



STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG

Corporate, Finance, and Legislative Standing Committee

Report to: Mayor, Deputy Mayor, and Councillors
From: Brent Larmer, Town Clerk/Director
Standing Committee Date: January 11, 2024
Report Number: LS-2024-005
Council Meeting Date: January 31, 2024
Subject: **Marriage License and Civil Marriage Solemnization Fee Increase**

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1. Recommendation:

THAT the Committee receive this staff report for information purposes; and

FURTHER THAT a by-law be authorized and presented at a Regular Council meeting to amend the Town Fees and Charges By-law to adjust the Marriage Licenses fee to \$150.00 and the Marriage Ceremonies fee to \$400.00, and a fee be included for witnesses to Civil Ceremonies in the amount of \$25.00 per witness.

2. Executive Summary:

Municipalities in Ontario act as Division Registrars to issue Marriage licences on behalf of the province, pursuant to the sections as outlined within the Act. The Town of Cobourg provides this service within the Municipal Clerks Office.

In addition, the applicable legislation also enables municipalities to perform marriage ceremonies to the public. There are three (3) types of marriage solemnization ceremonies: religious, Indigenous and civil. A civil marriage ceremony is a non-religious marriage ceremony presided over by an Ontario judge,

justice of the peace or **Municipal Clerk or designate under the authority of a licence.**

The Town of Cobourg offers civil marriage solemnization services by specific municipal staff in the clerks office, to ensure that all members of the community have equal access to marriage services. The Clerk, as well as designated staff delegated by the Clerk, undertake the necessary training, and develop administrative supports to provide this service to individuals looking to be legally married in Ontario.

The purpose of this report is to recommend to Council to increase the Marriage License Application Fee to \$150 from \$125, resulting in a \$25.00 increase, and to increase the Marriage Ceremony Fee to \$400 from \$300 resulting in a \$100 increase. The increase is based on the increased costs and time related to staff time and resources it takes to preform both services for the public.

In addition, Staff is recommending that Council also approve a new fee, being a witness fee of \$25.00 per witness for a Civil Marriage Ceremony provided by the Town. A marriage ceremony requires two (2) witnesses, and on occasion, applicants (couples) request that the Town provides witnesses. Although Staff enjoys attending, this request takes staff out of regular duties and costs and time allocated to civil marriage ceremonies should be fully funded by the applicants.

3. Background

The *Marriage Act, 1990*, Section 11, provided the authority for the clerk to issue marriage licenses. Ontario Regulation 738 made under the *Marriage Act, 1990* provides the clerk of a local municipality with the authority to solemnize marriages under the authority of a licence.

Section 228(4) of the *Municipal Act, 2001* provides that the clerk may delegate in writing to any person, other than a member of council, any of the clerk's powers and duties "under this and any other Act".

As part of the authority under the *Marriage Act*, each municipality has the ability to set their own fee for each Marriage License application and also set the fee for conducting and performing a Marriage Ceremony.

In 2023, the Town issued completed the following:

Activity Type	Number Issues/Preformed	Revenue
Marriage License Issuance	478	\$36,769.04
Civil Marriage Ceremonies	96	\$28,610.00
Total Marriage Services Revenue		\$ 65,379.04

4. Discussion:

The Clerks office has been offering Marriage Licenses and Civil Ceremony Services for a number of years, and the revenue generated from these services has and continues to contribute to the Clerks Budget to help offset expenses.

The fees associated with Marriage Licenses and Civil Ceremonies have not been updated or amended since 2013 and prior, and Staff is recommending that an increase for the license fee and ceremony fee be considered by Council.

Marriage Licences:

Staff is recommending a proposed fee of \$150.00 (includes HST) for the issuance of a Marriage License during regular business hours completed online and in person. The Town of Cobourg is required to purchase the Marriage Licenses from the province at a cost of \$48.00 a license, therefore with the proposed increase the Town will be making \$102 on each license to recover staff time and materials and processing, this would be an increase from the current revenue of \$77.00 per license.

In 2022 the Town of Cobourg was successful in being selected one (1) of six (6) municipalities in Ontario of 444 municipalities to launch the Online Marriage License Application submission process. During this time, we have seen an increase in applications and services for marriage licenses and ceremonies. As of today, there has been an increase of five (5) more municipalities have been added to the online application process and more municipalities are expected to be onboarded in 2024. Below are the municipalities Ontarians can choose to apply for a marriage licence online before picking it up in-person:

- City of Cornwall
- City of Kenora
- Town of Cobourg
- City of Kingston
- Town of Ingersoll
- Township of Uxbridge
- City of Timmins
- City of Sault Ste Marie
- Municipality of Chatham-Kent
- Town of Caledon
- City of Brockville

Civil Marriage Ceremony:

Proposed fee of \$400.00 (includes HST) held at Victoria Hall in the Bailey Court Room during regular business hours and subject to availability in the following time slots: 1:00 P.M., 2:00 P.M 3:00 P.M. and 4:00 P.M. on Fridays. Staff also on occasion with preform ceremonies based on urgency from couples during the week.

The Town offering civil marriage ceremonies holds immense significance for promoting inclusivity and equity within society. By providing such services, the Town continues to ensure that all individuals, regardless of their backgrounds or identities, have the opportunity to solemnize their unions in a meaningful and legally recognized manner without any barriers. For many individuals it is essential to have ceremonies that honour their unique identities and relationships, free from constraints or biases. Therefore, by offering civil marriage ceremonies, the Town has continued to empower the 2SLGBTQ+ community, non-denominational and non-religious individuals and foster an environment of equity and acceptance, recognizing and valuing the diverse ways in which love and commitment are expressed. Not all municipalities in Ontario offer such a service in-house, and Cobourg continues to welcome and promote this service for residents of Cobourg and beyond, which helps bring traffic and spending at local businesses and restaurants in the downtown and across Cobourg, with ceremonies being held in a national historic site.

The Town has already booked several weddings in late 2024 and expects another strong year in Civil marriage ceremonies in the Town of Cobourg. Staff time on Civil ceremonies consists of meeting with couples, preparing scripts, filling out each license and marriage registry, organizing guests, performing the ceremony and follow up information and couriating license following the wedding ceremony. With the increase in the costs of materials, staff time and courier services and working directly with couples at their ceremony, the \$100 dollar increase staff feels is reasonable.

5. Financial Impact and Budget

The fees proposed for a marriage license and a civil marriage ceremony, and the provision of witnesses is calculated to ensure cost recovery for staff time required to perform a ceremony, including any pre/post- ceremony administration. These fees should consistently be subject to review as part of the annual Fees and Charges By-Law review. The proposed fees have been listed in this staff report and attached within the Draft amending Fees and Charges By-law.

6. Relationship to Council's Strategic Plan Priorities 2023 to 2027 and beyond:

- Thriving Community
- Service Excellence
- Sustainability

7. Public Engagement:

Not Applicable

8. Attachments:

Draft By-law – Amend Town of Cobourg Fees and Charges By-law

Report Approval Details

Document Title:	Marriage License and Marriage Civil Marriage Solemnization Fees Increase .docx
Attachments:	
Final Approval Date:	Jan 4, 2024

This report and all of its attachments were approved and signed as outlined below:

Tracey Vaughan, Chief Administrative Officer - Jan 4, 2024 - 9:17 AM