



BOLINGBROKE CEMETERY BOARD AGENDA

Thursday, April 4th, 2024 - 2:00 p.m.
Municipal Office – Council Chambers – 217 Harper Road

Chair, Councillor Wayne Baker

1. CALL TO ORDER

2. AMENDMENTS/APPROVAL OF AGENDA

Suggested Motion:

“THAT, the agenda be adopted as presented.”

**3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST
AND GENERAL NATURE THEREOF**

4. APPROVAL OF MINUTES

- i) **Minutes – December 7th, 2023 – *attached, page 6.***

Suggested Recommendation:

***“THAT, the minutes of the Bolingbroke Cemetery Board Meeting held on
December 7th, 2023 be approved as circulated.”***

5. BUSINESS

- i) **Bolingbroke Cemetery By-Law – Status Update.**

- BAO Filing Letter – *attached, page 13.*
- BAO Approved By-Law – *attached, page 14.*

- ii) **Onsite Compliance Update.**

- Maintenance Tasks
 - two rocks to be removed in the Spring

- Fixing Monuments
 - at the last meeting the Board decided to investigate pricing so that they would know the approximate cost if and when they decided to fix some of the ones that are leaning before they are too far gone. D. Kilpatrick and D. Boyd were to obtain quotes for pre-maintenance to bring back to the next meeting.

- Signage
 - at the last meeting the Board decided that it would like formal signage and for it to only include what is required by legislation – *draft attached, page 30.*
 - the Board also indicated that it would like a second sign that advertises the annual memorial service but also lets people know that donations are always welcome, and volunteers are always welcome – *draft attached, page 31.*

iii) **Fencing Update.**

Page Wire Fence around the Remainder of the Cemetery

A quote to repair the fence along the northeast and southeast boundary of Bolingbroke Cemetery was relayed to the Board last Fall for installation this Spring (approximate date April 8th):

1. Replace 25 posts @\$125 per post =	\$3125.00
2. Rewire existing page wire fence =	\$500.00
Subtotal	\$3625.00
10% Contingency	\$362.50
Total	\$3987.50 + HST

Green Fencing along Bolingbroke Station Road

Public Works staff to fix. Work was completed on March 26th.

iv) **General Account versus Care and Maintenance Fund Account.**

General Account:

Opening balance January 1, 2023	\$92,244.19
Revenues:	
Interest	\$4,187.89
Donations	\$1,146.00
Gate Fees	\$1,050.00
Disinterment	\$ 450.00
Plot Sales	\$1,800.00
Total Revenues	\$8,583.89

Expenses:		
Lawn Maintenance	\$2,706.82	
Office Supplies/Etc	\$236.91	
Signs	\$891.42	
Advertising	\$ 254.40	
Mileage	\$ 364.16	
Thank-You Gift	\$ 200.00	
Total Expenses		(\$4,653.71)

Ending Balance – December 31, 2023 **\$96,174.37**

Care & Maintenance

Opening – January 1, 2023 \$ 400.00

Portion of Plot sales to C&M \$1,470.00

Ending Balance – December 31, 2023 **\$1,870.00**

v) **Continuing to Operate the Cemetery – Options if there are no Volunteers.**

D. Kilpatrick was to reach out to the potential volunteer to confirm if they will be becoming a Board Member and providing back-up to D. Kilpatrick prior to reaching out to anyone else.

The Township also advertised on its website and social media that the Board is looking for volunteers – <https://www.tayvalleytwp.ca/en/news/bolingbroke-cemetery-board-call-for-volunteers.aspx>

vi) **Expansion of Cemetery.**

[capacity to run the cemetery, survey, fencing, lot addition, new entrance and repair pillars, 1 new double gate, trees (donated)]

D. Boyd was to meet with D. Kilpatrick to obtain any information and work that has been done to date (ex. severance application drafted). He was to then reach out to meet with the property owner to see if he is still interested in the gifting of the land for the expansion.

Staff were to look up the process on the legislation side and get information with regards to how it will all work since a trust owns the current property.

Relevant sections of the legislation have been pulled – *attached, page 32.*

vii) **Payment of Time on Files.**

The Board felt that D. Kilpatrick should be compensated for her time. Currently she is being reimbursed mileage, which is new this year. Staff were to poll other small volunteer run cemeteries to see if they are reimbursing the main contact and if so, how are they doing it, hourly or a per diem.

viii) **Memorial Service.**

6. NEW/OTHER BUSINESS

None.

7. NEXT MEETING DATE AND PROPOSED AGENDA ITEMS

Next Meeting: To be determined.

Proposed Agenda Items: To be determined.

8. DEFERRED ITEMS

**The following items will be discussed at the next and/or future meeting:*

· None.

9. ADJOURNMENT

MINUTES

BOLINGBROKE CEMETERY BOARD MINUTES

Thursday December 7th, 2023

2:00 p.m.

Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario

Council Chambers

ATTENDANCE:

Members Present: Chair, Councillor Wayne Baker
Doug Boyd
Darla Kilpatrick
Ron Fournier

Staff Present: Amanda Mabo, Chief Administrative Officer/Clerk

Members/Staff Absent: Betty Anne Gillespie

1. CALL TO ORDER

The meeting was called to order at 2:01 p.m.
A quorum was present.

2. AMENDMENTS/APPROVAL OF THE AGENDA

i) Addition under New/Other Business: Payment of Time on Files.

The agenda was approved as amended.

3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

None at this time.

4. APPROVAL OF MINUTES

i) **Minutes – August 24th, 2023**

The minutes of the Bolingbroke Cemetery Board Meeting held on August 24th, 2023 were approved as circulated.

5. BUSINESS

i) **Bolingbroke Cemetery By-Law – Status Update.**

The Bereavement Authority of Ontario (BAO) has provided comments on the by-law. They suggest that for item 2.2.9 the Township may wish to update this and make an exemption for working pets. It was assumed because of accessibility legislation but staff will make the update, so it is clear and resubmit to the BAO for final approval.

ii) **Onsite Compliance Update.**

As scheduled, Doug and the CAO/Clerk conducted a site visit of the Bolingbroke Cemetery grounds on Thursday, October 5th.

- **Maintenance Tasks**

A few maintenance tasks needed to be completed. Photos and comments were sent in an email on October 13th - *attached, page 8*.

When the grounds were cleaned up before the winter closure the volunteers had the maintenance contractor fix all of the maintenance tasks listed in the October 13th email, save and except the two rocks sticking out of the ground. They will need to be removed in the Spring. It was also confirmed that the holes in the ground on a metal cover is a drain. The contractor also cleared the sod off of the drain.

- **Fixing Monuments**

Each monument that looked to be leaning was inspected. Each has a solid footing and at present will not topple over unless there is a major shift in the ground underneath. There is no obligation for the Board to fix monuments. There is an obligation to lay them down if they present a health and safety hazard. It is up to the rights holder to maintain. If the Board chose to proceed, they could use funds in the Care and Maintenance Fund to cover the costs.

The Board decided to investigate pricing anyways so that they would know the approximate cost if and when they decided to fix some of the ones that are leaning before they are too far gone. D. Kilpatrick and D. Boyd will obtain quotes for pre-maintenance to bring back to the next meeting.

- **Signage**

In accordance with the compliance checklist, signage will need to be installed that has the Operator's Name and Operator's Business/Trade name, if different from the operator's name. So, The Corporation of Tay Valley Township and Tay Valley Township and a notice stating that the price

list is available upon request and without charge, clearly displayed near the main entrance.

The Board would like formal signage and for it to only include what is required by legislation.

The Board would also like a second sign that advertises the annual memorial service but also lets people know that donations are always welcome, and volunteers are always welcome.

Staff will draft wording for the Board to consider.

iii) **Fencing Update.**

Green Fencing along Bolingbroke Station Road

The fence is still in good condition and just needs to be reattached in certain sections as it has come away from the top rail. The Public Works Manager will arrange to have staff attend to this early next Spring once the snow is gone. Their time will be charged to the Cemetery but should be minimal.

Page Wire Fence around the Remainder of the Cemetery – attached, page 11.

The fence is in good shape but there are a number of fence posts that are rotten and need to be replaced. This job will need to be outsourced and the Public Works Manager will provide an estimate. At present it is suggested to leave the section of fence between the expansion area and the cemetery alone since that section of the fence may be removed with the expansion.

The Board would like a quote to do just the highlighted section but also a quote to do all the fencing (minus the section along the expansion).

iv) **General Account versus Care and Maintenance Fund Account.**

General Account:

Opening balance January 1, 2023		\$92,244.19
Revenues:		
Interest	\$3,237.79	
Donations	\$1,146.00	
Gate Fees	\$1,050.00	
Disinterment	\$ 450.00	
Plot Sales	\$1,800.00	
Total Revenues		\$ 7,683.79

Expenses:	
Lawn Maintenance	\$2,803.48
Office Supplies	\$ 75.32
Signs	\$ 891.42
Advertising	\$ 254.40
Postage (total to be determined at year end)	
Total Expenses	(\$4,024.62)
Ending Balance – December 4, 2023	\$95,903.36

<u>Care & Maintenance</u>	
Opening – January 1, 2023	\$ 400.00
Portion of Plot sales to C&M	\$1,470.00
Ending Balance – December 4, 2023	\$1,870.00

v) **Continuing to Operate the Cemetery – Options if there are no Volunteers.**

D. Kilpatrick will reach out to the potential volunteer to confirm if they will be becoming a Board Member and providing back-up to D. Kilpatrick prior to reaching out to anyone else.

The Township will advertise on its website and social media that the Board is looking for volunteers in the meantime.

vi) **Expansion of Cemetery – On Hold until Continuity Plan in Place.**

The Board wanted to begin discussions on the expansion even though a back-up has not yet been found for D. Kilpatrick as there is a lot of preliminary work to be completed.

D. Boyd will meet with D. Kilpatrick to obtain any information and work that has been done to date (ex. severance application drafted). He will then reach out to meet with the property owner to see if he is still interested in the gifting of the land for the expansion.

Staff will look up the process on the legislation side and get information with regards to how it will all work since a trust owns the current property.

vii) **Price List Update.**

RESOLUTION #BCB-2023-07

MOVED BY: Doug Boyd
SECONDED BY: Darla Kilpatrick

“**THAT**, the 2024 Price List for the Bolingbroke Cemetery be approved.”

ADOPTED

viii) **Cemetery Administrating Training Debrief.**

Board Members learned a number of things from the training and would be interested in future training.

6. NEW/OTHER BUSINESS

i) **Payment of Time on Files.**

The Board felt that D. Kilpatrick should be compensated for her time. Currently she is being reimbursed mileage, which is new this year.

Staff will poll other small volunteer run cemeteries to see if they are reimbursing the main contact and if so, how are they doing it, hourly or a per diem.

ii) **Thank You to Previous Volunteers**

The Board wished to show their appreciation for long time volunteers Garnet and Janet Gray.

RESOLUTION #BCB-2023-08

MOVED BY: Doug Boyd

SECONDED BY: Darla Kilpatrick

“**THAT,** a gift certificate in the amount of \$200 be obtained from the River House Vinyard and Winery in Tay Valley Township and presented to Garnet and Janet Gray as a thank you for all of their years of dedicated service to the Bolingbroke Cemetery.”

ADOPTED

7. NEXT MEETING DATE AND PROPOSED AGENDA ITEMS

Next Meeting: April 4th, 2024 at 2:00 p.m.

Proposed Agenda Items: Maintenance Tasks – Two rocks to be removed in Spring.
Fixing Monuments – Review Quotes
Expansion of Cemetery
Payment of Time on Files
Memorial Service

8. DEFERRED ITEMS

**The following items will be discussed at the next and/or future meeting:*

· None.

9. ADJOURNMENT

The meeting was adjourned at 3:23 p.m.

BUSINESS

January 4, 2024

Licence #3281089
Site # CM-01929

Tay Valley Township
ATTN: Amanda Mabo, CAO/Clerk,
217 Harper Rd.,
Perth, ON K7H 3C6

Re: Bolingbrooke Cemetery By-laws

Dear Amanda Mabo,

Thank you for submitting the documents below, which were received by the Bereavement Authority of Ontario for filing and approval of the Registrar on October 3, 2023.

- Electronic copy of your cemetery by-laws;
- Newspaper notification;
- Photo of notification at cemetery entrance; and
- Monument Dealer notification.

These by-laws are deemed approved and filed effective: January 4, 2024. A stamped copy is included.

For any future correspondence, please provide on the cover letter your cemetery operator's licence number and site number.

Please feel free to contact me should you have any questions.

Sincerely,



Ray Porrill (He | Him)
Licensing Officer
Bereavement Authority of Ontario
Phone: 647-933-6463
Email: Ray.Porrill@thebao.ca

Included: Approved Cemetery By-laws.

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2023-035

BOLINGBROKE CEMETERY BY-LAW

WHEREAS, under the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c. 33, as amended, a Cemetery Operator shall ensure that the cemetery is operated in accordance with the *Funeral, Burial and Cremation Services Act, 2002* and the regulations;

AND WHEREAS, the Corporation of Tay Valley Township is both the Licensee and the Operator for the Bolingbroke Cemetery;

AND WHEREAS, the Bolingbroke Cemetery Board was established by By-Law. No. 2021-037, to oversee the administration, operation, care and maintenance of the Bolingbroke Cemetery;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township enacts as follows:

1. DEFINITIONS

- 1.1 **“Act”** – shall mean the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c. 33, as amended.
- 1.2 **“Burial (Interment)”** - shall mean the opening of a Lot and then the placing of the dead human remains or cremated human remains in that Lot, followed by closing the Lot.
- 1.3 **“By-Laws”** – shall mean the rules and regulations under which the Cemetery operates.
- 1.4 **“Care and Maintenance Fund”** – shall mean the fund where a prescribed amount or a percentage of the purchase price (excluding tax) of all Interment and Scattering Rights sold, transferred, assigned or permitted, and prescribed amounts for Markers, is contributed, or if no Scattering Rights are sold but scattering is permitted the prescribed amount when the scattering is conducted.
- 1.5 **“Cemetery”** – shall mean the Bolingbroke Cemetery.
- 1.6 **“Cemetery Board”** – shall mean the Bolingbroke Cemetery Board as established by By-Law No. 2021-037 of the Corporation of Tay Valley Township.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-035**

- 1.7 “Cemetery Operator (and Cemetery Owner)”** – shall mean the Corporation of Tay Valley Township.
- 1.8 “Disinterment”** - shall mean the opening of a Lot, the removal of human remains, or cremated human remains from that Lot, followed by closing the Lot.
- 1.9 “Disinterment Right”** – shall mean the right to require or direct the disinterment of human remains, or cremated human remains, from a Grave or Lot and to authorize the removal of a monument or marker.
- 1.10 “Disinterment Rights Certificate”** – shall mean the document issued by the Cemetery Operator to the Disinterment Rights Holder once the Disinterment Rights to a specific Lot have been paid in full, identifying ownership and authority over those specific Disinterment Rights.
- 1.11 “Disinterment Rights Holder”** – shall mean the person(s) authorized or entitled to disinter human remains in a specified Lot. They may be the person named in the Interment Rights Certificate or such other person to whom the rights have been assigned.
- 1.12 “Grave” (also known as a Lot)** – shall mean one inground burial space intended for the interment of a child, adult or cremated human remains.
- 1.13 “Interment”** - shall mean the opening of a Lot and then the placement of human remains, or cremated human remains in that Lot, followed by closing the Lot.
- 1.14 “Interment Right”** – shall mean the right to require or direct the interment of human remains or cremated human remains in a Grave or Lot and to authorize the installation of a monument or marker.
- 1.15 “Interment Rights Certificate”** – shall mean document issued by the Cemetery Operator to the purchaser once the Interment Rights to a specific Lot have been paid in full, identifying ownership and authority over those specific Interment Rights.
- 1.16 “Interment Rights Holder”** – shall mean the person(s) authorized or entitled to inter human remains in a specified Lot. They may be the person named in the Interment Rights Certificate or such other person to whom the rights have been assigned.
- 1.17 “Lot”** – shall mean a single Grave space.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-035**

- 1.18 “Marker”** – shall mean any permanent memorial structure – monument, plaque, headstone, cornerstone or other structure or ornament affixed or intended to be affixed to a burial Lot or other structure or place intended for the deposit of human remains and may be used to indicate the location of a burial.
- 1.19 “Pleasure ORV”** – shall mean a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel, (a) on not more than three wheels, or (b) on more than three wheels and being of a prescribed class of vehicle, and not used for the operation of the Cemetery.
- 1.20 “Plot”** – shall mean two or more Lots in respect of which the rights to inter have been sold as a unit.
- 1.21 “Registrar”** – means the registrar appointed under the Act.
- 1.22 “Treasurer”** – shall mean the Treasurer or designate duly appointed by the Municipality as prescribed in Section 286 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-035**

2. GENERAL INFORMATION

2.1 Hours of Operation

2.1.1 Visitation Hours: Daylight hours.

2.1.2 Burial Hours: Daylight Hours.
No burials shall take place from November 1 to April 30

2.1.3 Office Hours: To view cemetery records.

Tay Valley Township
Municipal Office
217 Harper Road, Perth, Ontario
613-267-5353 ext. 110
www.tayvalleytwp.ca

2.1.4 After Hours: Person in Charge of Day-to-Day Operations
Darla Kilpatrick
613-273-5441

2.2 General Conduct

2.2.1 The Cemetery Operator reserves full control over the Cemetery operations and management of land within the Cemetery grounds.

2.2.2 The Cemetery Board shall oversee the administration, operation, care and maintenance of the Cemetery.

2.2.3 No person shall damage, destroy, remove or deface any property within the Cemetery.

2.2.4 All visitors shall conduct themselves in a quiet manner that shall not disturb any service being held.

2.2.5 Vehicles within the Cemetery shall be driven with due decorum at a moderate rate of speed and shall not leave the roadways.

2.2.6 Owners of vehicles shall be responsible for any damages done by them or their drivers.

2.2.7 No Pleasure ORV's or snowmobiles are allowed in the Cemetery.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-035**

2.1.8 Pets or other animals, including cremated animal remains, are not allowed to be buried on Cemetery grounds.

2.1.9 Dogs or other domestic pets are not permitted in the Cemetery, with the exception of Service Animals as outlined in the Municipality's Accessibility Policy.

2.1.10 Children under the age of 12 years are not permitted on the grounds of the Cemetery except under the charge of an adult who shall be responsible for their appropriate behaviour.

2.3 Liability

2.3.1 The Cemetery Operator or Cemetery Board will not be held liable for any loss or damage, without limitation (including damage by the elements, Acts of God, or vandals) to, any Lot, Plot, Marker, or other article that has been placed in relation to an Interment Right, save and except for direct loss or damage caused by gross negligence of the Cemetery Operator or Cemetery Board.

2.4 Public Register

2.4.1 Section 110 of *Ontario Regulation 30/11 – General*, as amended, requires all cemeteries and crematoriums to maintain a public register that is available to the public during regular office hours.

2.5 Right to Re-Survey

2.5.1 The Cemetery Operator has the right at any time to re-survey, enlarge, diminish, re-plot, change or remove plantings, grade, close pathways or roads, alter in shape or size, or otherwise change all or any part of the Cemetery, subject to approval of the appropriate authorities.

3. DONATIONS

3.1 Donations

3.1.1 Donations to the Cemetery are welcomed and will be used to support the operations and maintenance of the Cemetery.

3.1.2 All donations to the Cemetery over \$25.00 will receive an official receipt.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-035**

3.2 Bequest

3.2.1 A bequest made through a will is a simple and impactful way of giving to the Cemetery.

3.3 Memorial Services

3.3.1 An annual memorial service will be held to raise funds to support the operations and maintenance of the Cemetery.

4. SALE AND PURCHASE OF INTERMENT AND DISINTERMENT RIGHTS

4.1 Rights of Interment Rights Holders

4.1.1 The purchase of Interment Rights is not a purchase of real estate or real property.

4.2 Fees for Interment and Disinterment Rights

4.2.1 Interment and Disinterment Rights may be purchased at the rates on file at the Municipal Office.

4.2.2 The prices for Interment Rights include the applicable portion for deposit to the Care and Maintenance Fund.

4.2.3 Contributions to the Care and Maintenance Fund are not refundable except when Interment Rights are cancelled within the 30-Day Cooling-Off Period.

4.3 Payments

4.3.1 Payments for Interment and Disinterment Rights shall be made to a member of the Cemetery Board.

4.3.2 Lots and Plots must be paid in full at the time of purchase.

4.3.3 No burial, disinterment, installation or removal of any Marker, or memorialization is permitted until the Interment Rights or Disinterment Rights have been paid in full.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-035**

4.4 Documentation Provided to Purchaser

4.4.1 The purchaser, prior to entering in a contract for Interment Rights or Disinterment Rights will be provided with the following documents:

- a copy of the Cemetery's current By-Laws;
- a copy of the Cemetery's current price list;
- a copy of the contract for Interment Rights or Disinterment Rights detailing the obligations of both parties; and
- a copy of the Consumer's Information Guide.

4.5 Cancellation of Interment Rights or Disinterment Rights within 30 Days of Purchase

4.5.1 A purchaser has the right to cancel an Interment Rights or Disinterment Rights contract within thirty (30) days of signing the Interment Rights or Disinterment Rights contract, by providing written notice of the cancellation to a member of the Cemetery Board.

4.5.2 The Cemetery Operator will refund all monies paid by the purchaser within thirty (30) days from the date of the request for cancellation.

4.6 Cancellation of Interment Rights or Disinterment Rights after the 30-Days Following Purchase

4.6.1 Upon receiving written notice from the purchaser of the Interment Rights or Disinterment Rights, the Cemetery Operator will cancel the contract and issue a refund to the purchaser for the amount paid for the Interment Rights less the appropriate amount that is required to be deposited into the Care and Maintenance Fund or issue a refund to the purchaser for the amount paid for the Disinterment.

4.6.2 This refund will be made within thirty (30) days of receiving said notice.

4.6.3 If the Interment Rights Certificate has been issued to the Interment Rights Holder(s) or Disinterment Rights Holder(s), the certificate must be returned to a member of the Cemetery Board along with the written notice of cancellation.

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

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-035**

4.7 Repurchase of Interment Rights by Cemetery Operator

- 4.7.1 The resale of Interment Rights to a third party is prohibited.
- 4.7.2 The repurchase of unused Interment Rights in a Plot is not permitted if one of the Interment Rights in the Plot has been exercised.
- 4.7.3 An Interment Rights Holder may require, in writing, the Cemetery Board to repurchase the rights at any time before they are used.
- 4.7.4 Should a written request be made to repurchase the Interment Rights, the repurchase price of the Interment Rights shall be at the current price list amount less any Care and Maintenance Fund contribution amount previously made.
- 4.7.5 The Interment Rights Holder requesting the repurchase of the rights must return the Interment Rights Certificate to a member of the Cemetery Board and the rights holder(s) must endorse the Interment Rights Certificate, transferring all rights, title and interest back to the Cemetery Board.
- 4.7.6 The appropriate paperwork must be completed before the Cemetery Operator reimburses the rights holder(s).
- 4.7.7 The repurchase and payment to the rights holder will be made within thirty (30) days of receiving said request.
- 4.7.8 Notwithstanding 4.7.2 above, if the repurchase of Interment Rights become available as a result of a Disinterment, the repurchase of Interment Rights in a Plot is only permitted if the rest of the Interment Rights in the Plot have not been exercised.
- 4.7.9 Should the repurchase of Interment Rights occur under 4.7.8 above, the repurchase price shall be waived. The Interment Rights holder is not entitled to any repurchase price.

4.8 Abandoned Interment Rights

- 4.8.1 If any Interment Rights have not been used after a twenty (20) year period has passed, they may be considered abandoned.
- 4.8.2 The Cemetery Operator may apply to the registrar for a declaration that the rights are abandoned as outlined in Section 49 of the Act.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-035**

4.9 Abandoned Disinterment Rights

4.9.1 If any Disinterment Rights have not been used after a sixty (60) day period has passed, they may be considered abandoned.

5. CONFIRMATION OF INTERMENT AND DISINTERMENT RIGHTS

5.1 Interment Rights Holders or Disinterment Rights Holders may confirm burial locations for themselves or their family members in specific Lots or Plots.

5.2 All confirmations are to be completed through a member of the Cemetery Board.

5.3 Interment Rights Holders, or their authorized representatives, may purchase Disinterment Rights.

5.4 Before confirmation can be made, the following documentation must be provided to a member of the Cemetery Board:

- a current Interment Rights Certificate;
- a written request for the confirmation of the Interment Rights, which includes the names and addresses of the current rights holder(s), and the exact location of the Interment Rights;
- legal proof of identity (e.g. passport, driver's license);
- written permission from all persons having inherited Interment Rights; and
- any other documentation in the Interment Rights Holder(s) possession relating to the rights.

5.5 Where there is a question of inheritance of Interment Rights, or where there are multiple family members with equal claim to Interment Rights, reservations cannot be made without written consent of all parties with claim to the Interment Rights.

6. INTERMENTS AND DISINTERMENTS

6.1 Authorization

6.1.1 Interment Rights Holder(s) or Disinterment Rights Holder(s) must contact the person in charge of day-to-day operations prior to a burial or disinterment taking place.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-035**

- 6.1.2 Should the Interment Rights Holder be deceased, authorization must be provided in writing by the person authorized to act on behalf of the Interment Rights Holder in keeping with the *Succession Law Reform Act* (i.e. Personal Representative, Estate Trustee, Executor or next of kin).
- 6.1.3 A burial permit issued by the Registrar General or equivalent document showing that the death has been registered with the province must be provided to a member of the Cemetery Board prior to a burial taking place.
- 6.1.4 A certificate of cremation must be submitted to a member of the Cemetery Board prior to the burial of cremated remains taking place.
- 6.1.5 In accordance with the Act, the purchaser of Interment Rights or Disinterment Rights must enter into a Cemetery contract, providing such information as may be required by the Cemetery Board for the completion of the contract and the public register prior to each burial or disinterment of human remains.

6.2 Documentation Provided to Purchaser

- 6.2.1 The purchaser, after entering in a contract for Interment Rights or Disinterment Rights will be provided with the following documents:
 - an Interment Rights Certificate or Disinterment Rights Certificate; and
 - a copy of the signed contract for Interment Rights or Disinterment Rights detailing the obligations of both parties.

6.3 Payment

- 6.3.1 Persons requesting Interments in Lots or Plots or Disinterments shall be held responsible for any charges incurred.
- 6.3.2 Payment must be made to the Cemetery Board before a Burial can take place unless payment has already been made to the funeral home.
- 6.3.3. Payment must be made to the Cemetery Board before a Disinterment can take place.

6.4 Opening and Closing Graves

- 6.4.1 The family of the deceased or the funeral home shall arrange the opening and closing of graves.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-035**

6.5 General Provisions

- 6.5.1 Human remains to be buried in a grave must be enclosed in a container, sealed securely and of sufficient strength to permit burial with the container remaining intact.
- 6.5.2 Not more than one (1) burial of human remains, or two (2) burials of cremated human remains may be made in any single Lot.
- 6.5.3 A member of the Cemetery Board shall be given a minimum of forty-eight (48) hours notice for each burial.

7. DISINTERMENTS

- 7.1 Human remains may be disinterred from a Lot provided that the written consent (authorization) of the Interment Rights Holder has been received by the Cemetery Board and the prior notification of the medical officer of health.
- 7.2 A certificate from the local medical officer of health must be received at the Municipal Office before the removal of casketed human remains from the Cemetery may take place.
- 7.3 A certificate from the local medical officer of health is not required for the disinterment of cremated remains from a Lot.
- 7.4 In special circumstances the removal of human remains may also be ordered by certain public officials without the consent of the Interment Rights Holder and/or next of kin(s).
- 7.5 The Cemetery Operator or Cemetery Board is not responsible for any damage to caskets, urns or other containers sustained during disinterment.

8. MEMORIALIZATION

- 8.1 No Marker shall be erected or permitted on a Lot until all charges have been paid in full and/or a permit is obtained from a member of the Cemetery Board.
- 8.2 No Marker of any description shall be placed, moved, altered, or removed without permission from a member of the Cemetery Board.
- 8.3 Within thirty (30) days of the purchase of a Plot, it is the responsibility of the Interment Rights Holder to supply four (4) cornerstones (Plot Markers) to be installed by a member of the Cemetery Board.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-035**

- 8.4** Minor scraping of the monument base of an upright monument due to grass/lawn maintenance is considered normal wear and tear.
- 8.5** The Cemetery Board will take reasonable precautions to protect the property of Interment Rights Holders, but it assumes no liability for the loss of, or damage to any Marker, or part thereof.
- 8.6** Markers are owned by the Interment Rights Holder and the Cemetery Board or Cemetery Operator is not responsible for their loss or deterioration. These memorials should be protected by the Interment Rights Holder's own insurance coverage.
- 8.7** The Cemetery Board reserves the right to determine the maximum size of Markers, their number and their location on each Lot or Plot. They must not be of a size that would interfere with any future interments.
- 8.8** All foundations for Markers shall be built by the monument company at the expense of the Interment Rights Holder.
- 8.9** Should any Marker present a risk to public safety because it has become unstable, the Cemetery Board shall do whatever it deems necessary by way of repairing, resetting, or laying down the Marker or any other remedy to remove the risk.
- 8.10** The Cemetery Board reserves the right to remove at its sole discretion any Marker or inscription which is not in keeping with the dignity and decorum of the Cemetery as determined by the Cemetery Board.
- 8.11** A Marker shall be erected only after the specific design plans have been approved by a member of the Cemetery Board including: dimensions, material of structure, construction details, and proposed location.
- 8.12** The minimum thickness for flat Markers including footstones is 4 inches or 10 cm.
- 8.13** No monument shall be delivered to the Cemetery for installation until the monument foundation has been completed, and the Interment Rights Holder(s) and/or retailer have been notified by a member of the Cemetery Board.
- 8.14** The placement of a Marker shall not interfere with future interments.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-035**

8.15 The following are the Lot sizes:

Single Lot: 4' 6" x 11' long

Double Lot: 9' x 11' long

8.16 One (1) Casket or two (2) urns may be placed in each Lot.

9. CARE AND PLANTING

9.1 A portion of the price of Interment Rights is trusted into the Care and Maintenance Fund. The interest income generated from this fund is used to maintain, secure and preserve the Cemetery grounds and Markers. Services that can be provided through this fund include:

- re-levelling and sodding or seeding of Lots or scattering grounds;
- maintenance of Cemetery roads, sewers and water systems;
- maintenance of perimeter walls and fences;
- maintenance of Cemetery landscaping; and
- repairs and general upkeep of Cemetery maintenance buildings and equipment.

9.2 No person other than a member of the Cemetery Board shall remove any sod or in any other way change the surface of the burial Lot in the Cemetery.

9.3 No person shall plant trees, flower beds or shrubs in the Cemetery except with the approval of a member of the Cemetery Board.

9.4 If any trees or shrubs in any Lot have become by means of their roots or branches or in any other way, detrimental to the adjacent Lots, drains, roads or walks, or prejudicial to the general appearance of the grounds or inconvenient to the public, the Cemetery Board may remove such trees, shrubs, or parts thereof after 30 days notice to the Internment or Scattering Rights Holder.

9.5 Flowers placed on a grave for a funeral shall be removed by a member of the Cemetery Board after a reasonable time to protect the sod and maintain the tidy appearance of the Cemetery.

9.6 Permission is not required before removing flowers, plants, ribbons or other articles from the Rights Holder's graves or Lots.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-035**

10. ITEMS THAT ARE PROHIBITED AND PERMITTED

- 10.1** The Cemetery reserves the right to regulate the articles placed on Lots or Plots that pose a threat to the safety of all Interment and Scattering Rights Holders, visitors to the Cemetery and Cemetery volunteers, prevents the Cemetery from performing general cemetery operations, or are not in keeping with the respect and dignity of the Cemetery.
- 10.2** Prohibited articles will be removed and disposed of without notification.
- 10.3** The following articles are **prohibited** from being placed on Lots within the Cemetery: articles made of hazardous materials such as non-heat resistant glass (excludes glass attached to monuments), or corrosive metals; loose stones or sharp objects; trellises or arches; chairs or benches, except those used as markers.
- 10.4** The Cemetery reserves the right to disallow or remove quantities of memorial wreaths or flowers considered to be excessive and that diminishes the otherwise tidy appearance of the Cemetery.
- 10.5** The Cemetery shall not be responsible for loss or damage to any articles left upon any Lot or Pot.

11. RULES FOR CONTRACTOR/MONUMENT DEALER AND WORKERS

- 11.1** All Cemetery By-Laws apply to all contractors and all work carried out by contractors within the Cemetery grounds.
- 11.2** Any contracted work to be performed within the Cemetery requires the pre-approval of a member of the Cemetery Board before the work may begin.
- 11.3** Pre-approval includes but is not limited to: landscaping, delivery of Markers, inscriptions, designs, drawings, plans and detailed specifications relating to the work, proof of all applicable government approvals and permits, and the location of the work to be performed.
- 11.4** It is the responsibility of all contractors to report to a member of the Cemetery Board and provide the necessary approvals before commencing work at any location on the Cemetery property.
- 11.5** Prior to the start of any said work, contractors shall have WSIB coverage for their workers, be compliant with the Occupational Health and Safety Act and Accessibility for Ontarians with Disabilities Act, as well as have sufficient liability insurance.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-035**

- 11.6** Contractors shall temporarily cease all operations if they are working within 100 metres of a funeral until the conclusion of the service.
- 11.7** The Cemetery reserves the right to temporarily cease contractor operations at their sole discretion if the noise of the work being performed by the contractor is deemed to be a disturbance to any funeral or public gathering within the Cemetery.
- 11.8** No Marker shall be delivered to the Cemetery until the foundation is completed and the contractor is ready to proceed with the work of installation.
- 11.9** Contractors, monument dealers and suppliers shall lay wooden planks on the burial Lots and paths over which heavy materials are to be moved to protect the surface from damage.
- 11.10** No Marker shall be removed without the written permission of the Cemetery Operator.
- 11.11** All rubbish shall be removed by the contractor from the Cemetery, otherwise the obstructions will be removed, and the expenses charged to the contractor.

12. FINANCIALS

- 12.1** All monies for the Cemetery shall be submitted to the Cemetery Operator.
- 12.2** The Treasurer shall keep full and accurate books of account in which receipts and disbursements of the Cemetery shall be recorded, and under the direction of the Cemetery Board, shall deposit all monies with respect to the operation of the Cemetery in a special bank account, designated for that purpose, and to the Care and Maintenance Fund, and shall render to the Cemetery Board at their meetings, or whenever required, an account of all transactions and of the financial position of the Cemetery.

13. CARE AND MAINTENANCE FUND

- 13.1** The deposit to the Care and Maintenance Fund shall be as specified in the Act.
- 13.2** Interest earned from this fund shall be used to provide care and maintenance of Lots, Plots, and Markers at the Cemetery.

14. AMENDMENT OF BY-LAW

- 14.1** No amendment or repeal of this by-law or any part thereof shall be considered at any Meeting of Council unless:

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-035**

14.1.1 Notice of intention of proposed amendment or repeal has been published once in a newspaper with general circulation in the locality in which the Cemetery is located;

14.1.2 Conspicuously posted on a sign at the entrance of the Cemetery; and

14.1.3 Delivered to each supplier of Markers who has delivered a Marker to the Cemetery during the previous year if the by-law or by-law amendment pertains to Markers or their installation.

14.2 All by-laws and by-law amendments are subject to the approval of the Bereavement Authority of Ontario and the Registrar.

15. ULTRA VIRES

15.1 Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

16. BY-LAWS REPEALED

16.1 All by-laws or parts thereof and resolutions passed prior to this by-law which are in contravention of any terms of this by-law are hereby rescinded.

17. EFFECTIVE DATE

17.1 **THAT**, this by-law shall come into force and effect upon approval of the Registrar.

17.2 ENACTED AND PASSED this 24th day of August, 2023.

Robert Rainer, Reeve

Amanda Mabo, Clerk



BOLINGBROKE CEMETERY

License #: 3281089

Hours of Operation

Visitation Hours: Daylight hours.

Burial Hours: Daylight Hours.
No burials shall take place from November 1 to April 30

Office Hours: To view cemetery records.

Tay Valley Township
Municipal Office
217 Harper Road, Perth, Ontario
613-267-5353 ext. 110
www.tayvalleytwp.ca

After Hours: Person in Charge of Day-to-Day Operations
Darla Kilpatrick, 613-273-5441

Price List and Additional Information

The price list and additional information is available upon request and without charge in person or online by contacting the Township.

**BOLINGBROKE
CEMETERY
MEMORIAL
SERVICE
(SECOND SUNDAY IN JULY)**

**DONATIONS ARE WELCOME AND
GREATLY APPRECIATED.
ADDITIONALLY, WE ARE IN
NEED OF VOLUNTEERS TO
SUPPORT THE CEMETERY.**

**IF YOU'RE INTERESTED IN
CONTRIBUTING YOUR TIME OR
RESOURCES, PLEASE CONTACT
DARLA KILPATRICK AT
613-273-5441**



Tay Valley Township

Funeral, Burial and Cremation Services Act, 2002

S.O. 2002, CHAPTER 33

PART XI SPECIAL PROVISIONS RE: CEMETERIES, CREMATORIUMS AND BURIAL SITES

ESTABLISHMENT OF CEMETERY OR CREMATORIUM

Conditions to establishment, etc.

83 (1) If this Act or the regulations require the registrar's consent for establishing, altering or increasing the capacity of a cemetery, no person shall do so without obtaining the registrar's consent and,

- (a) the approval of the local municipality, if the cemetery is situated in a local municipality or if it is proposed to establish the cemetery in the local municipality or to enlarge the cemetery to include land of a local municipality within the cemetery; or

Obtaining registrar's consent

(2) A person who requires the registrar's consent for establishing, altering or increasing the capacity of a cemetery shall not request the consent until after having obtained the approval of the local municipality or the Minister of Natural Resources, as the case may be. 2006, c. 34, Sched. D, s. 56.

Encumbrances on cemetery land

83.1 (1) No encumbrance on land of a cemetery is enforceable unless,

- (a) it is given as security for money borrowed for,
 - (i) the purpose of improving the facilities provided on the land,
 - (ii) the purpose of acquiring the land, or
 - (iii) a purpose that the registrar approves and that relates to the operation of the cemetery; and
- (b) the encumbrance contains an affidavit made by the encumbrancer stating that it complies with clause (a). 2006, c. 34, Sched. D, s. 56.

Dealing by encumbrancer

(2) No encumbrancer claiming an interest in land of a cemetery may deal with the land except in accordance with this Act. 2006, c. 34, Sched. D, s. 56.

Municipal approval

84 (1) A local municipality that receives a request for an approval to establish, alter or increase the capacity of a cemetery in the municipality shall grant the approval if, in the municipality's opinion, it is in the public interest. 2006, c. 34, Sched. D, s. 57 (1).

Same, crematorium

(1.1) A local municipality that receives a request for an approval to establish a crematorium in the municipality shall grant the approval if, in the municipality's opinion, it is in the public interest. 2006, c. 34, Sched. D, s. 57 (1).

Public hearing

(2) A local municipality may hold a public hearing to determine if the approval is in the public interest. 2002, c. 33, s. 84 (2); 2006, c. 34, Sched. D, s. 57 (2).

Timing of decision

(3) A local municipality shall give or refuse its approval within a reasonable time after receiving a request for an approval. 2002, c. 33, s. 84 (3); 2006, c. 34, Sched. D, s. 57 (2).

Notice of decision

- (4) Upon deciding to approve or refuse a request for an approval, a local municipality shall,
- (a) send a copy of the decision together with the reasons for it to the registrar and to the person making the request; and
 - (b) publish notice of the decision in a local newspaper. 2002, c. 33, s. 84 (4); 2006, c. 34, Sched. D, s. 57 (2).

Appeal to Ontario Land Tribunal

- 85** (1) The applicant, registrar or any person with an interest in a decision of a local municipality under section 84 may appeal the decision to the Ontario Land Tribunal within,
- (a) 15 days after the day of publication in a local newspaper; or
 - (b) if the appeal is brought by the applicant or registrar and that person receives a copy of the municipality's decision after the day it was published in a local newspaper, 15 days after the day the applicant or registrar, as the case may be, receives a copy of the decision. 2002, c. 33, s. 85 (1); 2006, c. 34, Sched. D, s. 58; 2021, c. 4, Sched. 6, s. 49.

Hearing

(2) The Ontario Land Tribunal shall hold a hearing and the registrar is entitled to make representations at any such hearing. 2002, c. 33, s. 85 (2); 2021, c. 4, Sched. 6, s. 49.

Decision

(3) The Ontario Land Tribunal may reverse the decision appealed from and substitute its own decision which is final. 2002, c. 33, s. 85 (3); 2021, c. 4, Sched. 6, s. 49.

Registrar's consent

86 (1) Upon application made by a person described in subsection (2), the registrar shall consent to the establishment, alteration or increase in the capacity of a cemetery if the applicant,

- (a) pays the fee required under section 108;

[Fees

108 (1) The Minister may by order establish fees that are payable under this Act in respect of the issuing or renewal of a licence, late filings and other administrative matters. 2002, c. 33, s. 108 (1).]

- (b) submits the prescribed documents showing the layout of the cemetery and the location of existing or proposed plots, lots, scattering grounds, structures and fixtures;
- (c) pays a deposit in a prescribed amount into a care and maintenance fund or account in the prescribed circumstances;
- (d) is licensed to operate the cemetery and is, and will be upon granting the consent, in compliance with the requirements of this Act and the regulations and the laws intended for the protection of the environment and of health;
- (e) where applicable, has received the approval of a local municipality or of the Minister of Natural Resources; and
- (f) submits the other documents that are prescribed. 2002, c. 33, s. 86 (1); 2006, c. 34, Sched. D, s. 59 (1-5).

Applicant

(2) An application for the registrar's consent to the establishment, alteration or increase in the capacity of a cemetery shall be made by,

- (a) the owner of the land on which the cemetery is to be established, if the application relates to the establishment of a cemetery; or
- (b) the owner of the cemetery, if the application relates to an alteration or an increase in the capacity of a cemetery. 2006, c. 34, Sched. D, s. 59 (6).

Same

(3) Despite subsection (1), in the case of an application to establish, alter or increase the capacity of a cemetery in a local municipality, the registrar shall not consent to the establishment, alteration or increase unless notice of the municipality's decision to grant its approval has been published in accordance with clause 84 (4) (b). 2002, c. 33, s. 86 (3); 2006, c. 34, Sched. D, s. 59 (7).

Certificate of consent

(5) If the registrar consents to the establishment, alteration or increase in the capacity of a cemetery, the registrar shall give the applicant a certificate of consent. 2002, c. 33, s. 86 (5); 2006, c. 34, Sched. D, s. 59 (9).

Same, cemeteries

(6) A certificate of consent issued with respect to a cemetery shall contain a sufficient description of the cemetery so that it may be registered in the appropriate land registry office. 2002, c. 33, s. 86 (6).

Registration of consent

(7) Upon registration in a land registry office of a certificate of consent issued with respect to a cemetery, the land described in the certificate becomes a cemetery. 2002, c. 33, s. 86 (7).

Notice of refusal to consent

(8) The registrar, on refusing to consent to an application under this section, shall advise the applicant in writing of,

- (a) the reasons for the refusal; and
- (b) the applicant's right to appeal. 2002, c. 33, s. 86 (8).

Appeal to Tribunal

87 (1) An applicant who receives a notice of the registrar's refusal to consent to an application under subsection 86 (8) may appeal to the Tribunal within 15 days after receiving the notice. 2002, c. 33, s. 87 (1).

Order by Tribunal

(2) If the Tribunal finds that the applicant is in compliance with subsection 86 (1) and, where applicable, that giving the consent is in the public interest, the Tribunal shall order the registrar to issue a certificate of consent with the description of cemetery lands as set out in the application for consent or with such modifications to the description as the Tribunal may consider necessary. 2002, c. 33, s. 87 (2).

Compliance by registrar

(3) Upon receiving an order under subsection (2), the registrar shall issue the certificate as ordered. 2002, c. 33, s. 87 (3).

O. Reg. 30/11: GENERAL

under *Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c. 33*

DIVISION B CEMETERIES

ESTABLISHING, ALTERING OR INCREASING CAPACITY OF A CEMETERY

Registrar's consent

146. (1) Subject to this section, for the purposes of subsection 83 (1) of the Act, a person shall not establish, alter or increase the capacity of a cemetery without the consent of the registrar. O. Reg. 30/11, s. 146 (1).

Application for registrar's consent

147. (1) An application for the registrar's consent to the establishment, alteration or increase in the capacity of a cemetery under subsection 86 (1) of the Act shall include the following documents:

1. A general plan of the cemetery drawn to scale and showing compass bearings, lot numbers and the location and dimensions of every lot, scattering ground, walk, fence, road, watercourse, building and adjoining road in the portion of the cemetery to be available for interments or scatterings.
2. A copy of any site plan agreement under the *Planning Act*, that is relevant to the cemetery.
3. If the application for consent is for the establishment of a cemetery or an increase in the capacity of a cemetery by means of an increase in the total physical space of its land and if the cemetery will include in-ground burial of human remains, a certificate of a medical officer of health stating that the land is suitable for use as a cemetery.
4. If the cemetery or any part of it is designated under the *Ontario Heritage Act*, a copy of the designation by-law. O. Reg. 30/11, s. 147 (1).

(2) The general plan of the cemetery shall be,

- (a) prepared by an Ontario Land Surveyor or prepared from a deposited reference plan of survey of the cemetery land; and
- (b) certified by the applicable local municipality or by the Minister of Natural Resources and Forestry as having been approved by the local municipality or the Minister, as the case may be. O. Reg. 30/11, s. 147 (2); O. Reg. 48/15, s. 15.

(3) The operator of the cemetery shall keep a copy of the general plan available for public inspection during regular business hours. O. Reg. 30/11, s. 147 (3).

Notice of application

- 148.** (1) A person who requires the registrar's consent under subsection 83 (1) of the Act to establish, alter or increase the capacity of a cemetery shall, before applying for the consent,
- (a) give written notice of the person's intention to apply for consent to each interment and scattering rights holder if the lot or scattering ground to which the rights relate is within 9.14 metres or 30 feet of the area in which the proposed establishment, alteration or increase is to take place, by mailing it to the last address known to the person, unless the registrar directs another means of giving the notice;
 - (b) ensure that notice of the intention to apply for consent is published once a week for two consecutive weeks in a newspaper with general circulation in the locality in which the cemetery is to be established or is located; and
 - (c) post notice of the intention to apply for consent in a conspicuous place at the entrance to the cemetery or the area of land that is the subject of the application for four consecutive weeks. O. Reg. 30/11, s. 148 (1).
- (2) A person who is required to give notice under subsection (1) shall do so no later than,
- (a) the time of requesting the approval of the local municipality or the Minister of Natural Resources and Forestry under subsection 83 (2) of the Act, if that subsection applies; or
 - (b) the time of applying for the registrar's consent under subsection 83 (1) of the Act is made if the cemetery is situated in territory without municipal organization, but not on Crown land. O. Reg. 30/11, s. 148 (2); O. Reg. 48/15, s. 15.