

Cemeteries - General Guidelines and Q & A



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ONTARIO ASSOCIATION OF CEMETERY
AND FUNERAL PROFESSIONALS

AMCTO - Zone 7 Fall Workshop
October 24, 2024



Agenda



**Who We Are Bereavement Sector
101**



Annual Reporting to the BAO



**Repurchase & Resale of
Interment Rights/
Disinterments**



**Cemetery Responsibility To
Maintain Memorials**



Q & A



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History of the Association In the Beginning



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Originally known as the Ontario Association of Cemetery Officials of Canada, then the Ontario Association of Cemeteries (OAC).

In 1912, twentyone cemetery operators representing 16 cities in Ontario founded the Association of Cemetery Officials in Canada.

The association was initially created as a vehicle for Ontario's ceterians to exchange ideas and information ensuring high professional operations standards and customer service levels.

Adapting to a Changing Sector



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- 2002 association became the OACFP to further reflect our goal of sector unification
- A unified industry would lead to improved communications amongst industry professionals and higher standards of consumer service.



"Pride in his profession and aim for improvement will cause everyofficial to reach out for knowledge and we trust this Association will be the school to furnish such to them"

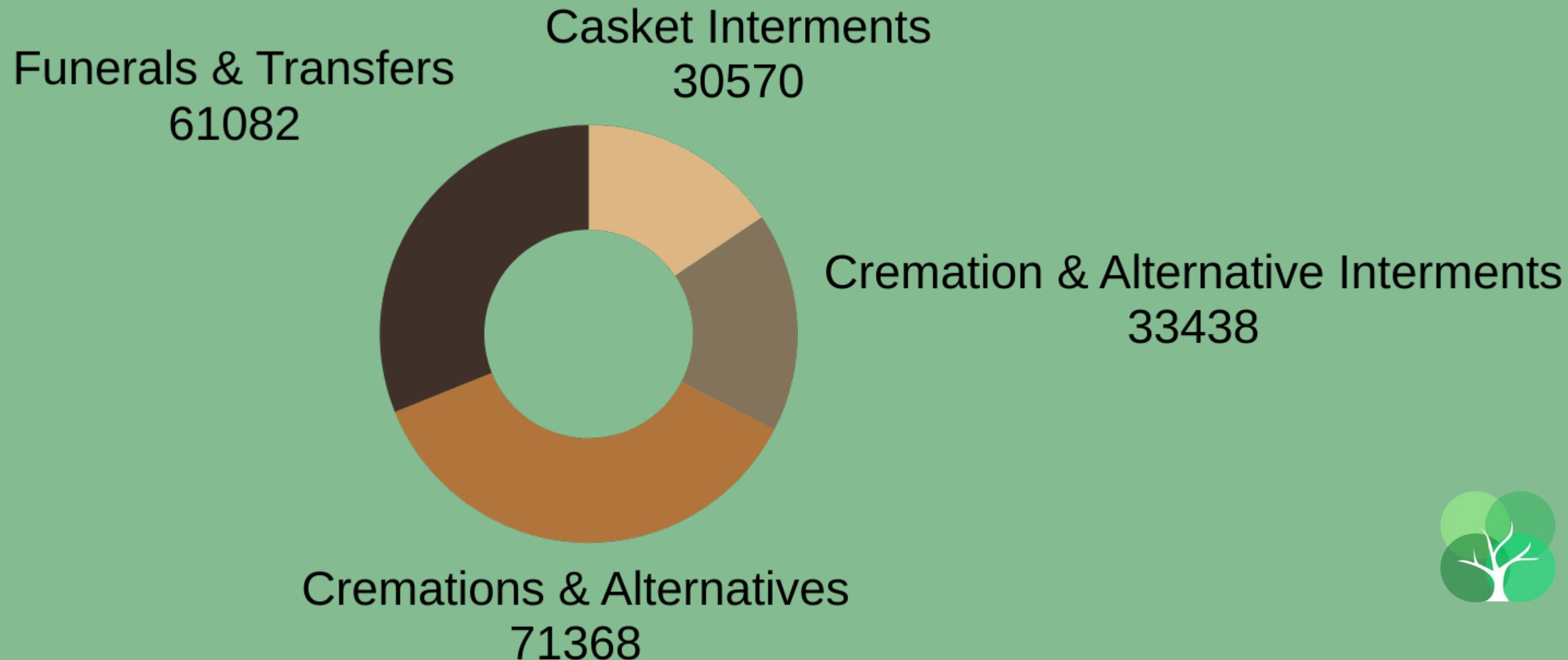
W.H. Foord, President, 1913

"Service to others is what cemetery and funeral professionals do while compassion and excellence is who we are"

Terry Eccles, President, 2013

Strength and Knowledge in Numbers

- Represent over 420 sector companies & organizations
- Have access to the knowledge of over 3,000 sector professionals
- Members performed 195,548 activities in 2023 - Interments, Funerals & Transfers, Cremations & Cremation Alternatives

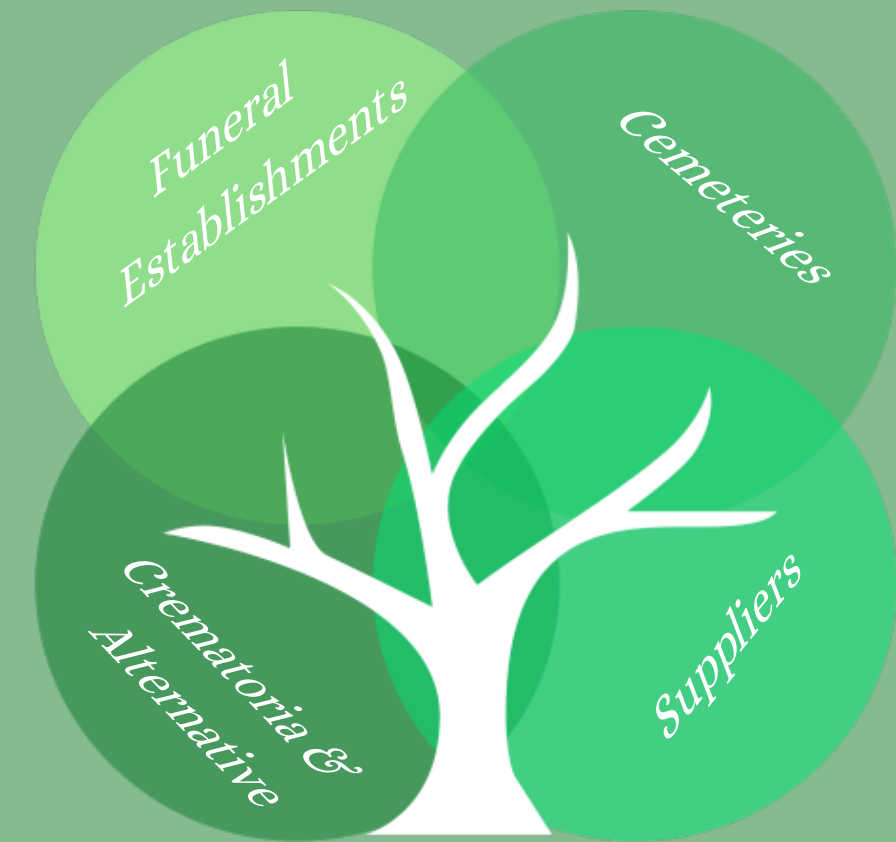


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Unified Bereavement Sector Education:

Training better sector
professionals



Understanding Each Segment
of the Bereavement Sector

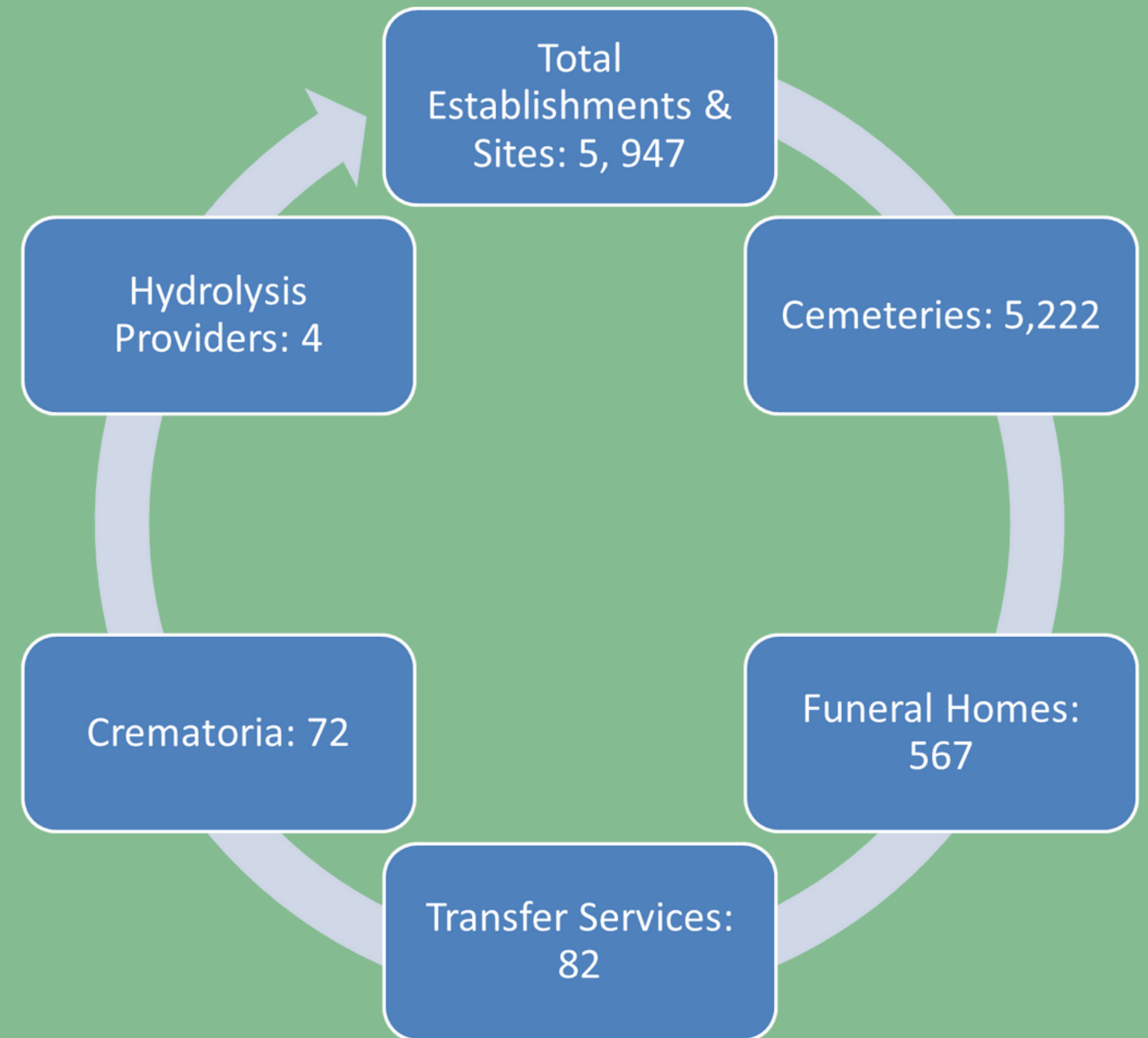


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Bereavement Sector 101

The Bereavement Sector by the Numbers: Businesses

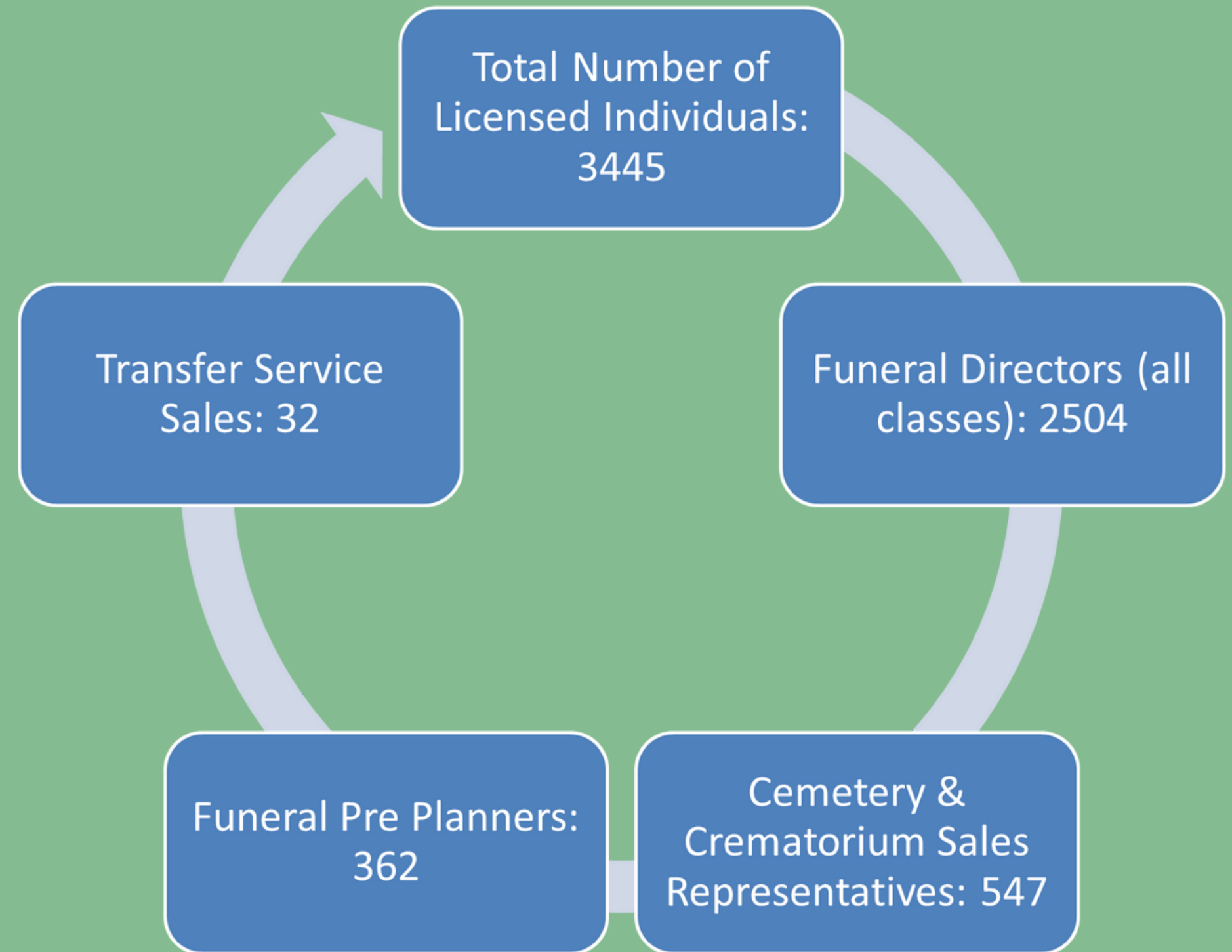


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Bereavement Sector 101

The Bereavement Sector by the Numbers: Licensed Individuals



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The Regulator



The Bereavement Authority of Ontario – BAO

Funded by licensing fees from businesses and individuals

Consumer Protection mandate: Issues licences, inspections, approves education, watchdog, consumer information, information for licensees to assist with compliance, consumer complaints & redress

Reporting to The Regulator



- Annual Reporting Requirements/License Renewal
 - Cemetery operators are required to file a Cemetery Operator Annual Licensing Report, Form 1, with the BAO no later than March 31.
 - The Care and Maintenance Account/Fund Report – Form 2 must be filed with the BAO no later than 90 days following the end of the cemetery's fiscal year-end.
 - Please Note: If your total C&M funds exceed \$500,000 you are required to submit an audited financial statement for the C&M Fund within six months of your fiscal year end; if this applies to you, you may submit your Form 2 at the same time as your audit.
- Instructions and forms are available online through the BAO website at <https://thebao.ca/for-professionals/cemeteries-crematoriums/forms/>. If you do not have internet access, you can contact the BAO office directly at 1.844.493.6356 and request a paper copy.

Reporting to The Regulator



- Annual Reporting Requirements/Pre-Need
 - Cemetery operators that accept prepaid funds are required to file a "Report on Prepaid Funds" (RPF)
 - Requires a Review Engagement Report or Audit report unless pooled trust funds are being used that do not exceed \$100,000 at any point during the year
 - RPF form is available online at: <https://thebao.ca/for-professionals/cemeteries-crematoriums/forms/>
 - Under Report On Prepaid Funds

Repurchase & Resale of Interment Rights

- Since July 1, 2012, Ontario consumers with unused and unwanted interment and scattering rights have been able to either resell them on the open market or return them to the cemetery where they were purchased.
- As a Cemetery Operator, you need to decide if your cemetery will allow or prohibit resale of interment rights on the open market. Then, you need to reflect this decision in your by-laws.
- If you have not updated your by-laws to state explicitly which option is available to rights holders the assumption is that third-party sale is permitted.



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Repurchase & Resale of Interment Rights

Option 1: By-law Prohibits the third-party resale of interment rights

- You are obligated to repurchase interment rights from the rights holder* at the price set on your current price list. You can only reduce the repurchase price by the amount previously deposited in your Care and Maintenance Fund at the time of the original sale.
- If you re-sell those rights to another client, you need to make sure that you deposit the appropriate amount of money into your Care and Maintenance Fund. If you repurchased the rights at the full price set on your current price list, then the amount you deposit should be the current amount required less the amount you deposited when you originally sold the interment rights.
- NOTE: you are not required to repurchase a lot in a plot where one or more of the lots have already been used. However, in these situations you may choose to make arrangements with your client.

***Determining who the interment rights holder actually is can be challenging. See OACFP White Paper on determination of Interment Rights**



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Repurchase & Resale of Interment Rights

Option 2: By-law Allowing the Resale of Interment Rights on the Open Market

- Consumers are free to sell unused rights directly to a third party.
- The sale must be done through you. You will need to verify that the seller is in fact the interment rights holder, update the Public Register and issue a new interment rights certificate. You may charge an administrative fee for this service, and you do not need to make a deposit to your Care and Maintenance Fund afterwards.
- A cemetery operator may charge a reasonable fee to recover the cost of issuing the new certificate. O. Reg. 30/11, s. 163 (3).
- Interment rights can only be resold at fair market value, so a seller and buyer will need to refer to your price list when planning a sale.
- **It is also prohibited for anyone other than a cemetery operator or other licensee under the FBCSA to purchase interment or scattering rights for the purpose of reselling them for profit.**
- Private sellers are not required to make any price reductions or payments to your Care and Maintenance Fund. If, however, you are a non-commercial cemetery operator and the lot in question was originally sold prior to 1955 and no funds were collected to maintain it, you may charge the interment rights holder a fee representing a deposit for your Care and Maintenance. This fee should be the amount required under your current price list.

Disinterment - Procedure

1. Obtain Proper Authorization
 - Must receive written permission from the Interment Rights Holder.
 - If next of kin of deceased is NOT the Interment Rights Holder it is recommended that written permission of the next of kin is also provided.
 - Must notify and receive approval (if required) from the local Medical Officer of Health.
 - NOTE: Health Official approval is not required for disinterment of Cremated Remains
2. Consult your Cemetery By-laws for specific requirements regarding Disinterment.
3. Scheduling the Disinterment
 - Coordinate with the cemetery operator and appropriate authorities to schedule the disinterment at a suitable time, considering weather and ground conditions.
 - Arrange for the presence of the appropriate professionals, such as a funeral director, and any required legal or health representatives.



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Disinterment - Procedure

4. Safety and Respectful Handling
 - Ensure safety protocols are in place for all staff involved.
 - The disinterment must be conducted with respect and dignity, maintaining the integrity of the remains and casket (or other container).
 - If health risks are present (e.g., in cases of infectious diseases), additional protective measures must be taken
5. Documentation and Record Keeping
 - Keep detailed records of the disinterment, including:
 - Copies of all permits and authorizations.
 - Date and time of disinterment.
 - Personnel involved.
 - Condition of the remains and any actions taken.
 - Update the cemetery records to reflect the disinterment and any reinterment or transfer of remains.



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Disinterment - Procedure

6. Transportation and Reinterment (if applicable)

- Transport the remains respectfully and in accordance with any specific health and safety guidelines.
- Ensure that reinterment, if applicable, follows all necessary legal and regulatory processes.

7. Notification of Completion

- Notify the interment rights holder and any other necessary parties of the successful completion of the disinterment.



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Cemetery Responsibility To Maintain Memorials

- Cemetery operators are responsible for public safety within their property. If a marker, monument, mausoleum, or columbarium deteriorates to the point that it is unsafe, it is the responsibility of the cemetery operator to repair the memorial and/or make it safe.
- There are several types of monument materials which deteriorate and weather poorly in our northern climate. Monuments made of limestone or sandstone are particularly soft and susceptible to our freeze thaw conditions.
- Marble crypt fronts on mausoleums also deteriorate when exposed to our outdoor climate.
- Cemetery by-laws should require all monuments, crypt or columbarium niche fronts to be made of granite or bronze if they are to be placed within the cemetery. These materials are proven to stand the test of time.
- Such by-laws reduce the cemetery's long-term liability and the need for the cemetery operator to make repairs to protect public safety.



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Cemetery Responsibility To Maintain Memorials

- What should a cemetery operator do if they discover a memorial which is unsafe and a potential risk to public safety?
 - Take a picture of the memorial and keep it on file within your cemetery records
 - Attempt to contact the interment rights holder or family member and inform them of the unsafe conditions. Ask them if they would like the memorial repaired.
 - If the family is not willing to repair the memorial the cemetery may repair the memorial at the cemetery's expense or dismantle the unsafe portion to preserve and stabilize the memorial.
 - The cemetery operator's repair process must be reversible to ensure the rights holder can request the monument repairs in the future.
 - In some instances, this may require laying the monument flush and level with the ground. **NOTE: The monument should not be moved from its location.**
- Cemetery expenses incurred to preserve and stabilize memorials may be recovered from Care & Maintenance income.



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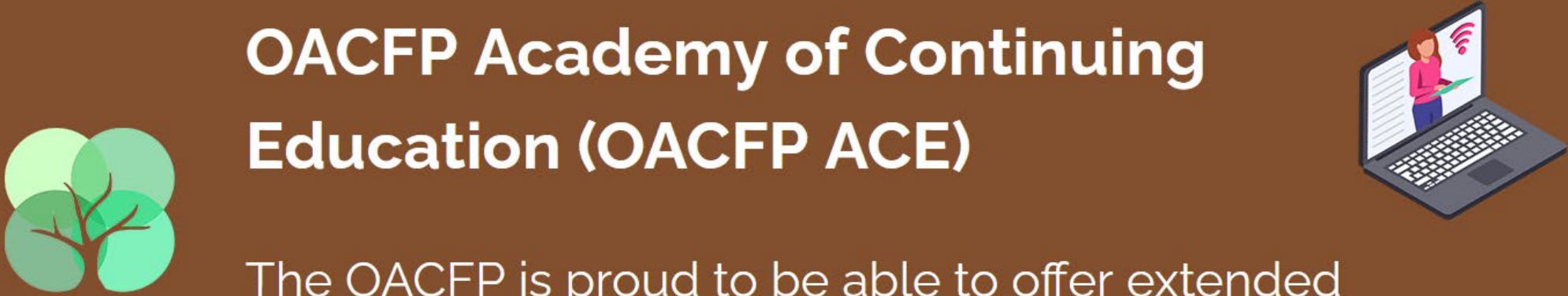
CEMETERY GOVERNANCE AND ADMINISTRATION OVERVIEW FOR SMALL CEMETERIES:

A Quick Legislative Overview For Cemetery
Custodians And Volunteer Board Members of
Religious and Not-For-Profit Cemeteries

Educational Overview

- 🌱 This educational overview of cemetery administration and operations has been created and is being offered free of charge by the Ontario Association of Cemetery and Funeral Professionals (OACFP) to all cemetery custodians and volunteer Board members who operate small religious or not-for-profit cemeteries in Ontario
- 🌱 It is intended to provide a basic understanding of requirements under the Funeral Burial and Cremation Services Act and Regulations (FBCSA) to assist you in administering and operating your cemetery in accordance with the laws of Ontario and to act as a resource to locate information or contacts for assistance on more complicated matters

Access This Information On OACFP ACE



OACFP Academy of Continuing Education (OACFP ACE)

The OACFP is proud to be able to offer extended education and certification in various aspects of the bereavement sector.

- 🌱 This information is also available in an online format on the OACFP ACE learning platform.
- 🌱 It is free of charge with the promo code: **AMCTO**

Overview Content

1. Cemetery Oversight
2. Cemetery Prohibitions
3. Cemetery Duties
4. Cemetery Price Lists
5. Cemetery Contracts
6. Cemetery By-Laws
7. Interment Rights
Certificates
8. Who Has The Right To
Authorize A Burial or
Scattering
9. Cemetery Accounts
10. Cemetery Record Keeping
11. Public Information and
Disclosure
12. A Word About Cemetery
Liability
13. Cemetery Responsibility To
Maintain Memorials
14. Small Scale Columbarium
Requirements
15. Annual Reporting to The
Registrar And Licensing
Renewal Record-Keeping

Final thought....

"Working in a cemetery is different from any other company. Every single day we have an opportunity to do one last good thing for somebody, and we need to keep that in mind with every action we take"

Allan Job



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[illegible]

Thank You

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