



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 40 - 2018

To amend Cemeteries By-law 83-2016, as amended

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**WHEREAS** pursuant to subsection 150 (1) of Ontario Regulation 30/11 of the *Funeral, Burial and Cremation Services Act, 2002* (the "Act"), a cemetery operator may make by-laws governing the operation of the cemetery and, in particular, governing rights, entitlements and restrictions with respect to interment and scattering rights;

**AND WHEREAS** the By-law 83-2016, the Cemeteries By-law, provides for governing the operation of Brampton Cemetery and other Cemeteries owned or operated by the City of Brampton;

**AND WHEREAS** pursuant to subsection 151 (1) of Ontario Regulation 30/11 of the *Act*, no cemetery by-law or by-law amendment is effective until the registrar has approved it;

**AND WHEREAS** the registrar approved a draft of By-law 83-2016 on August 16, 2016; on which date the By-law was deemed approved and filed;

**AND WHEREAS** when a draft of By-law 83-2016 was submitted for approval the Bereavement Authority of Ontario had identified certain revisions required to ensure compliance with the *Act*;

**AND WHEREAS** this By-law is enacted to amend By-law 83-2016 to incorporate revisions recommended by The Bereavement Authority of Ontario, and update with certain housekeeping revisions;

**NOW THEREFORE** the Council of The Corporation of the City of Brampton **ENACTS** as follows:

1. That By-law 83-2016 is hereby amended as follows:
  - (a) By deleting the definition of "Act" from section 1.1 and substituting the following:

*"Act"* means the *Funeral, Burial and Cremation Services Act, 2002*, as amended;
  - (b) By adding to section 1.1, after the definition of "Interment", the following definitions:

"Interment Rights" includes the right to require or direct the interment of human remains in a lot;

“Interment Rights Holder” means the person who holds the interment rights with respect to a lot whether the person be the purchaser of the rights, the person named in the certificate of interment or such other person to whom the interment rights have been assigned;

- (c) By deleting the heading of section 3 and substituting the following heading:

**3. SALE AND TRANSFER OF INTERMENT AND SCATTERING RIGHTS**

- (d) By adding to section 3 the following:

**Cancellation of Contracts within 30 Day Cooling-Off Period**

3.9.3 A purchaser has the right to cancel an Interment or Scattering Rights contract within thirty (30) days of signing the contract, by providing written notice of the cancellation to the Manager. The City will refund all monies paid by the purchaser within thirty (30) days from the date of the request for cancellation.

**Cancellation of Contracts after 30 Day Cooling-Off Period**

3.9.4 Upon receiving written notice from the purchaser of the cancellation of an Interment or Scattering Rights contract, the City will cancel the contract and issue a refund to the purchaser for the amount paid for the Interment or Scattering Rights less the appropriate amount that is required to be deposited into the Care and Maintenance Fund. The refund will be made within thirty (30) days of receiving said such written notice. If the Interment Rights certificate has been issued to the Interment Rights Holder(s), the certificate must be returned to the Manager along with the written notice of the cancellation.

3.9.5 If any portion of the Interment or Scattering Rights has been exercised, the purchaser, or the Interment Rights Holder(s) are not entitled to cancel the contract or re-sell the Interment or Scattering Rights.

**Resale of Interment Rights within 30 Day Cooling-Off Period:**

3.9.6 Unless the Interment or Scattering Rights have been exercised the purchaser retains the right to cancel the contract or re-sell the Interment or Scattering Rights. Once payment for the interment or Scattering Rights has been made in full, and an Interment Rights certificate has been issued where applicable, the Interment or Scattering Rights Holder(s), as recorded on the Cemetery records, has right to re-sell the Interment or Scattering Rights. Any resale of the Interment or Scattering Rights shall be in accordance with the requirements of the Cemetery by-laws and in keeping with the Act.

3.9.7 If any portion of the Interment or Scattering Rights has been exercised, the purchaser, or the Interment Rights Holder(s) are not entitled to re-sell the Interment or Scattering Rights.

(e) By deleting section 3.14 in its entirety and substituting the following:

**Resale**

The resale of Interment Rights by the Interment Rights Holder to a third party before the rights are exercised is permitted, subject to compliance with the *Act*, provided that

(a) the original Interment Rights Holder must Transfer the rights in accordance with this section 3.14, whereupon the City may issue a new certificate to a third party; and

(b) the Interment Rights Holder shall not sell the rights to a third party for more than the price set out in the Price List, provided that the sale or transfer is conducted through the City, and the purchaser meets the qualifications and requirements set forth in the Cemetery's by-laws.

(f) By deleting section 3.15 in its entirety.

(g) By deleting paragraph (h) from section 4.24 and substituting the following:

(h) To ensure the safety of patrons and Cemetery staff, a concrete vault or crypt must be used for the Interment of a traditional burial in a Single Grave with Foundation in Brampton Cemetery in the following locations:

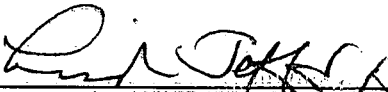
- i. Lot 6A, Ranges 19 – 24, Block A, Graves 1 to 5 Only;
- ii. Lot 6B, Ranges 19 – 24, Block A, Graves 1 to 5 Only;
- iii. Lot 27A, Ranges 19 & 20, Block B, Graves 1 – 5 Only;
- iv. Lot 27B, Ranges 19 & 20, Block B, Graves 1 – 5 Only;
- v. Lot 27A, Ranges 23 & 24 Block B, Graves 1 – 5 Only;
- vi. Lot 27B, Ranges 23 & 24 Block B, Graves 1 – 5 Only;


2. This By-law will become effective upon approval hereof by the Registrar under s. 151 of O. Reg. 30/11 made under the *Act*.

ENACTED and PASSED this 7<sup>th</sup> day of March, 2018.

Approved as to  
form.  
2018/02/23  
Denis Squires

Approved as to  
content.  
2017/12/11  
Gary Linton

  
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Linda Jeffrey, Mayor

  
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Peter Fay, City Clerk