



2ND SESSION, 40TH LEGISLATURE, ONTARIO  
62 ELIZABETH II, 2013

# **Bill Pr8**

## **An Act respecting The Beechwood Cemetery Company**

**Mr. McNeely**

**Private Bill**

1st Reading      April 9, 2013

2nd Reading

3rd Reading

Royal Assent

Printed by the Legislative Assembly of Ontario



## 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 and 1962-63. 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 Ottawa and the surrounding areas, is the National Military Cemetery of Canada, the RCMP National Memorial Cemetery, a National Historic Site and the National Cemetery of Canada.

The applicant would like to amend the Act to take into account changes to the law governing cemeteries, to modernize some of the provisions relating to the governance of the board of directors and to remove limitations on the borrowing powers of the company.

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“The Beechwood Cemetery Company of the City of Ottawa”*, being chapter 149 of the Statutes of Ontario, 1873, is repealed and the following substituted:**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.

**2. 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, 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 one year or until his or her successor is elected.

**3. Section 10 of the Act is repealed and the following substituted:**

#### Lots to be indivisible

**10.** All lots, plots or parcels when designated as lots by the company shall be indivisible, but the interment and scattering rights with respect thereto may be held and owned in undivided shares.

**4. Section 15 of the Act, as enacted by section 2 of *The Beechwood Cemetery Act, 1928, being chapter 111 of the Statutes of Ontario, 1928, is repealed and the following substituted:***

#### Power to borrow, etc.

**15.** (1) If authorized by a by-law passed by at least two-thirds of the votes cast at a special general meeting of the shareholders called to consider the by-law, the directors may,

- (a) borrow money upon the credit of the company for the purpose of making permanent improvements to the cemetery and for this purpose may issue bonds, debentures, debenture stock or other securities of the company and may pledge or sell them for such sums or at such prices as may be considered to be in the best interests of the company; and
- (b) hypothecate, mortgage or pledge such of the real and personal property of the company as may remain unsold or undisposed of when the bonds, de-

bentures or debenture stock or other securities of the company pledged or sold as described in clause (a) become payable to secure bonds, debentures, debenture stock or other securities.

**Restriction**

- (2) Subsection (1) does not authorize,
- (a) an encumbrance of cemetery land except as authorized under the *Funeral, Burial and Cremation Services Act, 2002*; or
- (b) a mortgagee, a bond or debenture holder, a trustee for a mortgagee or bond or debenture holder, a pledgee or anyone claiming under any of them to use or deal with the cemetery in a manner that is inconsistent with its continued use as a cemetery or with any provision of the *Funeral, Burial and Cremation Services Act, 2002* or of a regulation made under that Act.

**5. The Act is amended by adding the following section:**

**Application of *Funeral, Burial and Cremation Services Act, 2002***

**16.** The *Funeral, Burial and Cremation Services Act, 2002* applies to the company, except where inconsistent with the provisions of,

- (a) *An Act to incorporate “The Beechwood Cemetery Company of the City of Ottawa”*, being chapter 149

of the Statutes of Ontario, 1873, other than sections 11 and 12; or

- (b) the *Beechwood Cemetery Company Act, 2013*.

**6. The following are repealed:**

- 1. Schedule A to *An Act to incorporate “The Beechwood Cemetery Company of the City of Ottawa”*, being chapter 149 of the Statutes of Ontario, 1873.**
- 2. *An Act respecting the Beechwood Cemetery Company of the City of Ottawa*, being chapter 95 of the Statutes of Ontario, 1894.**
- 3. *An Act respecting The Beechwood Cemetery Company of Ottawa*, being chapter 127 of the Statutes of Ontario, 1914.**
- 4. *An Act respecting the Beechwood Cemetery Company of Ottawa*, being chapter 136 of the Statutes of Ontario, 1921.**
- 5. *The Beechwood Cemetery Act, 1928*, being chapter 111 of the Statutes of Ontario, 1928.**

**Commencement**

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

**Short title**

**8. The short title of this Act is the *Beechwood Cemetery Company Act, 2013*.**