

Why this patch of cemetery land may not become the city's newest park after all

Land isn't the cemetery's to give, citizens' group argues

By Michael Smee, [CBC News](#) Posted: Feb 15, 2018 4:00 AM ET Last Updated: Feb 15, 2018 10:58 AM ET

The city could soon walk away from a deal that would have established Toronto's newest park on nine hectares of donated land next to a cemetery.

The land, which is located in a ravine with a creek running through it, is in an unused portion of York Cemetery, near Yonge Street and Sheppard Avenue.

But a citizens' group, and Coun. Kristyn Wong-Tam, are arguing the land doesn't belong to the Mount Pleasant Group of Cemeteries (MPGC). And they've gone to court to prove it.

"I think it's a lovely piece of land, I think it's precious, I think it's important to keep our green space," Friends of Toronto's Public Cemeteries president Margot Boyd said Wednesday. "And that's why we're doing this legal action."

In fact, the suit argues the Mount Pleasant Group of Cemeteries doesn't own any of the land it currently administers, which includes 10 cemeteries from one end of the GTA to the other. The suit maintains that all those cemetery lands are owned by the public and should be administered by the province.

The MPGC offered the park land to the city two years ago, because most of it is too steep to be used for interments, according to the group's vice president of marketing, Rick Cowan.

The deal was expected to be concluded in time for Canada Day last year, and the country's 150th birthday celebrations.

But in a report to next week's meeting of the city's government management committee, staff are urging council to put the brakes on the deal, "given the uncertainty posed by the litigation and the possible risk of being added as a third party."

If there's no settlement by the end of March, the report says council should walk away from the table.

"I suppose disheartening is a good word," Cowan said. "We honestly believe that this is the right thing to do and there have been some roadblocks put in front of us that don't make a lot of sense to us.

"But nonetheless, we will work through these proceedings to ensure we can hopefully bring this to a successful conclusion."

Neither Wong-Tam nor government management committee chair Paul Ainslie would speak with CBC Toronto about the collapsing park deal, because of the ongoing court case.

But in a statement, Ainslie said: "The City appreciated the offer to donate but does not want to become involved in a matter that is before the courts."

That's a hard pill to swallow for Gene Kligerman, who, along with others in the community, has been using the property for years.

He said he'd hoped the area could become an official city park to ensure it was protected.

"It's heavily used by a lot of people — people with dogs, people biking, people hiking," he said. "It would be a shame to lose it."

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