



Local activist Margot Boyd in front of Mount Pleasant

## How Margot Boyd took on the city's biggest cemetery and won

For over a decade, one local resident with ancestral ties to the massive Toronto cemetery has fought for the public good by George Redak

For more than 10 years, Moore Park resident Margot Boyd has battled the Mount Pleasant Group of Cemeteries (MPGC), which is responsible for overseeing numerous cemeteries across the city. Recently, the fight spilled into the courts where Boyd won a crucial victory. But it has been a long time coming.

"This is a huge case. It is a landmark case," said Boyd. "That's what one of our lawyers said: 'This is going to be a landmark case.'

"We have a statute, we have the law in black and white, and we can read it. So one would think, if you have a logical mind, they [MPGC] didn't just throw [the law] away or make the law disappear."

The MPGC oversees 10 cemeteries and nearly 500 hectares of land in the GTA.

The issue of the MPGC and its structure and activities was first raised in 2008 when Boyd began advocating for the repatriation of the cemetery to the community.

At the time, neighbours

bordering historic Mount Pleasant Cemetery in the area around the Moore Park neighbourhood of north Toronto were upset with the MPGC decision to open up facilities that were outside what they saw as the scope of cemetery services. Eventually, they formed the Friends of Toronto Public Cemeteries (FTPC), with Boyd as their spokesperson.

"A crematorium, strictly speaking, is that a cemetery?" said Boyd about MPGC's operations.

"What about funeral homes?"

A letter was then sent to the organization asking for future public consultations in these matters.

Nothing came from that initial outreach to the group, according to Boyd, which continued to conduct business like a privately owned, non-profit organization.

The MPGC also denied Boyd a trustee position to which she was publicly elected during a community meeting.

Although the 1826 law that created the MPGC stipulated that such appointments were mandatory, the MPGC decided its interpretation of the law took precedent.

Boyd spent thousands of hours researching, discussing and uncovering information about the

Pamela Taylor, the corporate secretary and treasurer of the FTPC, is a lawyer specializing in corporate and commercial law.

She is also quite familiar with legal issues concerning Crown corporations, having served on multiple boards that represent public trusts.

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MPGC and its operations.

It was in 2013 when the first legal action was taken, but Boyd and the FTPC ran into a financial roadblock.

According to Boyd, the MPGC asked for \$50,000 in security to cover the cost of going to court.

This large sum was not something Boyd and her group could come up with, but the legal expert on her team had another suggestion.

Boyd said, Taylor suggested that they move the lawsuit under the Charities Accounting Act.

The only stipulation for this is that they needed one more person to come onto their claim.

In 2010, while Ward 13 city councillor Kristyn Wong-Tam was canvassing for an upcoming election, she met Boyd and heard of her ongoing dispute with the MPGC.

Wong-Tam decided to join the

fight, not as a councillor, but as a private citizen alongside Boyd's group, the FTPC.

"I gave it some consideration and said I would put my name forward as a private citizen," said Wong-Tam.

"Because I was able to join their legal action, the courts allowed them to proceed and brought the application under the Charities Accounting Act."

Boyd explained that the MPGC opposed the proceedings, based on the understanding that they had achieved the status of private corporation in 1871.

Justice Sean Dunphy of Ontario's Superior Court of Justice rejected this claim on the basis that the 1871 statute to incorporate the MPGC had the very specific objective of carrying out the statutory, perpetual trust created in 1826.

"Once I started going through the due diligence process — do research and find out how the whole thing was set up — that is how I found out that my great-great-great-grandfather (Sir John Beverley Robinson) wrote the legislation to create a statutory public trust in 1826," said Boyd.

Since it was set up at that time as a public trust by citizens who paid out of their own pockets, the aim was to create a non-denominational cemetery that would serve the residents of York.

According to the most recent ruling, Justice Dunphy concluded that the MPGC was in violation of the law that created this public group in the first place.

For Boyd, the red flags seem to begin in the 1980s when MPGC seemed to veer its course away from the laws regarding trustee elections and stopped having public input in the process.

Justice Dunphy highlighted this fact in his ruling, expressing his judgment that the MPGC was baselessly violating the rules.

"There was no reason for the cemeteries to simply stop following the rules," said Wong-Tam.

With a pending appeal on this decision, the in-court portion of this battle has been ongoing for well over five years now.

Through all this, Boyd and the FTPC, with the help of Wong-Tam, have been fighting to set things right.

"We have this world that we live in, and if we are not active in it, you get what you deserve," said Boyd.

"What kind of world would I be allowing my children to live in if I wasn't this active? I need to make sure that there are some trees that aren't cut, there's some forests that are not polluted. These things just resonated with me."