

Compliance Self-Evaluation Checklist for Crematorium Operators

The Bereavement Authority of Ontario (BAO) compliance team performs inspections of licensed operators' premises and books and records, to ensure compliance with the *Funeral, Burial and Cremation Services Act, 2002* ("the Act") and the regulations established under the Act. To help operators assess their own compliance, the BAO has created this Compliance Self-Evaluation Checklist, which covers the key elements that a BAO inspector reviews during an inspection.

We encourage you to use this checklist prior to an announced inspection and at regular intervals, to help ensure that your business is operating in compliance with the Act and regulations. If you have any questions, please do not hesitate to contact a member of the BAO compliance team for support. We are here to help!

The Act and regulations are available online through the BAO's website at www.thebao.ca or Ontario e-laws at www.ontario.ca/laws. Throughout this checklist, references to the Act and regulations will be made using the following abbreviations:

- *Funeral, Burial and Cremation Service Act, 2002*: "FBCSA"
- Ontario Regulation 30/11 (General): "Reg. 30"
- Ontario Regulation 184/12 (Care and Maintenance Exemptions and Miscellaneous Charges): "Reg. 184"
- Ontario Regulation 306/16 (Code of Ethics): "Reg. 306"

Disclaimer: This document is a plain language checklist of the items generally reviewed by BAO compliance team members. It is not meant as a replacement for the legislation. In the event of any inconsistency, the FBCSA and regulations prevail. Revised 10/18/2017

The checklist covers the following key areas:

1. Premises

- A. Crematorium operation
- B. Proof of licence
- C. Private area for arrangements
- D. Ownership disclosure and signage
- E. Consumer Information Guide

2. Price List Requirements

- A. Price list availability
- B. Price list requirements

3. Contract Requirements

- A. General contract requirements
- B. Prepaid contracts funded by trust
- C. Prepaid contracts funded by insurance/annuity
- D. Required disclosures before contract made

4. Record Keeping

- A. General requirements
- B. "At-need" and prepaid files
- C. Records re. cremated remains
- D. Retention of records
- E. Crematorium register

5. Crematorium By-laws

- A. Disclosure of by-laws
- B. Content of by-laws
- C. Approval of by-laws

6. Trust Fund Requirements

- A. Prepaid trust money
- B. Individual trust account requirements
- C. Pooled trust fund requirements
- D. Payout of prepaid trust money
- E. Annual reporting on trust funds (and insurance/annuity policies)

7. Miscellaneous

- A. Website compliance
- B. Storage of supplies in advance of use
- C. Written authorization

	Yes	Needs work – notes
1. Premises		
A) Crematorium operation [FBCSA, s.7(1); Reg. 30, s.31, 186, 188; Reg.184]		
• Are all cremations in the crematorium carried out in a decent and orderly manner?		
• Is quiet and good order maintained in the crematorium at all times?		
• Is a certificate issued by the coroner authorizing the cremation received prior to the cremation of a body?		
• Does the operator refuse the cremation of a body that has a pacemaker or radioactive implant?		
• Does the operator refuse the cremation of a body that is in a casket made of or containing non-flammable or hazardous material or chlorinated or fibre-reinforced plastic?		
• Does a metal identification tag accompany each body and is it placed in the container that contains the resulting cremated remains?		
• Does the metal identification tag contain a personal identifier for the body and the name of the crematorium operator?		
• Does the operator:		
○ Cremate the remains of more than one person at once?		
○ Cremate human remains together with animal remains?		
○ Co-mingle cremated remains?		
○ Does the operator have the written and signed consent of the purchaser of the cremation services to perform the above services?		
• Is a cremation provided upon written direction from a delivery agent, as defined in the <i>Ontario Works Act, 1997</i> ? (If a crematorium restricts cremating to human remains of members of a defined religious organization, the operator is not required to cremate the remains of a deceased person who is not a member of that religious organization.)		
• Does the operator charge the lesser of \$500 and the price as shown on the operator's price list, with respect to the cremation provided upon written direction from a delivery agent?		
B) Proof of Licence [Reg. 30, s.117]		
• Is the operator's licence displayed in or near the main entrance, and clearly visible to all who enter?		
C) Private area for arrangements [Reg. 30, s.46]		
• Is there a private area for making arrangements and entering into contracts?		
D) Ownership disclosure and signage [Reg. 30, s.119]		

	Yes	Needs work – notes
In any sign or written advertisement, brochure, price list, contract, letterhead, pamphlet, circular, or other written material, other than business cards, is the following information included:		
<ul style="list-style-type: none"> Operator’s name? (i.e. name of individual, partnership or corporation to whom licence is issued) 		
<ul style="list-style-type: none"> Operator’s business/trade name, if different from operator’s name? 		
<ul style="list-style-type: none"> Name of any individual/partnership/corporation who directly or indirectly controls two or more licensed businesses within 100 km of each other? 		
Note: If more than one sign is posted on the premises, the above information need only appear on one of the signs, so long as the sign in question is close to the main entrance of the premises and is, by its size and placement, the sign with the most prominence.		
<ul style="list-style-type: none"> Is the above information on the business sign clearly visible to the public from a distance at which the sign is intended to be read? 		
<ul style="list-style-type: none"> Is the above information included for any audio or video material at least one minute in duration? 		
E) Consumer Information Guides [Reg. 30, s.113(1)]		
<ul style="list-style-type: none"> Is there a sufficient supply of Consumer Information Guides? (If not, order more at http://thebao.ca/Pro/Publication.) 		
2. Price List Requirements		
A) Price list availability [FBCSA, s.33; Reg. 30, s.68]		
<ul style="list-style-type: none"> Is a copy of the price list provided without charge to every person who requests it? 		
<ul style="list-style-type: none"> Are printed copies of the price list available and clearly displayed near the main entrance? <p>AND/OR,</p> <ul style="list-style-type: none"> Is there a notice stating that the price list is available upon request and without charge, clearly displayed near the main entrance? 		
B) Price list requirements [Reg. 30, s.54, 55, 58, 59, 60, 62, 64, 66, 67]		
Is the price list written in plain language and legibly printed in 10 point or larger type?		
Does the price list include the following required information?		
<ul style="list-style-type: none"> Operator’s name, operator’s business name, if different from the operator’s name? 		
<ul style="list-style-type: none"> Address (as indicated on wall licence) and phone number? 		
<ul style="list-style-type: none"> Effective date? (month, day, year) 		

	Yes	Needs work – notes
<ul style="list-style-type: none"> Name and position of person in charge of the day-to-day operations (and his/her business address and phone number, if different from above)? 		
<ul style="list-style-type: none"> Details of any packages, including 1) itemized prices and descriptions, 2) total itemized price, 3) total package price, and 4) difference, if any (package savings)? 		
<ul style="list-style-type: none"> Prices for the following services (if offered): 		
<ul style="list-style-type: none"> <ul style="list-style-type: none"> Cremation? 		
<ul style="list-style-type: none"> <ul style="list-style-type: none"> Staff services necessarily incidental to a cremation? 		
<ul style="list-style-type: none"> <ul style="list-style-type: none"> Removal of pacemakers and radioactive implants? 		
<ul style="list-style-type: none"> <ul style="list-style-type: none"> Any other licensed supplies and services related to cremation services and scattering services? 		
<ul style="list-style-type: none"> A list of supplies generally provided (caskets, urns, urn vaults, jewelry, etc.), and a description of each supply including its price, size, colour, material, brand name and model number, if any? 		
<ul style="list-style-type: none"> Information about funding, payment and financing options, if any? 		
<ul style="list-style-type: none"> A statement that additional information (about funding, payment and financing options) is available upon request? 		
<ul style="list-style-type: none"> A statement as to whether taxes are included or in addition to the prices shown? 		
<ul style="list-style-type: none"> Amount charged as a refundable deposit re. unclaimed cremated remains? (max. \$350) 		
<ul style="list-style-type: none"> If the licensed operator controls (directly or indirectly) more than one licensed business within 100 km, does the price list include the names and addresses of these affiliated businesses? (n/a for municipal and religious operators) 		
3. Contract Requirements		
A) General contract requirements for all contracts (“at-need” and prepaid) [FBCSA, s.40, 41, 42, 43, 44, 45, 46; Reg. 30, s.121, 125, 127]		
<ul style="list-style-type: none"> Is a written contract completed for all sales of services and supplies? (Refer to s.122 of Reg. 30 for exemptions) 		
<ul style="list-style-type: none"> Do contracts include the following information (or meet the following requirements)? 		
<ul style="list-style-type: none"> <ul style="list-style-type: none"> Written in plain language and in minimum 10-point font? 		
<ul style="list-style-type: none"> <ul style="list-style-type: none"> Contract number/code? (must be sequential and unique) 		
<ul style="list-style-type: none"> <ul style="list-style-type: none"> Date of contract? 		

	Yes	Needs work – notes
○ Licensed operator name, operator’s business name, if different, address, phone number, and licence number of the business?		
○ Name(s) and address(es) of purchaser(s)?		
○ Name and address and date of birth of recipient?		
○ Itemized list of each service and supply and individual price of each, as per current price list?		
○ If applicable, does package pricing show: 1) itemized prices, 2) total itemized price, 3) total package price, and 4) difference, if any (package savings)?		
○ Date(s) and location(s) of delivery of services and supplies? (cremation, etc.)		
○ Adequate description of supplies purchased? (e.g., manufacturer name, name of supply, model# if applicable, of casket, urn, urn vault, jewelry, etc.)		
○ Total price of contract, including taxes and disbursements, and less any discount?		
○ Payment received and balance owing?		
○ Payment terms specifying how balance is to be paid? (payment schedule, interest rate, financing charges, NSF fees)		
○ Terms of any warranties and whether they survive completion of the contract?		
○ Substitution clause? Must state that if a supply or service must be substituted after making reasonable efforts to obtain it, the operator will, <ul style="list-style-type: none"> ▪ inform purchaser of the proposed substitution, and whether it is of equal or greater value ▪ inform purchaser of his/her cancellation rights and determine whether purchaser wishes to cancel, ▪ and shall not increase purchase price if purchaser does not cancel. 		
○ Cancellation clauses? (Who can cancel and when, and how will the refund be calculated?)		
○ Statement setting out the consideration or benefits that may be due to the operator or an individual for recommending a third-party supplier? (specify how much and from whom)		
○ Name of individual who negotiated the contract, and if licensed, his/her licence number? (If a contract is negotiated by an intern, the contract must still be reviewed with the purchaser and signed by a licensee.)		
○ Signatures of purchaser(s) and licensee?		

	Yes	Needs work – notes
<ul style="list-style-type: none"> ○ If the operator stores supplies: Is there a clause that includes the following? <ul style="list-style-type: none"> ▪ purchaser’s agreement to the operator’s storing or arranging the storage of the supply ▪ purchaser agreement to treat the supply, for purposes of s. 44 of the FBCSA and s. 81 of Reg. 30, as being provided once supply is placed in storage ▪ purchaser’s acknowledgement that placing the supply in storage affects cancellation rights and refund entitlements of the purchaser, and how these rights are affected 		
<ul style="list-style-type: none"> ○ Statement that dead human bodies cannot be cremated if there is a pacemaker or radioactive implant in the body or if the body is in a container made of or containing non-flammable or hazardous material or chlorinated or fibre-reinforced plastic? 		
<ul style="list-style-type: none"> ○ Statement that dead human bodies will not be cremated unless a coroner’s certificate has been provided to the operator? 		
<ul style="list-style-type: none"> ○ The requirement that, if the operator so requests, the purchaser shall pay a refundable deposit re. unclaimed cremated remains (max. \$350)? 		
<ul style="list-style-type: none"> ○ Statement that if cremated remains are not claimed on or before the first anniversary of the cremation, the operator may inter the cremated remains in a cemetery, including in a common lot for which the cemetery is the interment rights holder, and is entitled to retain the amount of any deposit that was paid? 		
<ul style="list-style-type: none"> ○ Statement that if the cremated remains are claimed before they are interred, the operator shall promptly return any deposit that was paid? 		
<ul style="list-style-type: none"> ○ Is a copy of the contract delivered to the purchaser upon signing? 		
<ul style="list-style-type: none"> ○ Is a copy of the crematorium’s by-laws delivered to the purchaser? 		
B) Prepaid contracts funded by trust [Reg. 30, s. 123 – in addition to General requirements above]		
Does the prepaid trust-funded contract contain:		
<ul style="list-style-type: none"> • Details re. holding, investment and payment out of money in accordance with regulations, including the manner in which funds will be held (i.e. individual or pooled)? 		
<ul style="list-style-type: none"> • If applicable, a statement that the operator or another person will receive consideration or a benefit from the financial institution where trust funds are held (specify from whom and how much)? 		
<ul style="list-style-type: none"> • If money is in individual trust, a description of purchaser’s right to request on an annual basis a statement setting out the current value of trust account as of end of prior month, type of investment(s), and name of eligible depository where funds are held? 		

	Yes	Needs work – notes
<ul style="list-style-type: none"> If money is in pooled trust, a description of purchaser’s right to request on an annual basis a statement setting out the current value of funds as of end of prior month, and name of trustee? 		
<ul style="list-style-type: none"> Information as to how prices will be determined at time of need? 		
<ul style="list-style-type: none"> A description of purchaser’s right (or other person entitled under the contract) to receive on completion any excess funds, and how excess funds will be calculated? 		
C) Prepaid contracts funded by insurance/annuity [Reg. 30, s.124 – in addition to General requirements above]		
Does the prepaid insurance/annuity funded contract contain:		
<ul style="list-style-type: none"> Name, address and phone number of insurance company, and policy number if known? 		
<ul style="list-style-type: none"> Disclosure re. any referral fees, or other consideration/benefit the operator or person affiliated with the operator may receive re. the sale of insurance/annuity policies? 		
<ul style="list-style-type: none"> Name of policy beneficiary, and if applicable, details of assignment of policy to the operator? 		
<ul style="list-style-type: none"> Acknowledgement by both parties that once operator is named as beneficiary or assignee of the policy, money is considered for the purposes of s.38 of the FBCSA to be paid under the contract in an amount equal to the proceeds of the policy that will be paid to the operator? 		
<ul style="list-style-type: none"> A statement of what will occur if the policy is denied, not paid in full at time of death, cancelled (and the effect cancellation will have on the contract), or the operator is no longer the beneficiary/assignee at the time of death? 		
<ul style="list-style-type: none"> A statement of what will occur if the contract is cancelled, and the effect cancellation will have on the policy? 		
<ul style="list-style-type: none"> Information as to how prices will be determined at time of need? 		
<ul style="list-style-type: none"> A description of purchaser’s right (or other person entitled under the policy) to receive on completion any excess funds, and how excess funds will be calculated? 		
<ul style="list-style-type: none"> If available, are the following documents attached? 1) copy of the insurance/annuity enrolment form, 2) policy certificate, 3) other document designating the operator as beneficiary or assignee of the policy? 		
D) Required disclosures before contract made [O. Reg. 30, s. 113]		
Before a contract is entered into, does a prospective purchaser receive:		
<ul style="list-style-type: none"> A copy of the consumer information guide? 		
<ul style="list-style-type: none"> A copy of the price list? 		

	Yes	Needs work – notes
<ul style="list-style-type: none"> • An explanation of contract cancellation rights and refund entitlements that will be included in the contract and an explanation of the cancellation rights and refund entitlements under the Act? 		
<ul style="list-style-type: none"> • An offer to provide an explanation of funding, financing and payment options available, including, <ul style="list-style-type: none"> ○ an explanation of any penalties or fees that apply to a particular funding, financing or payment option, and ○ an explanation of how the purchaser’s choice of funding, financing or payment option may affect rights and refunds available upon cancellation? 		
<ul style="list-style-type: none"> • An offer to provide a copy of the crematorium by-laws? 		
<ul style="list-style-type: none"> • If consideration and benefits are due to the operator or another person if the purchaser chooses a particular funding, financing or payment option, a statement to that effect? 		
<ul style="list-style-type: none"> • If consideration and benefits are due to the operator or another person by reason of recommendations to a third party, a statement to that effect? 		

4. Record Keeping

A) General requirements [Reg. 30, s. 97 - Manner of keeping records; s. 98 - Location of records; s. 99 - Required records, all operators, s.100 – Record re. cremated remains, s.101 – Retention of records, s. 110 – Crematorium register]

<ul style="list-style-type: none"> • For operators with multiple locations: Are records kept in a manner that permits information for each licensed location to be separately identified? 		
<ul style="list-style-type: none"> • If records are not maintained in hard copy format, can a hard copy of the records be readily produced in an easily understandable form? 		
<ul style="list-style-type: none"> • Are records kept at the licensed location to which the records pertain, and if not, has the Registrar been given written notice? 		
Are the following records kept, as applicable, in connection with each licensed business?		
<ul style="list-style-type: none"> • Records of all money received and disbursed, including details of each account with a depositary? 		
<ul style="list-style-type: none"> • Records of all deposits and withdrawals of money required to be held in trust for a prepaid arrangement, and the contract number referenced to each transaction? 		
<ul style="list-style-type: none"> • Pooled investments only: all trust agreements between the operator and a third-party trustee re. prepaid trust money? 		
<ul style="list-style-type: none"> • Copies of all contracts including voided contracts, all statements, receipts, invoices and similar documents issued by the operator? 		

	Yes	Needs work – notes
<ul style="list-style-type: none"> Financial records that readily identify individual transactions for each account or fund that the operator maintains, including but not limited to bank statements, third party trustee statements, deposit records, pass books and cancelled cheques, as applicable? 		
<ul style="list-style-type: none"> Monthly trust and insurance reports listing funds in trust or “active in-force” policies for each recipient, and reports re. withdrawal of trust funds or “payout” of insurance/annuity policies? 		
<p>Prepayment funds ledger - For every prepaid contract, whether funded by trust, annuity or insurance, is there a record containing the following information? (Commonly referred to as the “prepayment funds ledger,” this record can be kept in hard copy or electronic format.)</p>		
<ul style="list-style-type: none"> Date of contract? 		
<ul style="list-style-type: none"> Contract number or code? 		
<ul style="list-style-type: none"> Name and address, date of birth or approximate age (if known) of recipient? 		
<ul style="list-style-type: none"> Name and address of purchaser? 		
<ul style="list-style-type: none"> Total price of contract? 		
<ul style="list-style-type: none"> Payments received on contract? 		
<ul style="list-style-type: none"> Amount of money deposited in a trust account or fund, and date of deposit? 		
<ul style="list-style-type: none"> Name of depository, trust account/fund number into which money is deposited, and details of any investment of the money? 		
<ul style="list-style-type: none"> Date on which contract is fully performed or cancelled? 		
<ul style="list-style-type: none"> If contract is fully performed, total “at-need” price for which contract was performed? 		
<ul style="list-style-type: none"> Amount of any refund of money paid on the contract? 		
<ul style="list-style-type: none"> Amount of money withdrawn from a trust account or fund and date of withdrawal? 		
<ul style="list-style-type: none"> Details of any annuity or insurance policy relating to the contract, including, <ul style="list-style-type: none"> Policy number? Name and address of insurance company issuing the policy? Beneficiary named under policy? Face value of policy? 		
<ul style="list-style-type: none"> At time of death: recipient’s date and place of death, place where body was interred, cremated or otherwise disposed of? 		

B) “At-need” and prepaid files

Most operators maintain a separate file folder for each contract, with corresponding documentation in the file; while this is not required, it does help improve the efficiency of the inspection process. We acknowledge that every operator maintains their books and records in various formats - which is acceptable, so long as they are kept in some systematic order, such as by date, name or number, to allow for easy access. We suggest asking your bookkeeper or accountant for their advice on how to best organize your records.

Prepaid Files - Does each prepaid file contain the following (or is the documentation readily accessible)?		
<ul style="list-style-type: none"> • Copy of prepaid contract? 		
<ul style="list-style-type: none"> • Trust-funded prepaid files: <ul style="list-style-type: none"> • Deposit receipt(s) showing money was placed in trust within 35 days of receipt? • Investment receipt(s) or certificate(s)? • Copy(ies) of cheque(s) payable to operator or eligible depository? (not required, but can help confirm the identify of the purchaser) 		
<ul style="list-style-type: none"> • Insurance/annuity-funded prepaid files: <ul style="list-style-type: none"> • Copy(ies) of insurance enrolment form(s)? • Policy certificate(s)? • Assignment of benefits form, if applicable? • Copy(ies) of cheque(s) payable to insurance company? (not required, but can help confirm the identity of the purchaser) • Is payment made directly to insurance company? (If cash is given or cheque is paid to licensed operator, money must be placed in trust.) 		
<ul style="list-style-type: none"> • Prepaid reconciliation - Compare recipient names on all prepaid contracts to those on the latest monthly report(s) from the eligible depository(ies) and/or insurance companies. Are all the names present on the reports? Do deposit amounts on report(s) correspond with receipts in the files? 		
Fulfilled prepaid files (“prepaid turned at-need”) files – Does each file contain the following (or is it readily accessible)?		
<ul style="list-style-type: none"> • All documents listed above for prepaid files? 		
<ul style="list-style-type: none"> • At-need contract or final statement itemizing services/supplies delivered and their cost at time of need, trust or insurance payout amount, and amount of excess funds or loss due to guaranteed contract? 		
<ul style="list-style-type: none"> • Written authorization for any changes made from original prepaid contract? 		
<ul style="list-style-type: none"> • Proof of redemption of funds from depository, trustee or insurance company (e.g., cheque stub or copy, monthly statement from financial institution, e-transfer confirmation, etc.)? 		

	Yes	Needs work – notes
<ul style="list-style-type: none"> Record of any additional deposits or monies received on account (e.g. receipt, photocopy of cheque, credit card slip)? 		
<ul style="list-style-type: none"> If a refund was made, is there information about the refund (amount, payee name, operator cheque number, or cheque copy)? 		
At-Need Files - Does each “at-need” file contain the following (or is it readily accessible)?		
<ul style="list-style-type: none"> Copy of “at-need” contract? 		
<ul style="list-style-type: none"> Record of any deposits or monies received on account (e.g. receipt, photocopy of cheque, credit card slip)? 		
<ul style="list-style-type: none"> Certificate issued by the coroner authorizing the cremation? 		
<ul style="list-style-type: none"> Other pertinent information, including but not limited to burial permit, correspondence with purchaser, notes, etc.? 		
C) Records re: cremated remains [Reg. 30, s. 100]		
<ul style="list-style-type: none"> If in possession of cremated remains other than for the purposes of interring or scattering, is a record kept containing the following information? <ul style="list-style-type: none"> If cremated remains are claimed, name and address of person claiming the remains and date claimed? If unclaimed cremated remains are interred in a cemetery after 1 year from the date of cremation, date and place of interment? If the purchaser, personal representative or family member of a deceased person requests disclosure of the record prepared with respect to the cremated remains, is the record disclosed without charge to the person? 		
D) Retention of records [Reg. 30, s.101]		
<ul style="list-style-type: none"> Are records relating to contracts retained for at least 6 years from the date the contract is fully performed or is cancelled? 		
<ul style="list-style-type: none"> Is a copy of every price list retained for at least 6 years from the date the price list was last in effect? 		
<ul style="list-style-type: none"> Are records re. unclaimed cremated remains retained for at least 6 years from the date they are claimed or interred? 		
<ul style="list-style-type: none"> If required to make records available to the public under the FBCSA, are the records maintained as long as the business is licensed (e.g. crematorium register)? 		
<ul style="list-style-type: none"> Are certificates from the coroner authorizing the cremation retained for at least six years from the date of the cremation of the dead human body to which the certificate relates? 		

	Yes	Needs work – notes
E) Crematorium register [Reg. 30, s.110]		
• Does the crematorium operator maintain a register?		
• Does the register include the following information?		
○ The name of each person who was cremated in the crematorium?		
○ The date of each cremation?		
○ The information on the metal identification tag?		
• Is the required information entered into the register within five days of the cremation?		
• Is the register available for inspection by the public without charge?		
5. Crematorium By-laws		
A) Disclosure of by-laws [Reg. 30, s.118]		
• Is a copy of the by-laws provided free of charge to every person who requests it? (If more than one copy is requested, a fee to recover costs may be charged.)		
• Is a copy of the by-laws and any proposed by-laws available for inspection by the public during normal business hours and without charge?		
B) Content of by-laws [Reg. 30, s.190]		
• Do the by-laws specify the documentation required by the operator in order for a cremation to be carried out?		
• Do the by-laws prohibit the operator, without the written consent of the purchaser, from:		
○ Cremating the remains of more than one person at once?		
○ Cremating human remains together with animal remains?		
○ Co-mingling cremated remains?		
C) Approval of by-laws [Reg. 30, s.191, 151,]		
• Have the by-laws and any amendments been filed and approved by the registrar? (Registrar's approval not required if it is a standardized by-law, it was previously filed and approved, and the operator has provided the registrar with details.)		
6. Trust Fund Requirements		
A) Prepaid trust money [Reg. 30, s. 76, s.78]		
• Is all trust money held separate and apart from other monies?		

	Yes	Needs work – notes
<ul style="list-style-type: none"> • If prepaid trust money is temporarily deposited into an account prior to its investment (individual or pooled), <ul style="list-style-type: none"> ○ Is the money deposited only in an account with an eligible depository, in the name of the operator as it appears on the operator’s licence? ○ Is the money not used for the operations of the business? (i.e. account balance is always more than amount of trust monies deposited)? ○ Are there adequate controls to prevent withdrawal of trust monies for purposes that would be in breach of the obligation to hold it in trust? 		
<ul style="list-style-type: none"> • Is prepaid money placed in trust (individual or pooled) <u>within 35 days</u> of receipt of the money? 		
<ul style="list-style-type: none"> • Is no more than 10% (to a maximum of \$350) of the prepaid funds retained, i.e. not invested? (If the operator elects to retain this amount up front, the cancellation fee would not be charged in the event of cancellation.) 		
B) Individual trust account requirements [Reg. 30, s. 79]		
<ul style="list-style-type: none"> • Is each individual trust account used only to hold trust money received in respect of contracts with the same purchaser for the same recipient? 		
<ul style="list-style-type: none"> • Is operator name listed as trustee of the individual trust accounts? (Refer to monthly reports.) 		
<ul style="list-style-type: none"> • Are trust monies invested in and kept invested with an eligible depository in separate interest-bearing accounts, guaranteed investment certificates, deposit receipts or notes, certificates of deposit, term deposits or other similar instruments issued by an eligible depository or through a fraternal society licensed under the <i>Insurance Act</i>? 		
<ul style="list-style-type: none"> • Is a purchaser provided upon request with a statement setting out the current value of the account as of the end of the month before the request, the types of investments held as of that day, and the name of the eligible depository of any account in which the prepaid trust money is deposited? 		
C) Pooled trust fund requirements [Reg. 30, s. 80]		
<ul style="list-style-type: none"> • Do the pooled trust fund reports track monies in the fund on an individual contract basis? 		
<ul style="list-style-type: none"> • Is the trustee of the pooled trust fund either a corporation registered under the <i>Loan and Trust Corporations Act</i> or a credit union or league as defined in the <i>Credit Unions and Caisses Populaires Act, 1994</i>? (Exception: An operator that is a municipality may act as trustee of its own pooled trust fund.) 		
<ul style="list-style-type: none"> • Does the name of the pooled trust fund include the operator name as it appears on the licence and the words “pooled trust fund” (or “fonds mixte en fiducie” if the fund is operated in French)? 		
<ul style="list-style-type: none"> • If trustee fees are paid out of the fund, are they paid only out of the income earned? 		

	Yes	Needs work – notes
<ul style="list-style-type: none"> If a purchaser so requests, is the purchaser provided with an annual statement that sets out the current value of the purchaser’s money as of the end of the month before the request? 		
D) Payout of prepaid trust money [Reg. 30, s. 81]		
Is trust money paid out only in accordance with the following rules?		
<ul style="list-style-type: none"> To the operator when prepaid services and supplies are provided, in an amount not exceeding the current listed prices for the services and supplies (or price charged for a similar service or supply if not on the price list)? 		
<ul style="list-style-type: none"> If any excess trust funds remain after prepaid supplies and services have been provided and after all amounts due to the operator have been received by the operator, are they returned to the purchaser or other entitled person under the contract within 30 days of withdrawal of the funds? 		
<ul style="list-style-type: none"> For any contract cancellation, in whole or in part, including a request to “transfer” to another operator, <ul style="list-style-type: none"> Is there a written cancellation request signed by the purchaser or other person who is entitled to cancel the contract? 		
<ul style="list-style-type: none"> Are the prepaid funds with apportioned interest for the cancelled items returned to the purchaser or other entitled person under the contract, or forwarded to another operator as directed in writing, within 30 days of the cancellation request (less any permitted cancellation fee)? 		
E) Annual reporting on trust funds (and insurance/annuity policies) [Reg. 30, s.108 & 109]		
Does the operator submit a Report on Prepaid Trust Money annually within three months of its fiscal year end? (copy downloadable from the BAO’s website)		
7. Miscellaneous		
A) Website compliance If the operator maintains a website for the business:		
<ul style="list-style-type: none"> Are the above ownership disclosure requirements clearly visible on the main page? [Reg. 30, s. 119(5)] 		
<ul style="list-style-type: none"> If contracts are entered into online, does the website show the operator’s licence number and class? 		
<ul style="list-style-type: none"> If contracts are entered into online, is a printable electronic copy of the price list and consumer information guide (provided by the BAO) posted to the website? 		
<ul style="list-style-type: none"> If contracts are entered into online, are the other disclosures required by s.113 of Reg. 30 set out in the website? (Refer to “Required disclosures before contract made” above for detailed requirements.) 		
B) Storage of supplies in advance of use [Reg. 30, s. 136]		
<ul style="list-style-type: none"> If storing a supply or arranging to store a supply, e.g. casket, urn, urn vault, are the following conditions adhered to? 		

	Yes	Needs work – notes
○ The supply is in a substantially completed condition?		
○ The purchaser has made full payment for the supply?		
○ The operators knows that the supply is made of materials designed to withstand prolonged storage without any adverse effect on the structural integrity or aesthetic characteristics of the supply?		
○ The supply is to be stored in a way that does not give rise to a lien on it?		
○ The contract does not require that the purchaser be responsible for the costs relating to the storage or insuring of the supply?		
○ The supply is not placed into storage until after 30 days of the contract date?		
○ If the supply is to be stored by a third party, the supply is stored in a manner that will not adversely affect the structural integrity or aesthetic characteristics of the supply, and adequate insurance is purchased and maintained against loss of or damage of to the supply while in storage?		
C) Written authorization [Reg. 30, s. 6 (4)]		
● Has the crematorium operator given written authorization to any funeral directors to act as sales representatives on behalf of a crematorium operator?		