



Town of Englehart
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Interment Rights - Information Sheet

Interment rights pursuant to the Funeral, Burial and Cremation Services Act, 2002 and Ontario Regulation 31/11 s. 161(1) and all amendments thereto, no Cemetery Operator shall be permitted to inter human remains in a lot, other than the remains of the Rights Holder(s), without the written consent of the Rights Holder(s).

What Does This Mean for Family Plots?

The Town of Englehart, as the licensed Cemetery Operator for the Englehart and Holy Trinity Cemetery, shall receive written permission from the Lot, Plot or Niche Interment Rights Holder(s), on record, before any interment, memorialization installation or addition of text, other than for the interment of the Interment Rights Holder themselves.

The Interment Rights (or Burial Rights) for a grave lot, plot or columbarium niche provide the Rights Holder the ability to direct who can be interred in the lot, plot or niche, as well as the right to erect a memorial marker and/or direct inscriptions. If there are more than one Rights Holder, all parties shall provide written consent before any interments occur, or before a memorial marker is erected (except where one of the current owner(s) are being interred).

The granting of Interment Rights to a lot, plot or columbarium niche shall not suggest that you own the land itself, but that you have the right to direct interments and memorials in the assigned space, subject to the cemetery by-laws and government regulations. The land remains the property of the licensed Cemetery Operator (Town of Englehart), and the Interment Rights cannot be transferred to another Interment Rights Holder without permission by the Cemetery Operator.

The Interment Rights Holder (owner) of record is the person that is named on the official Certificate of Interment Rights. Usually, but not always, the Interment Rights Holder of record is/was the person who purchased the Interment Rights. This can become an issue when the Interment Rights Holder is deceased, and other family members wish to use the lot, plot or niche.

What Happens When the Interment Rights Holder (Owner) is Already Deceased?

When the Interment Rights Holder is already deceased, the Rights are considered an asset of the estate. As such, are distributed to the beneficiaries of the deceased's estate.

The Rights must then be confirmed and registered in the NEW Interment Rights Holder's (owner) name for the transfer to be completed.

Please note: The Interment Rights do not automatically transfer to the "children or spouse, etc.". Interment Rights to a lot, plot or niche cannot be given or taken without the approval and consent from the Cemetery Operator.

In situations where family members want to arrange for further interments/burial (other than for the Interment Rights Holder), or to arrange for an additional inscription to be placed on the memorial, but the registered Interment Rights Holder(s) is/are deceased, a living Rights Holder is required to authorize the arrangements.

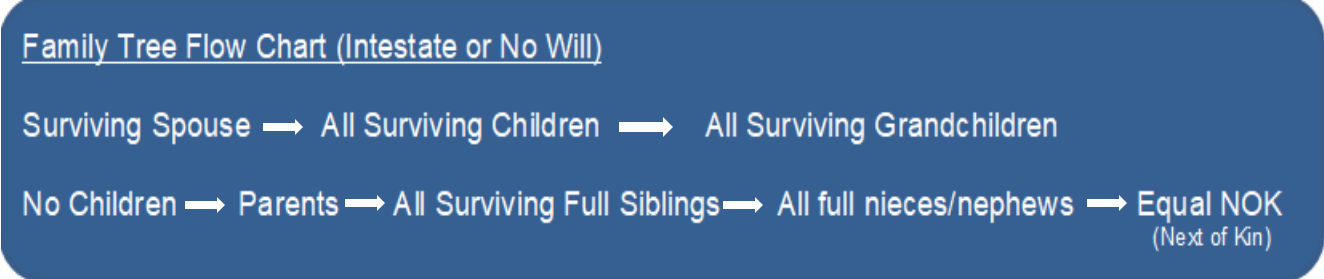
To proceed with the interment or memorial request, the Interment Rights need to be transferred to the person(s) entitled to those Interment Rights.

Note: This is not to be confused with the interment/burial of the Interment Rights Holder which can be authorized by their estate executor, spouse or adult child — in that order. It can be assumed that the owner of the Rights has implicit consent by virtue of their ownership.

Who is Entitled to the Interment Rights?

If the Interment Rights Holder left a will, and did not specifically leave the Rights, then the residual beneficiary/ beneficiaries of the deceased's estate is/are entitled to the Interment Rights.

If the Rights Holder did not leave a will (died intestate), then the persons entitled to the Rights, are the direct next of kin following their blood line.



How to Transfer or Confirm Interment Rights?

Apply at the Town Hall for specific guidance and documents. Staff are available to assist and explain the steps or documents required.

Every application is administered on an individual basis. Any original documents confirming or supporting family ownership of a grave lot/plot or columbarium niche, or other satisfactory evidence of ownership will be required, such as a production of the notarized copy of the will. In addition, a Statutory Declaration provided by the Corporation will be required (i.e., a Request to Transfer Interment Rights or an Interment Waiver), which includes a sworn statement explaining that the registered Rights Holder is deceased and names who is entitled to the Interment Rights. This statement must give

names of all those persons entitled to the Rights, and whether they wish to consent to the transfer/ waiver, or not.

In the event of a family dispute regarding entitlement or rights, a legal opinion should be sought from an Estates lawyer. Ownership cannot be transferred or confirmed if any entitled family members do not provide consent.

If you are the registered Rights Holder and would like another person to also be an owner, you can assign the Rights making you joint owners with the following benefits:

- When one Rights Holder is deceased, a living Rights Holder remains, and no further legal transfer is required.
- Ensures there is a "living" Rights Holder to arrange any future interments/memorialization.
- Where a "family" lot/plot has sufficient space, it provides continuity through the generations.

Upon the death of a sole Interment Rights Holder, the estate executor or family is encouraged to transfer any Interment Rights to a "living" Rights Holder at no charge. Transfer fees will be applicable for all other transfers outside estate administration.

Key Points of Cemeteries By-law 2023-02

- All interments shall be authorized in writing by the Interment Rights Holder(s), except the interment of the Interment Rights Holder(s).
- The Town prohibits the resale of Interment Rights to a third party and shall repurchase these rights from the interment holder or such person to whom the interment rights have been assigned, at no more than the current price listed on the Cemetery Price List, less any care and maintenance contribution amount previously made.
- In cases of transmission of ownership by will or bequest of interment rights, the Cemetery Operator requires a notarized copy of the will, or other evidence to identify you as the executor of the Interment Rights Holder for the lot, plot or niche.
- Following which, the executor may authorize an interment or request the Cemetery Operator to repurchase the vacant lot or niche. No sale or transfer of Interment Rights would be binding upon the Corporation, until notice is given (in writing) to the Cemetery Operator specifying the name(s) and address(s) of the proposed transferee, the date of the transfer, and particulars have been entered in a register for that purpose (i.e., Englehart Cemetery Request for Transfer).
- Upon receipt of the notice, the original Interment Rights Certificate, and payment of the associated transfer fee, the Cemetery Operator would issue a new Interment Rights Certificate to the transferee as directed by the will, executor or beneficiary.
- Interments shall comply with all laws, regulations and legislation, and the following shall be provided to the Cemetery Operator prior to any interment (no grave can be opened by any person not authorized by the Cemetery Operator:
 - Burial permit or Cremation Certificate.
 - Completed Interment Contract and.
 - All applicable fees paid in full.
- All deliveries and installations of markers shall be arranged for by the Interment Rights Holder through monument dealers or contractors.

- No memorialization or marker shall be erected or placed prior to:
 - A site inspection by the Cemetery Operator
 - A completed Foundation Order Form or Plaque Order Form containing the approval of the Cemetery Operator
 - All applicable fees paid in full.