

Cemetery Operations – Transfer of Interment Rights

Procedure number: MS-CEM-001-003
Parent policy number: MS-CEM-001
Section: Municipal services
Sub-section: Cemetery services
Author(s): Parks and Open Space
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Authority: CAO
Effective date: 2008-07-07
Review by date: 2022
Last modified: 2017-05-01

Purpose statement

The Corporation of the Town of Oakville (Town), in its capacity as a cemetery operator, has a responsibility to provide products and services to meet new and existing legislated obligations for interment or scattering rights holders, including the opportunity to transfer already purchased interment or scattering rights.

Scope

This procedure applies to all transfers of interment or scattering rights within the Town of Oakville Cemeteries, including: Bronte, Merton, Munn's, Oakville/St. Mary's, Palermo, St. Jude's, Trafalgar Lawn and Wedgewood.

Procedure

The purpose of this procedure is to provide a framework for transfers with respect to interment or scattering rights.

Terms:

1. Where the interment or scattering rights holder(s) is alive, [the following is required](#):

- a. Written direction from each rights holder authorizing the transfer of the rights; and
 - b. The original Certificate of Interment or Scattering Rights (or indenture of deed where the interment rights were granted under previous legislation) or other proof of rights if original cannot be located.
2. Where the interment or scattering rights holder(s) is deceased, the following is required:
- a. The original Certificate of Interment or Scattering Rights (or indenture or deed where the interment rights were granted under previous legislation) or other proof of rights if original cannot be located;
 - b. Evidence satisfactory to the Director of Parks & Open Space, or designate, of the authority of the applicant to request the transfer of rights, which may include any or all of the following which may be applicable in the circumstances at the discretion of the Director, or designate:
 - i. Written direction from the personal representative of the interment or scattering rights holder(s);
 - ii. Where there is no personal representative, or the estate has been administered, the written consent of every heir at law of the interment or scattering rights holder(s);
 - iii. A copy of the will(s) of the deceased interment or scattering rights holder(s);
 - iv. A copy of the death certificate(s) of the interment or scattering rights holder(s) if the rights holder was not interred in a Town operated cemetery;
 - v. An affidavit confirming that the applicant is the personal representative of the interment or scattering rights holder(s);
 - vi. An affidavit setting out the next of kin of the interment or scattering rights holder(s) and the heirs at law of the rights holder;
 - vii. In the event that the rights to the applicant are not apparent from the documentation submitted, a legal opinion from a lawyer authorized to practice law in the Province of Ontario or any other applicable jurisdiction.
 - c. In determining the evidence required to be submitted prior to a transfer, the Director of Parks & Open Space, or designate, shall have regard to the urgency of any proposed interments, placements, enrichments or scatterings.

3. Where a transfer of interment or scattering rights is requested, the applicant must pay the transfer fee at the current tariff of rates and in accordance with the Cemetery Operations – Payment Procedure.

Purchasers of in-ground interment rights in respect of more than one in-ground lot shall be encouraged to deposit with the Town information regarding their personal representative, next of kin or heirs at law, however, such information shall be confirmed upon death of the interment rights holder(s).

Families shall be encouraged to transfer the rights of remaining lots upon the death of an interment or scattering rights holder.

References and related documents

Funeral, Burial and Cremation Services Act, 2002, and Regulations
The Cemeteries By-Law
MS-CEM-001 Cemetery Services Policy
MS-CEM-001-002 Cemetery Operations – Payment Procedure |

Definitions

Columbarium – an above ground structure designed for the purpose of placing cremated remains in a niche.

Lot –an area of land in a cemetery containing, or set aside to contain, 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.

Interment – the burial of human remains and includes the placing of human remains in a lot.

Interment Rights – the right to require or direct the interment of human remains in a lot.

Interment or Scattering Rights Holder – a person with rights with respect to a lot, niche or scattering right.

Niche – a compartment within the Columbarium used to contain cremated human remains.

Pre-Need Purchase – a purchase that has been made in advance of death.

Scattering Right – the right to require or direct the placement or scattering of human remains in the common burial ground designated in the Master Plan for the placement or scattering of cremated remains removed from a container.

Responsibilities

The Supervisor of Cemeteries & Environmental Services shall be responsible for the administration of and ensuring compliance with this procedure.]