



Losing a loved one can be a difficult and stressful time.

Whether you need to arrange a funeral, burial, cremation, hydrolysis or transfer service now, or are planning ahead for yourself or someone else, this guide can help you make an informed choice.



This guide was created to inform consumers of their rights and responsibilities when planning funerals, burials, transfer services, cremation or hydrolysis. This guide will walk you through the steps you need to take to ensure that you protect yourself as a consumer.

Visit www.thebao.ca to learn more.

The Bereavement Authority of Ontario (BAO) is a government delegated authority administering provisions of the *Funeral, Burial and Cremation Services Act, 2002* (FBCSA) on behalf of the Ministry of Government and Consumer Services. Responsible for protection of the public interest, the BAO regulates and supports licensed: funeral establishment operators, directors and preplanners; cemetery, crematorium and alternative disposition operators; transfer service operators; and bereavement sector sales representatives across Ontario. The BAO is wholly funded by licensee fees (not tax dollars).

Consumer Protection Ontario is an awareness program delivered by Ontario's Ministry of Government and Consumer Services and other public organizations. It offers information on consumer rights and public safety, and directs you to the appropriate agency if you have a complaint or dispute with a business.

LEGAL DISCLAIMER



Please note that this guide is provided for general information only. Use of this guide is not intended to act as a substitute for legal advice or as a replacement for the *Funeral, Burial and Cremation Services Act, 2002*. Readers are encouraged to retain qualified and independent legal counsel to answer any legal questions or address any legal issues. Where there is any discrepancy, the Act and regulations will take precedence.



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Terms You Need to Know

Alkaline Hydrolysis (AH): AH is an alternative disposition—a chemical process that uses a heated solution of water and potassium hydroxide or sodium hydroxide under pressure and agitation to reduce a body to components of liquid and bone. The resulting bone fragments are dried and reduced to a substance resembling cremated ashes.

Care and Maintenance Fund: A trust fund that helps ensure the long-term upkeep of a cemetery.

Casket: A container intended to hold a dead human body for funeral, cremation or interment purposes that is not a vault, burial container or grave liner.

Cremation: A process that uses incineration to reduce a body to an ash or granular substance.

Columbarium: A structure designed for the purpose of interring cremated human remains in niches or compartments.

Crypt/Mausoleum: A structure, other than a columbarium, used as a place for the interment of human remains in tombs, crypts or compartments.

Family-led Death Care: A family member may provide funeral services, including transport, documentation including death registration, and body care, without a license and for no charge.

Grave: A place for burial of human remains, typically a hole dug in the ground and marked by a stone or mound.

Interment: The burial of human remains, including the placement of human remains in a lot (grave, crypt or niche.)

Interment rights: The right to require or direct the interment of human remains in a lot or the disinterment of human remains from that lot.

Lot: An area of land in a cemetery containing, or set aside to contain, interred human remains and includes a tomb, crypt or compartment in a mausoleum and a niche or compartment in a columbarium and any other similar facility or receptacle.

Niche: A space in a columbarium or mausoleum wall to hold an urn.

Plot: Two or more lots sold as a unit.

Provider: The operator of a cemetery, crematorium, funeral establishment or transfer service.

Scattering rights: The right to scatter cremated remains in a cemetery.

Shroud: A piece of fabric used to wrap a body to prepare for burial. Some cemeteries will accept a dead human body for burial in a shroud.

Supplies: Caskets, markers and monuments, vaults, urns and flowers.

Transfer Service: A service to the public with respect to the disposition of dead human bodies, including the transportation of dead human bodies and the filling out of necessary documentation with respect to the disposition of dead human bodies.

Urn: A container for the reduced and processed human remains resulting from cremation or alkaline hydrolysis.

Vault: A secondary container that is protective, rigid, sometimes waterproof, and usually made of concrete, fiberglass, plastic or similar reinforced material, within which the primary casket, coffin or urn containing human remains is placed prior to burial in the ground.



1. Before making arrangements

One of the first things to determine after someone dies is who has the authority to decide what will happen to the body of the deceased.



WHO HAS THE LEGAL AUTHORITY TO MAKE DECISIONS?

Generally, the person(s) appointed as the Estate Trustee(s) has the legal authority to make such decisions. Ontario has statutes and common law to determine who may act as the legal representative(s) when a person passes away without a valid will. The ultimate decision maker will be specific to the circumstances of each case but will generally default to a court-appointed Estate Administrator or the deceased's next of kin.

Here is a partial list of who may act as the legal representative:

1. Estate trustee, also called an executor or executrix, who is named in the will (or an administrator appointed by the court)
2. Spouse
3. Adult children (18 and over)

Laws with respect to the handling of the deceased person's body are different than the use and inheritance of interment rights. If you are the legal representative, the Provider may ask you to provide photo identification and proof of your authority, such as a valid will or court order, before making arrangements. To learn more visit www.ontario.ca and search for the phrase "What to do when someone dies".

TRANSPORTING THE DECEASED BODY

You may contact a funeral establishment or a transfer service to have the deceased person transferred from the place of death, or a family member of the deceased may carry out the transfer services, if those services are provided at no charge and/or benefit.

HOW TO CHOOSE A PROVIDER

Refer to the chart on page 8 to see the types of services offered by each Provider.

When choosing a Provider:

- Consider recommendations from family or friends.
- Talk with more than one Provider at different facilities about their services. Make sure you are confident that they understand and are able to meet your needs.
- Ask the Provider for a price list and written price estimate to assist you when comparing prices and services.
- Ask for and review a copy of the cemetery's by-laws.

HOW DO I DONATE A BODY OR ORGANS?

To donate organs for transplant, or the entire body for scientific research, arrangements must be made quickly and directly with health professionals. To learn more, contact the Trillium Gift of Life Network at www.giftoflife.on.ca.

SERVICES PROVIDED

The following chart outlines the types of services usually offered by Providers. You may purchase certain supplies, such as caskets, monuments, markers and flowers from any supplier, but you should notify your Provider prior to entering into a contract.

Description of Service	Service Provider				
	Funeral Establishment	Transfer Service	Cemetery	Crematorium or Hydrolysis	Family of Deceased
Removing the body from the place of death	✓	✓			✓
Placing the body in a casket and delivering it to a cemetery or crematorium	✓	✓			✓
Registering the death	✓	✓			✓
Arranging to transport the body of the deceased out of Ontario	✓	✓			✓
Wash and dress the body	✓	✓*			✓
Transport the body to or from a place of worship	✓	✓*			✓
Hosting memorial services, celebrations of life and receptions including the rental of facilities (no body or cremated remains present)	Can be hosted by anyone				
Coordinating religious and non-religious funeral services or receptions including the rental of facilities (with the body or cremated remains present)	✓				✓
Embalming	✓*				
Providing caskets, urns, vaults and flowers	✓	✓	✓	✓	✓
Providing in-ground graves			✓		
Providing crypts in a mausoleum			✓		
Providing niches in a columbarium			✓		
Providing monuments	✓	✓	✓	✓	
Providing places to scatter cremated remains			✓		
Providing openings and closings of graves, niches or crypts			✓		
Conducting cremation or alkaline hydrolysis				✓	
Providing viewing of cremation				✓	

*Must have class 1 licence



2. Making some important decisions

When making arrangements, there are important decisions you will have to make.



FAMILY-LED DEATH CARE

Family members can legally provide funeral services without a licence, except for arterial embalming, for their deceased loved one. They cannot be paid for this service. This includes transportation, documentation including death registration, obtaining a Coroner's Cremation Certificate (required for all cremations) or Out of Province Certificate (if a body will cross a provincial boundary for disposition) or arranging religious or personal ceremonies to mark the death.

While it is possible for family members to provide these services without a license, in some cases it may be advisable for family members to seek the services of a licensed funeral establishment or transfer service for some aspects of funeral arrangements. For example; a family member may not have a vehicle that would allow for the dignified transportation of a dead human body, or the means to transfer a casket or container into or out of a residence for a home funeral or vigil. For some people, the experience of grieving may make it difficult to adequately prepare and submit the necessary documentation to register a death or obtain a Coroner's Cremation Certificate.

When contemplating family-led death care, it is important to note that institutions, like hospitals or nursing homes, may not be aware that it is legal for family members to provide funeral services for their

deceased family members. It is best that planning for family-led death care take place well in advance, including direct communication with the institutions or organizations that may be involved to ensure that there is no misunderstanding at the time of need.

WHAT ARE SOME FUNERAL OR MEMORIAL SERVICE OPTIONS?

A celebration of someone's life helps surviving family and friends grieve the loss of a loved one. You can choose a funeral, memorial or graveside service. A service may be private (by invitation only), or public (open to anyone). Other options are to have a public or private visitation/viewing, a funeral procession, a home funeral and/or home vigil, or any other respectful social, traditional or cultural ritual.

IS A CASKET REQUIRED AND WHAT ARE THE OPTIONS?

Caskets vary in style, and prices may range from a few hundred to several thousand dollars.

You may buy or rent a casket or provide your own, however if a Provider considers the casket you are providing to be unsafe, inappropriate for its intended use, or it does not meet the requirements of the cemetery or crematorium, the Provider can refuse to accept the casket. If the Provider allows you to provide your own casket the Provider cannot charge you an extra fee.

Keep in mind that some caskets cannot be used for cremation, because they are made of materials that will not burn. Price lists should clearly indicate which caskets are not suitable for cremation. If you are uncertain, ask the Provider for written confirmation of suitability. The casket must also meet cemetery and crematorium by-laws. Caskets are not used during the alkaline hydrolysis process.

GREEN BURIALS

The definition of "green burials" varies. Generally, a green burial is considered to include: an unembalmed dead human body, buried in a biodegradable casket or container, without a vault or grave liner. In some cemeteries, there may be a designated section for green burials where grave markers and monuments are not used, and the ground is covered with native species of plants such as wildflowers instead of grass. Some cemeteries, will accept a body that is wrapped in a shroud. A shroud may be a flexible piece of fabric used to enclose or wrap the body for burial. Cemeteries that accept shrouded bodies for burial may also require a rigid backing board to allow for the safe lowering of the body into the grave. Cemeteries that accept or accommodate green and/or shroud burials must detail these provisions in the cemetery by-laws — consumers are encouraged to research their options.

WHAT IS EMBALMING AND IS IT REQUIRED?

Embalming is the process of replacing blood and bodily fluids with a chemical solution to temporarily preserve the body. In Ontario, embalming is not required by law, however, in some instances a Provider may recommend it due to the length of time between death and the visitation, burial, cremation or hydrolysis. Ask your funeral establishment representative to explain the process of embalming so that you can make an informed choice.

WHAT BURIAL OPTIONS DO I HAVE?

With burial, the deceased is placed in a grave with or without a casket. A rigid container may be required to transport the body. A casket is required when placing the body in a crypt. Check the cemetery's by-laws for its specific burial requirements.

In Ontario, the body or cremated remains must be buried in a licensed cemetery.

For burial in a grave you may purchase a vault or outer liner to further protect the body in the casket. This container is placed in the ground and is usually made of concrete or fiberglass. Generally, it is not mandatory to use a vault or outer liner unless required by the medical officer of health.

For burial in a crypt (entombment) the casket is placed in a sealed crypt

in a mausoleum. A mausoleum is usually an above-ground structure made of concrete, stone or marble that contains a number of crypts. Not all cemeteries have mausoleums.

HOW DO I TRANSPORT HUMAN REMAINS OUT OF THE PROVINCE?

A deceased person's body may be moved outside of Ontario once a Provider has obtained a certificate from a Coroner.

If a deceased person is being transported to another country, then embalming and a sealed casket or container may be required by the receiving country or the transportation company.

If you choose to transport human remains (including cremated remains) out of Ontario, you must also follow the laws that apply in the receiving province or country. Contact a Provider for details or visit www.catsa.gc.ca/cremated-remains

WHAT CAN BE DONE WITH CREMATED/ALKALINE HYDROLYSIS REMAINS?

With cremation or alkaline hydrolysis the deceased's body or skeletal remains are reduced to an ash or granular substance. The remains are then placed in a small box or urn along with a metal identification tag. You may provide your own urn or purchase one from a Provider. Check the crematorium and cemetery

by-laws for the type and size of container allowed. If you choose cremation or alkaline hydrolysis, it is strongly recommended that you make plans for the final disposition of the remains.

A Provider can store remains for up to one year and may charge a deposit for this service. If the remains are claimed within one year the deposit will be refunded in full. After one year the Provider may use the deposit to inter the remains in the common grounds of a cemetery.

WHAT ARE INTERMENT/SCATTERING RIGHTS?

Interment rights refer to the right to bury human remains (including cremated remains) in a lot (grave, crypt or niche). If you are named on the interment rights certificate, you are the interment rights holder, and may request a burial or disinterment, or place a decoration, marker, monument or inscription on the monument, as long as you follow the cemetery's by-laws

If you are the scattering rights holder, you may scatter cremated remains in a designated place within the cemetery, in accordance with its by-laws.

Note: Ownership of all cemetery land remains the property of the cemetery owner. Interment rights and scattering rights holders acquire only the right to use the lot or scattering grounds and to have a marker or monument installed, in keeping with the cemetery's by-laws.

To learn more about...

Funerals, burials, cemeteries, crematoriums, hydrolysis
and transfer services contact:

Bereavement Authority of Ontario

www.thebao.ca

(647) 483-2645 | (844) 493-6356

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Funeral, Burial and Cremation Services Act, 2002,
and its regulations:

www.e-laws.gov.on.ca

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