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Bill Pr55

An Act respecting Mount Pleasant Group of Cemeteries

Mr. L. Coe

Private Bill

1st Reading October 22, 2024

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

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

An Act respecting Mount Pleasant Group of Cemeteries

Preamble

Mount Pleasant Group of Cemeteries has applied for special legislation to clarify its objects and governance structure, modernize the legislation governing the corporation and repeal various Acts relating to the corporation.

The corporation, previously known as The Trustees of the Toronto General Burying Grounds, was incorporated by special Act in 1871 and that Act has been amended by several other Acts. The corporation is a corporation under the *Not-for-Profit Corporations Act, 2010*.

It is appropriate to grant the application.

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

Definition

1 In this Act,

“Corporation” means the corporation continued under subsection 2 (1).

Corporation continued

2 (1) Mount Pleasant Group of Cemeteries is continued as a corporation without share capital under the same name.

Members

(2) The members of the Corporation shall consist of its directors.

Conflict with *Not-for-Profit Corporations Act, 2010*

(3) In the event of a conflict between this Act and the *Not-for-Profit Corporations Act, 2010*, this Act prevails.

Objects

3 (1) The objects of the Corporation are,

- (a) to own and operate non-denominational cemeteries and crematoriums that provide services to the general public; and
- (b) to engage in such other bereavement-related activities and operations, including funeral services and any related, ancillary or associated activities and operations, as the owner or operator of a cemetery or crematorium is permitted to engage in from time to time and such other objects as may be established under the *Not-for-Profit Corporations Act, 2010*.

Capacity and powers

(2) The Corporation has the capacity and, subject to this Act and the *Not-for-Profit Corporations Act, 2010*, the rights, powers and privileges of a natural person for the purpose of carrying out its objects.

Non-profit

(3) The Corporation shall be carried on without the purpose of gain or profit for its members, if any, and any income or other accretions to the Corporation shall be used in promoting its objects.

Commercial purposes

(4) If any of the purposes of the Corporation are of a commercial nature, the commercial purpose is intended only to advance or support one or more of the non-profit purposes of the Corporation.

Non-application of *Charities Accounting Act*

(5) The *Charities Accounting Act* does not apply with respect to the Corporation.

Board of directors

4 (1) The board of directors of the Corporation is composed of such number of directors as may be determined by by-law, to be chosen and to hold office in accordance with the by-laws.

Remuneration and expenses

(2) The Corporation is permitted to pay such remuneration and expenses to its directors as may be authorized by by-law.

Transition

(3) The members of the board of directors who are in office immediately before this Act receives Royal Assent shall constitute the board on that day.

By-laws

5 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.

Distribution of property, etc.

6 (1) No part of the Corporation's profits or of its property or accretions to the value of the property may be distributed, directly or indirectly, to a member, a director or an officer of the Corporation except in furtherance of its activities.

Same, upon dissolution

(2) Despite the *Not-for-Profit Corporations Act, 2010*, upon the dissolution of the Corporation and after the payment of all debts and liabilities,

- (a) each cemetery of the Corporation, together with the property, assets, care and maintenance fund and other trust funds and trust accounts relating to such cemetery, as determined by the board of directors, shall be transferred to the local municipality within whose geographic boundaries the land of the cemetery is located or the province where the cemetery is located, if there is no such local municipality; and
- (b) no part of the remaining property of the Corporation may be distributed, directly or indirectly, to a member, a director or an officer of the Corporation.

Non-application

(3) The following provisions of the *Not-for-Profit Corporations Act, 2010* do not apply with respect to the Corporation and its members:

- 1. Subsection 89 (2) (distribution to a member upon termination of membership).
- 2. Sub-subclause 150 (1) (b) (i) (consequences of winding up).
- 3. Sub-subclause 167 (1) (d) (i) (B) (articles of dissolution).
- 4. Sub-subclause 167 (1) (d) (ii) (B) (articles of dissolution).

Amendment of articles, etc.

7 (1) Subject to the restrictions set out in this section and despite subsection 103 (3) of the *Not-for-Profit Corporations Act, 2010*, the articles of the Corporation may be amended in accordance with that Act in respect of any of the matters described in subsection 103 (1) of that Act.

Restriction re: objects, purposes

(2) The objects and purposes of the Corporation set out in this Act shall not be removed or changed in the manner set out in clause 103 (1) (b) of the *Not-for-Profit Corporations Act, 2010*, but additional objects and purposes that are not inconsistent with those objects and purposes may be established.

Restriction re: capacity, etc.

(3) The restrictions that are set out in this Act on the capacity and on the rights, powers and privileges of the Corporation shall not be removed or changed in the manner set out in clause 103 (1) (b) of the *Not-for-Profit Corporations Act, 2010*, but other requirements and restrictions that are not inconsistent with the capacity, rights, powers, privileges and restrictions set out in this Act may be established.

Amalgamation

(4) Subject to the restrictions set out in this section and despite subsection 110 (4) of the *Not-for-Profit Corporations Act, 2010*, the Corporation may amalgamate with one or more other corporations under section 110 of that Act.

Continuance

(5) The Corporation is not permitted to apply under section 116 of the *Not-for-Profit Corporations Act, 2010* for authorization of an application to continue the Corporation under the laws of another jurisdiction.

Arrangements

(6) Subject to the restrictions set out in this section and despite subsection 120 (9) of the *Not-for-Profit Corporations Act, 2010*, subsections 120 (1) to (8) of that Act apply with respect to the Corporation.

Repeals

8 The following are repealed:

1. *An Act to authorize certain Persons therein named, and their Successors, to hold certain Lands for the purpose therein mentioned, U.C. 7 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, S.C. 12 Vic., c. 104.*
3. *An Act to authorize the Trustees of the Toronto General Burying Ground, to acquire an additional lot of land, S.C. 14 & 15 Vic., c. 167.*
4. *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 purposes of the Trust, S.C. 18 Vic., c. 146.*
5. *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 lands for the purposes of the said trust, and to amend the Acts relating to the said trust, S.O. 34 Vic., c. 95.*
6. *An Act to amend the Act incorporating the Trustees of The Toronto General Burying Grounds, and to enable the 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, S.O. 1874, 2nd Sess., c. 90.*
7. *An Act to authorize the sale of certain lands by the Trustees of the Toronto General Burying Grounds to the City of Toronto, S.O. 1875-76, c. 66.*
8. *An Act to authorize the Trustees of the Toronto General Burying Grounds to sell certain lands, S.O. 1888, c. 88.*
9. *An Act respecting the Trustees of the Toronto General Burying Grounds, S.O. 1910, c. 160.*
10. *The Toronto General Burying Grounds Act, 1925, S.O. 1925, c. 132.*
11. *The Toronto General Burying Grounds Act, 1968, S.O. 1968, c. 178.*
12. *The Toronto General Burying Grounds Act, 1977, S.O. 1977, c. 110.*
13. *Section 88 of the Cemeteries Act, 1989, S.O. 1989, c. 50.*

Commencement

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

Short title

10 The short title of this Act is the *Mount Pleasant Group of Cemeteries Act, 2024*.