



The Village of  
**PORT CLEMENTS**  
*"Gateway to the Wilderness"*

36 Cedar Avenue West  
PO Box 198  
Port Clements, BC  
V0T1R0  
OFFICE: 250-557-4295  
Public Works: 250-557-4295  
FAX: 250-557-4568  
Email: [office@portclements.ca](mailto:office@portclements.ca)  
Web: [www.portclements.ca](http://www.portclements.ca)

**7:00 PM, Tuesday, August 8<sup>th</sup>, 2023**  
**Committee of the Whole Minutes**

Present:

Mayor Scott Cabianca  
Councillor Brigid Cumming - via conferencing  
Councillor Kazamir Falconbridge – via conferencing  
Councillor Wayne Nicol  
Councillor Dennis Reindl

CAO Marjorie Dobson  
Deputy CAO Elizabeth Cumming

Members of the public: Elizabeth Stewart and Anwar Khan,

**Meeting Called to Order at 7:00 PM**

*Mayor Scott Cabianca: I call to order this committee of the whole meeting of the Council of the Village of Port Clements being held on the traditional territory of the Haida People.*

**1. ADOPT AGENDA**

2023-08-182—Moved by Councillor Falconbridge,  
THAT the Committee adopts the August 8<sup>th</sup>, 2023, Committee of the Whole Agenda as presented.  
**CARRIED**

**2. REPORTS & DISCUSSIONS**

**D-1- Cemetery/Columbarium/Vyse Cemetery Status**

- The discussion on columbarium's started with the clarification on what is involved in a columbarium how normally they involve a building or structure like a wall (outdoor or indoor) that have niches where the urns or containers of cremated remains can be put into. In terms of vision it was identified that a columbarium could be a modular thing that would expand as it was needed (probably only need 1 wall for 10 years). However, there was also a suggestion of doing a rockery-style columbarium where rocks are drilled and then remains are inserted into the rocks.
- The discussion generally pivoted between whether a columbarium could be installed at the Vyse Cemetery (if the Village pursued ownership) or at Millennium Park. With the Vyse cemetery suggestion, it was brought up that there may be potential issues with heritage trees, or that there may be more graves in the cemetery than currently identified (based on historical references). Millennium Park includes lots that are in front of Dave Logan's property (which was originally intended for parking, and part of which the time capsule and area is located) that could have enough space. There was discussion on if Millennium Park was designated as a park, and the scope and extent of Village owned land in it (the land itself on the St. Mark's property is too small). General discussion identified that it was not thought that it would be a complicated process to get approval/permit for a columbarium, likely less stringent than building a cemetery involving ground burial. A google search identified that there may be a need to get special permission for Millennium Park if pursued as cemetery requirements identified being not less than 50 metres from a highway, as well as 100 m

from water/well and waste sources. It was also identified that potentially the Village could look focus on getting a columbarium for now and then later on look at the potential for a cemetery. On discussion of costs, it was identified that the columbarium niches would have to be sold just as with purchasing lots for in-ground burial.

- The discussion did include debate on whether a cemetery or a columbarium should be pursued at all in Port Clements, as doing nothing is also an option. While the cemetery discussion was brought up as Tlell is currently at capacity and effectively closed while they look at options to expand, residents still can go to Masset or Daajing Giids for burial so there is a question on whether Port Clements needs a cemetery. It was identified that cradle-to-grave services within a community are beneficial.
- It may be better to have a referendum to put it to the public on whether there should be a cemetery in town. Obtaining or developing a cemetery has initial costs as well as to how it would permanently impacted taxes (ex. maybe people would not want the \$100 or more increase on their taxes). There is the potential that people may not want the Village to pursue it if they realize the cost implications, especially as we have not had a burial in Port Clements for at least 50 years (the Village could be fine to go another 50 years without it). It was identified that it would be important to have all the costs figured out for the potential options if going to look at a referendum.
- The discussion on the potential for creating a new cemetery in a new location as discussed. It was identified that the only high ground areas in Port Clements are in the land behind/around the Community Park area. While some people are happy to have their ashes scattered, some prefer a columbarium, while others preferred to be buried in a coffin in the ground. In most areas of the Village the hardpan is 2-3 foot down making the ground unsuitable for a cemetery (and for septic systems), so pretty much everywhere may not meet provincial requirements and what must be met when it comes to suitability and a columbarium may be the only solution/option. It might be better to determine the specifics of what the requirements for land for a cemetery were first and then looking for land that matched those specifications. #20 Grouse Street has been brought up in the past as a possible location, but it is in a low-lying area of the community so it may not be suitable. There was a suggestion that the Village could look at swapping #20 Grouse Street with a neighbouring property (ex. with Randy O'Brien for his #40 Grouse Street, which was identified as having higher footing and has a nice patch of holly trees which would make an attractive cemetery and may be a feasible location though it would have to be tested). A google search identified that cemetery requirements included being located on suitable ground, being 100 m from water/well sources and 100 m from waste/sewer sources, not less than 50 m to a highway (but may be able to get special permission), but also not more than 75 m from a road for public access, among other requirements.
- The main part of the meeting's discussion revolved around the Vyse Cemetery and if the Village should decide on letting it stay as it is (unmaintained and go back to forest), maintain it despite it being private property, or continue to pursue ownership.
- The main issue with getting ownership of the Vyse Cemetery is the requirement to have the heirs, potential legal property owners, to approve such a transfer. Previous councils struggled with trying to find the rightful property owners, originally the search only involved locating one, but then provincial requirements determined that all the living heirs to Vyse' estate (an in turn their respective heirs) had to sign off on things, not just one. There was discussion that when the Village was previously dealing with the matter and working with one potential heir, an official in the provincial department of escheats (who deals with things when there is no will), mandated that every possible living descendant/heir had to sign off on having no interest in the property. It was suggested that there may be a possibility that the provincial department that is supposed to deal with cemeteries, that looks at finding someone who looks after cemeteries (and municipalities being the ideal pursued due to longevity), should be contacted about the issue to see if they could do something, or maybe contacting the legion to agitate on behalf of the military graves in the cemetery (Museum has a burial list from Betty Dalzell and Joan Hein's research), or pursuing other means of social pressure with the human interest story that the Port Clements Cemetery is owned by someone deceased in the Prince Rupert cemetery for the last 63 years.


- It was also identified and discussed that due to the Vyse Cemetery being private property, the Village was restricted in what it could do for it currently, as there are liability issues if it did so (trespass technically), and currently it is not being maintained by the Village though in the past there has been maintenance by the Village. There was a general consensus that the Vyse Cemetery should be maintained out of respect, but that it did not need to go through the Village – volunteers and residents could informally maintain it, as it typically only required 4 hours a year of mowing, though it was identified that it would likely need more maintenance given the amount of time that has gone by.
- It was also discussed if the Village should even pursue ownership or not, especially given the potential that the Vyse Cemetery cannot be used to intern more people (unsuitability noted on title, and when the Village closed the cemetery on January 16<sup>th</sup>, 1998 during Barney Barnwell's term as Village Clerk, due to its boggy nature and issues with sites as advised by a Thorn, so it was closed in favour of the cemetery in Tlell – at the time there had also been a rumour that they had to put rocks on caskets to stop them from floating, but that is likely an exaggeration). If the Village does not pursue ownership as this time, the land is not going anywhere, the Village does not have responsibility for it, and there has not been any burials in there for 50 years (last burial in the 70s). There was discussion of getting ownership and restoring the property and possibly other areas opened up for a columbarium or burials.
- There was discussion on how far the living heirs would need to go, and it was identified the potential that it would extend to 4 generations (great-grandchildren), after which the property can go to the province. It was identified in research that Vyse had two brothers, three sisters, and a niece, and at least one of his brothers had descendants and so on. However, it may get complicated as it is known that current heirs could potentially be across three countries (Canada, United Kingdom, Australia). Elizabeth Stewart identified that during the Millennium Project (they had found information that a family had died in St. Mark's church, which caused them to look into if they were buried in the cemetery which was previously called St. Mark's cemetery) c. 2002 she had gone through and found all the Vyse relatives and has a list of all the burials in the cemetery and had provided it to the Village and still has that information (potentially the information provided was not kept during the move between the Old Village Office building to the Multiplex Building). They had found one relative who was open to sorting out the issue, but unfortunately, they have since passed away.
- However, it was also identified that the process may involve needing to go through the court to complete and not a simple matter of sign-off on a typical land transfer even if the heirs are located, so it could be a costly process. However, it was also suggested that potentially it could be a simpler process, such as if the heirs were willing to donate/give/gift or transfer to the Village for a nominal value of \$1 or something rather than the value of the land. It was brought up on whether or not there could be grants to cover the cost of some of the work (ex. the Infrastructure Planning Grant).
- Elizabeth Stewart also provided information the history of why Vyse created a cemetery (his infant children were not permitted to be buried in Daajing Giids with his wife), so he buried his child on his property and decided to create a cemetery for the community. However, at the time the intention was for Vyse to transfer ownership of the cemetery to the Anglican Diocese (who owned and operated St. Marks at the time); however, documentation from the Anglican archivist in Prince Rupert shows that while there was an application made by the Dioceses for the cemetery, it had not been legally transferred and accordingly could not be transferred to the Village later on.
- Elizabeth Stewart volunteered her services free of charge to do the research to find all the heirs/descendants of Vyse – to look into the family trees and connections and report back to Council. It was also identified that she had a lot of information she identified was not captured in the chronology provided. Elizabeth Stewart identified that she could share the information she has with the Village.
- Discussed that the Village should take up Elizabeth Stewart on researching into the heirs, and then if she gets somewhere the Village can go from there and if she gets nowhere then the Village can also go from there on how to proceed. It was discussed to give Elizabeth Stewart a month/90 days for the research and then to get back to the Village on it.

2023-08-183—Moved by Councillor Reindl,

THAT the Committee recommends to Council to accept Elizabeth Stewart's offer to volunteer to pursue the research into the descendants of Willaim Vyse in regards to the Vyse Cemetery, and then revisit the topic with Council after the results of her assistance are provided including revisiting the idea of a columbarium in the event that the Village cannot obtain the Vyse Cemetery.


**CARRIED**

Meeting end at 8:16 PM.



---

Mayor Scott Cabianca



---

CAO Marjorie Dobson