughter and her husband purchased the plot next to ours and erected a headstone for their future resting place.

It was not disclosed to me or my daughter that the City of Brantford intended to erect a highway directly down the centre of the property.

At that time the documents and information provided to me specifically pointed out

- (a) “that the front entrance to Oakhill Cemetery offers a view of the on-site pond.”
- (b) “that The Grand River borders the eastern side of the property, creating a natural, peaceful area for reflection and memories.”
- (c) The brochure also stated “In all instances, development will emphasize and maintain the dignity and respect due in all burial areas.”

My family and I believed that Oakhill Cemetery, as described to us would be the perfect final resting place. We had no cause to suspect that the City was going to violate the *Funeral, Burial And Cremation Services Act, 2002. S.O. 2002, c.33 (the Act)*. I maintain that this is unacceptable and immoral and is a direct violation of *the Act*.

Violations of *the Act*:

The City of Brantford , as operator of Oakhill Cemetery, has a duty to ensure that the Cemetery is operated in accordance with *the Act* and the regulations and shall ensure that, any interment of human remains and any scattering of cremated human remains are carried out in a decent and orderly manner and that quiet and good order are maintained in the Cemetery at all times, **in accordance with section 5(3)(a) of the Act**. If the City of Brantford proceeds with their plan to build this highway at ground level quiet will not be ensured during interments.

The City of Brantford, as licensee, made a false, misleading or deceptive statement in a pamphlet distributed relating to the sale or provision of any licensed supplies or services by claiming to be a “natural, peaceful area for reflection and memories,” and that “development will emphasize and maintain the dignity and respect due in all burial areas,” **contrary to section 27 of the Act.**

The City of Brantford, as licensee, furnished false, misleading or deceptive information or documents relating to the sale of licensed supplies or services when it did not disclose the future development of a highway in the cemetery, **contrary to sections 30 & 31 of the Act.**

The City of Brantford, should it continue with its plan to build a 4-lane highway through the centre of the Oakhill Cemetery, will damage and destroy several trees planted in the Cemetery, many of which were bought and dedicated as memorials to deceased family members. It is clear from **section 103 in the Act**, that the Act is intended to preserve the serenity and dignity of a cemetery and not allow for any unnecessary destruction, once the cemetery is established.

I look to you, as Registrar, to protect the interests and integrity of all interment rights holders of Oakhill Cemetery, and apply conditions to the City of Brantford licence to maintain the property in the manner that was disclosed to the consumers, in its current state, without the disruption of a highway passing through the centre of the entire property.

The City of Brantford severely misled my family and myself in not disclosing its plans for this property and we are being forced to accept a final resting place for our loved ones that differs from what we were promised. We would not have chosen the Oakhill Cemetery had we known of a pending highway through the centre of it.

We were deceived and lied to by the City of Brantford and to ask all of the families with loved ones buried at Oakhill Cemetery to relocate is morally and logistically incomprehensible.

Respectfully submitted, and completely in support of Kelly Donovan et al.

Submitted electronically on December 7, 2020,