

CEMETERY OPERATION

1. Regulations governing the upkeep of cemeteries come under the Ontario Ministry of Consumer and Commercial affairs. The most recent Cemetery act (Revised) was proclaimed April 1, 1992. It may be obtained from The Registrar of Consumer and Commercial Relations, Business Affairs Branch, Cemeteries regulations, 33rd floor, 250 Yonge Street, Toronto, Ontario M5B 2N5
2. Every Cemetery owned shall file with the Registrar a price list of all internment rights and cemetery services and supplies that may be sold, and all charges that may be made by that owner. Price lists for internment rights, supplies and services that a consumer can take home for comparison purposes must be made available.
3. The perpetual Care Fund is now known as the Care and Maintenance Fund and every cemetery owner who sells, assigns or transfers internment rights shall establish with a corporation registered under the “Loan and Trust Corporations Act”, a Trust Fund. Trusting provisions are as follows:

Lot – 40% or \$150.00, whichever is greater
Crypt – 20% or \$500.00, whichever is greater of crypt price
Niche – 15% or \$100.00, whichever is greater of niche price
Cremation Lot – 40% of filed rate
Child’s Lot – 40% of filed rate

**Contributions to the Care and Maintenance Fund for marker installation
is as follows:**

Flat marker over 172 square inches \$50.00
Upright monument up to 4 feet in height or width \$100.00
Upright monument over 4 feet in height or width \$200.00

**Only “income” from the fund
can be used for the upkeep of the cemetery and the markers and structures.
An annual income statement must be submitted to the Registrar**

4. Every owner who sells “Pre-Need” cemetery supplies or services shall establish with a corporation registered under the “Loan and Trust Corporations Act”, with that corporation as trustee, a trust fund designated as the Pre-Need Assurance Funds. Payments into the fund shall be all monies received (100%) for pre-need supplies or services.
5. Endowment funds may be established by cemetery owners with the income from same being used to look after annual costs for Special Care for the upkeep of private vaults, mausoleums, planting flowers, trimming trees or extra donations. Funds come from donations from the individual family involved.

6. No person shall own a cemetery or crematorium unless licenced under the Act to own the cemetery or crematorium. They may apply to the Registrar. The Registrar may revoke or refuse to renew a licence to own a cemetery or crematorium under certain conditions.
7. No person shall operate a cemetery or crematorium except in accordance with the By-Laws applying to that cemetery or crematorium. No by-law made by an owner is effective until it is filed with, and approved by, the Registrar.
8. No person shall disinter any human remains without the prior consent of the interment rights holder and notifying the proper medical officer of health. This disinterment of cremated human remains does not require that the medical officer be notified.
9. The cremation of human remains shall not be carried out for which there is not a coroner's certificate and burial certificate provided, together with an approved application to cremate, signed by the family and/or executor.
10. An application to declare a cemetery abandoned may be made to a judge of the District Court under certain circumstances. The municipality within which The cemetery is situated is responsible for the maintenance of the cemetery until The application is disposed of.

It must be understood that the above mentioned points do not in any way cover the full spectrum of the Cemeteries Act (Revised). It would be advisable for all cemetery owners to obtain a copy of the Cemeteries Act (Revised) in order to have the complete details regarding the new Act.

REVISED
September 1995