

## Compliance Self-Evaluation Checklist for Cemetery 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](http://www.thebao.ca) or Ontario e-laws at [www.ontario.ca/laws](http://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"

The checklist covers the following key areas:

### **1. Premises**

- A. Cemetery grounds
- B. Proof of licence
- C. Private area for arrangements
- D. Display of markers and other supplies
- E. Ownership disclosure and signage
- F. Consumer Information Guides

### **2. Price List Requirements**

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

### **3. Contract Requirements**

- A. General contract requirements for all contracts
- B. Contracts for interment/scattering rights
- C. Prepaid contracts funded by trust
- D. Prepaid contracts funded by insurance/annuity

### **4. Other documents**

- A. General plan of cemetery
- B. Interment /Scattering Rights Certificates
- C. By-laws
- D. Public Register

### **5. Record Keeping**

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

### **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. Care & Maintenance (C&M) Fund/Account**

- A. C&M fund
- B. C&M account
- C. Payment into C&M fund or account
- D. Use of income from C&M fund or account
- E. Annual reporting on C&M Fund(s) or Account(s)

### **8. Miscellaneous**

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

		Yes	Needs work – notes
<b>1. Premises</b>			
<b>A) Cemetery grounds</b> [Reg. 30, s. 154, 155, 156, 157, 158, 159]			
• Is the cemetery maintained in quiet and good order?			
• Are grounds, including all lots, structures and markers, maintained to ensure the safety of the public and to preserve the dignity of the cemetery?			
In-ground graves:			
• Are adult graves at least 8 feet long by 3 feet wide, excluding space for a marker? (does not apply to cremated remains)			
• Are remains of a deceased person buried at least 2 feet beneath natural level of ground surface? (does not apply to cremated remains)			
Buildings			
• Is any building, other than a small scale columbarium or mausoleum (which has a total volume of less than 15 cubic metres), at least 15 feet away from any in-ground grave or scattering ground?			
• Are any new in-ground graves or scattering grounds placed at least 15 feet away from any building (other than a small scale columbarium or mausoleum)?			
Access to lots and scattering grounds			
• Are all lots and scattering grounds placed in a part of the cemetery that is reasonably accessible by the public?			
Drainage			
• Does the cemetery contain sewers and drains as necessary to provide proper drainage?			
Repair of Markers			
• If any markers pose a risk to public safety due to instability, are measures taken to remove the risk, including repairing, resetting or laying down the marker?			
<b>B) Proof of Licence</b> [Reg. 30, s.117]			
• Is the operator's licence displayed in or near the main entrance to any office or building in which the public may enter into a contract, and clearly visible to all who enter?			
<b>C) Private area for arrangements</b> [Reg. 30, s.46]			
• If the operator maintains premises in which the public may enter into a contract, is there a private area for making arrangements and entering into contracts?			
<b>D) Display of markers and other supplies</b> [Reg. 30, s.45]			

	Yes	Needs work – notes
<ul style="list-style-type: none"> <li>If markers are offered or displayed, do they show the price, information about the size, colour, material and finish, the geographic origin of the material if it is natural stone, the brand name, model name and number, if any?</li> </ul>		
<b>Other supplies (urns, vaults, jewelry, etc.)</b>		
<ul style="list-style-type: none"> <li>Are other items on display clearly priced with a description similar to that required for markers (price, size, colour, material type, brand name, model name and number, if any)??</li> </ul>		
<b>E) Ownership disclosure and signage [Reg. 30, s.119]</b>		
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"> <li>Operator's name? (i.e. name of individual, partnership or corporation to whom licence is issued)</li> </ul>		
<ul style="list-style-type: none"> <li>Operator's business/trade name, if different from operator's name?</li> </ul>		
<ul style="list-style-type: none"> <li>Name of any individual/partnership/corporation who directly or indirectly controls two or more licensed businesses within 100 km of each other?</li> </ul>		
<u>Note:</u> 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"> <li>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?</li> </ul>		
<ul style="list-style-type: none"> <li>Is the above information included for any audio or video material at least one minute in duration?</li> </ul>		
<b>F) Consumer Information Guides [Reg. 30, s.113(1)]</b>		
<ul style="list-style-type: none"> <li>Is there a sufficient supply of Consumer Information Guides? (If not, order more at <a href="http://thebao.ca/Pro/Publication.">http://thebao.ca/Pro/Publication.</a>)</li> </ul>		
<b>2. Price List Requirements</b>		
<b>A) Price list availability [FBCSA, s.33; Reg. 30, s.68]</b>		
<ul style="list-style-type: none"> <li>Is a copy of the price list provided without charge to every person who requests it?</li> </ul>		
<ul style="list-style-type: none"> <li>Are printed copies of the price list available and clearly displayed near the main entrance?</li> </ul> <p>AND/OR,</p> <ul style="list-style-type: none"> <li>Is there a notice stating that the price list is available upon request and without charge, clearly displayed near the main entrance?</li> </ul>		
<b>B) Price list requirements [Reg. 30, s.54, 55, 56, 57, 58, 59, 60, 62, 63, 65, 66, 67, 69, 70, 71]</b>		

	Yes	Needs work – notes
Does the price list include the following required information?		
• Operator’s name, operator’s business name, if different from the operator’s name?		
• Address (as indicated on wall licence) and phone number?		
• Effective date? (month, day, year)		
• 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)?		
• Details of any packages offered, including 1) itemized prices and descriptions, 2) total itemized price, 3) total package price, and 4) difference, if any (package savings)?		
• Prices for in-ground interment rights as applicable, for,		
○ One adult grave?		
○ One child grave?		
○ One grave in veterans section?		
○ One cremation grave?		
○ Any other in-ground interment right?		
• Prices for,		
○ Interment rights of cremated remains in all types of niches and compartments in columbariums?		
○ Interment rights in all types of tombs, crypts and compartments in mausoleums?		
○ Opening and closing fees associated with each interment right offered?		
○ Vault installation?		
○ Scattering rights?		
○ Scattering services?		
○ Interment or scattering services during winter season, late hours, weekends or holidays, and specified dates and times during which different prices apply?		
○ Disinterment from ground, columbarium or mausoleum?		
○ Staff services re. interment and scattering?		
○ Winter storage, and specified dates during which price applies?		

	Yes	Needs work – notes
<ul style="list-style-type: none"> <li>○ Transfer of interment and scattering rights?</li> </ul>		
<ul style="list-style-type: none"> <li>○ Use of a lowering or elevating device?</li> </ul>		
<ul style="list-style-type: none"> <li>● Whether an interment right includes the right to erect a marker and if so, whether there are any limitations on the marker, incl. whether it must be upright or flat?</li> </ul>		
<ul style="list-style-type: none"> <li>● Whether the location to which an interment right relates is suitable for one or more dead human bodies, one or more cremated human remains, or a combination of both?</li> </ul>		
<ul style="list-style-type: none"> <li>● Whether an interment right includes the right to bury at multiple depths?</li> </ul>		
<ul style="list-style-type: none"> <li>● Amount of contribution to C&amp;M fund/account for each type of interment and scattering right?</li> </ul>		
<ul style="list-style-type: none"> <li>● Permitted tied sales: (“If you want A → you have to buy B.”) Are the tied sales permitted as indicated in s.70 of Reg. 30? (use of vehicle → drivers; use of facilities or equipment → staff services; use of reception facilities → catering services)</li> </ul>		
<ul style="list-style-type: none"> <li>● At cost prices: If cemetery’s by-laws require services/supplies re. the items below to be purchased from the cemetery, does the listed sale price not exceed the cost price (operator’s or other supplier)? <ul style="list-style-type: none"> <li>○ Inspecting installation of foundation/marker or marking a lot or scattering ground for installation of foundation/marker?</li> <li>○ Constructing a foundation?</li> <li>○ Installing or setting a marker?</li> </ul> </li> </ul>		
<ul style="list-style-type: none"> <li>● Has the operator provided a copy of the above “at cost” prices to persons who have delivered markers to the cemetery in the previous 12 months? (incl. operator’s name, business name, address, effective date), and at least 30 days prior to a price change?</li> </ul>		
<ul style="list-style-type: none"> <li>● A list of supplies generally provided (urns, burial vaults, urn vaults, etc.), and a description of each supply including its price, size, colour, material, brand name and model number, if any?</li> </ul>		
<ul style="list-style-type: none"> <li>● Information about funding, payment and financing options, if any?</li> </ul>		
<ul style="list-style-type: none"> <li>● A statement that additional information (about funding, payment and financing options) is available upon request?</li> </ul>		
<ul style="list-style-type: none"> <li>● A statement as to whether taxes are included or in addition to the prices shown?</li> </ul>		
<ul style="list-style-type: none"> <li>● If applicable: Amount charged as a refundable deposit re. unclaimed cremated remains? (max. \$350)</li> </ul>		

	Yes	Needs work – notes
<ul style="list-style-type: none"> <li>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)</li> </ul>		
Monuments, markers and installation: If monuments and markers are offered for sale, does the price list include the following? [Reg. 30, s.65]		
<ul style="list-style-type: none"> <li>A representative sample of the upright and flat markers available, incl. a range of sizes, materials and prices?</li> <li>Prices for: <ul style="list-style-type: none"> <li>Constructing a foundation?</li> <li>Installing an upright monument/marker?</li> <li>Setting a flat marker?</li> <li>Inspecting the installation of a monument/marker or foundation?</li> <li>Marking the location where a marker is to be installed?</li> <li>Any other related services and supplies not captured above?</li> <li>Amount for care and maintenance?</li> </ul> </li> </ul>		
<b>3. Contract Requirements</b>		
<b>A) General contract requirements for all contracts</b> [FBCSA, s.40, 41, 42, 43, 44, 45, 46; Reg. 30, s.121, s.127]		
<ul style="list-style-type: none"> <li>Is a written contract completed for all sales of services and supplies? (Refer to s.122 of Reg. 30 for exemptions)</li> </ul>		
Do contracts include the following information (or meet the following requirements)?		
<ul style="list-style-type: none"> <li>Written in plain language and in minimum 10-point font?</li> <li>Contract number/code? (must be sequential and unique)</li> <li>Date of contract?</li> <li>Licensed operator name, operator’s business name, if different, address, phone number, and licence number of the business?</li> <li>Name(s) and address(es) of purchaser(s)?</li> <li>Name and address and date of birth of recipient?</li> <li>Itemized list of each service and supply and individual price of each, as per current price list?</li> </ul>		

	Yes	Needs work – notes
<ul style="list-style-type: none"> <li>If applicable, does package pricing show: 1) itemized prices, 2) total itemized price, 3) total package price, and 4) difference, if any (package savings)?</li> </ul>		
<ul style="list-style-type: none"> <li>Date(s) and location(s) of delivery of services and supplies? (burial, scattering, etc.)</li> </ul>		
<ul style="list-style-type: none"> <li>Adequate description of supplies purchased? (e.g., manufacturer name, name of supply, model # if applicable, of urn, vault, etc.)</li> </ul>		
<ul style="list-style-type: none"> <li>Total price of contract, including taxes, and less any discount?</li> </ul>		
<ul style="list-style-type: none"> <li>Payment received and balance owing?</li> </ul>		
<ul style="list-style-type: none"> <li>Payment terms specifying how balance is to be paid? (payment schedule, interest rate, financing charges, NSF fees)</li> </ul>		
<ul style="list-style-type: none"> <li>Terms of any warranties and whether they survive completion of the contract?</li> </ul>		
<ul style="list-style-type: none"> <li>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"> <li>inform purchaser of the proposed substitution, and whether it is of equal or greater value</li> <li>inform purchaser of his/her cancellation rights and determine whether purchaser wishes to cancel,</li> <li>and shall not increase purchase price if purchaser does not cancel.</li> </ul> </li> </ul>		
<ul style="list-style-type: none"> <li>Cancellation clauses? (Who can cancel and when, and how will the refund be calculated?)</li> </ul>		
<ul style="list-style-type: none"> <li>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)</li> </ul>		
<ul style="list-style-type: none"> <li>Name of individual who negotiated the contract, and if licensed, his/her sales rep licence number?</li> </ul>		
<ul style="list-style-type: none"> <li>Signatures of purchaser(s) and individual who negotiated the contract on behalf of the operator?</li> </ul>		
<ul style="list-style-type: none"> <li>If the operator stores supplies: Is there a clause that includes the following? <ul style="list-style-type: none"> <li>purchaser's agreement to the operator's storing or arranging the storage of the supply</li> <li>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</li> <li>purchaser's acknowledgement that placing the supply in storage affects cancellation rights and refund entitlements of the purchaser, and how these rights are affected</li> </ul> </li> </ul>		
<ul style="list-style-type: none"> <li>Is a copy of the contract delivered to the purchaser upon signing?</li> </ul>		



	Yes	Needs work – notes
<b>B) Contracts for interment or scattering rights</b> [Reg. 30, s. 126 – in addition to General requirements above]		
Do interment/scattering rights contracts include the following information (or meet the following requirements)?		
• Name and address of rights holder (or intended rights holder)?		
• Price and description of rights, including:		
▪ Location and dimension of each lot or scattering ground?		
▪ Number and type of interments or scatterings permitted in each lot or scattering ground?		
▪ For interment rights in a private mausoleum or columbarium, the number of niches, crypts or compartments?		
▪ Any limitations or restrictions on exercising the rights?		
• If the interment rights certificate is not provided to the purchaser when the contract is made, info as to when and under what circumstances it can be expected to be provided?		
• Requirement that any payment shall first be applied to purchase of rights before any other services/supplies?		
• Amount of care & maintenance contribution for lot or scattering ground?		
• Info on any restrictions in by-laws re. markers, lot decorations or private structures?		
• Info re. resale or transfer of rights, including:		
▪ Any restrictions on resale or transfer of rights, incl. any prohibition under by-laws?		
▪ Any applicable fee?		
▪ Obligations of both parties under by-laws, s. 47(5) of the FBCSA and s.115 and 116 of Reg. 30?		
• Info on any restrictions or requirements in the by-laws to purchase specific supplies or services from the operator or other person specified by the operator?		

	Yes	Needs work – notes
<b>C) Prepaid contracts funded by trust</b> [Reg. 30, s. 123 – in addition to General requirements above]		
Does the prepaid trust-funded contract contain:		
<ul style="list-style-type: none"> <li>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)?</li> </ul>		
<ul style="list-style-type: none"> <li>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)?</li> </ul>		
<ul style="list-style-type: none"> <li>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?</li> </ul>		
<ul style="list-style-type: none"> <li>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?</li> </ul>		
<ul style="list-style-type: none"> <li>Information as to how prices will be determined at time of need?</li> </ul>		
<ul style="list-style-type: none"> <li>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?</li> </ul>		
<b>D) Prepaid contracts funded by insurance/annuity</b> [Reg. 30, s.124 – in addition to General requirements above]		
Does the prepaid insurance/annuity contract contain:		
<ul style="list-style-type: none"> <li>Name, address and phone number of insurance company, and policy number if known?</li> </ul>		
<ul style="list-style-type: none"> <li>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?</li> </ul>		
<ul style="list-style-type: none"> <li>Name of policy beneficiary, and if applicable, details of assignment of policy to the operator?</li> </ul>		
<ul style="list-style-type: none"> <li>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?</li> </ul>		
<ul style="list-style-type: none"> <li>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?</li> </ul>		
<ul style="list-style-type: none"> <li>A statement of what will occur if the contract is cancelled, and the effect cancellation will have on the policy?</li> </ul>		
<ul style="list-style-type: none"> <li>Information as to how prices will be determined at time of need?</li> </ul>		

	Yes	Needs work – notes
<ul style="list-style-type: none"> <li>• 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?</li> </ul>		
<ul style="list-style-type: none"> <li>• 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?</li> </ul>		
<b>E) Required disclosures before contract made [O. Reg. 30, s. 113]</b>		
Before a contract is entered into, does a prospective purchaser receive:		
<ul style="list-style-type: none"> <li>• A copy of the consumer information guide?</li> </ul>		
<ul style="list-style-type: none"> <li>• A copy of the price list?</li> </ul>		
<ul style="list-style-type: none"> <li>• 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?</li> </ul>		
<ul style="list-style-type: none"> <li>• An offer to provide an explanation of funding, financing and payment options available, including, <ul style="list-style-type: none"> <li>▪ an explanation of any penalties or fees that apply to a particular funding, financing or payment option, and</li> <li>▪ an explanation of how the purchaser’s choice of funding, financing or payment option may affect rights and refunds available upon cancellation?</li> </ul> </li> </ul>		
<ul style="list-style-type: none"> <li>• 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?</li> </ul>		
<ul style="list-style-type: none"> <li>• 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?</li> </ul>		
<ul style="list-style-type: none"> <li>• A statement that the cemetery is governed by by-laws and that a copy the by-laws is available for review?</li> </ul>		
<ul style="list-style-type: none"> <li>• An offer to provide to the prospective purchaser a copy of the cemetery by-laws?</li> </ul>		
<ul style="list-style-type: none"> <li>• Info on any restrictions in the by-laws re. markers, lot decorations and private structures?</li> </ul>		
<ul style="list-style-type: none"> <li>• Info re. the resale or transfer of interment or scattering rights including: <ul style="list-style-type: none"> <li>▪ Any restrictions or prohibitions on the resale or transfer of rights under the by-laws, and any applicable fee?</li> <li>▪ Obligations of both parties under by-laws, s. 47(5) of the FBCSA and s.115 and 116 of Reg. 30?</li> <li>▪ If resale of rights is prohibited under the by-laws, an explanation of the right holder’s cancellation rights and refund entitlements under s.47 of the FBCSA?</li> </ul> </li> </ul>		
<ul style="list-style-type: none"> <li>• Info on any restrictions or requirements in the by-laws to purchase specific supplies or services from the operator or other person specified by the operator?</li> </ul>		

		Yes	Needs work – notes
<b>4. Other Documents</b>			
<b>A) General plan of cemetery [Reg. 30, s.147(3)]</b>			
• Is there a general plan of the cemetery current and available to the public?			
<b>B) Interment /Scattering Rights Certificates [Reg. 30, s.163]</b>			
Do interment or scattering right certificates include the following information?			
• Name and location of cemetery in which interment or scattering will take place?			
• Name of interment or scattering rights holder?			
• Location and dimensions of lot or scattering ground to which the rights relate?			
• Date on which the rights are purchased or transferred, as the case may be?			
• Amount paid by purchaser for the rights?			
• Amount deposited into the C&M fund or account for the rights?			
• A statement that if the rights holder resells or transfers the rights, the endorsed certificate must be returned to the operator before the operator is required to issue a new certificate?			
• A bold statement about any restrictions or obligations re. installation or markers and if so, a statement of what they are or reference to by-laws containing them?			
• If rights are in a private structure, the total number of niches, crypts or compartments in the structure?			
• If rights are in a private scattering ground, the total number of scatterings permitted, incl. if it's unlimited?			
<b>C) By-laws [Reg. 30, s.118, 150, 151, 152, 153]</b>			
• 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?			
• Were the current by-laws approved by the Registrar?			
<b>D) Public Register [Reg. 30, s.110]</b>			
Does the cemetery maintain a register that includes the following information?			
• Name and address of each interment/scattering rights holder and location of lot or scattering ground to which rights pertain?			
• Name and address of each original purchaser of rights and date of sale?			

	Yes	Needs work – notes
<ul style="list-style-type: none"> <li>If rights were transferred/resold, name of each new rights holder and date of resale/transfer?</li> </ul>		
<ul style="list-style-type: none"> <li>Name of each person whose remains are interred or scattered in the cemetery, and date and location of interment/scattering?</li> </ul>		
<ul style="list-style-type: none"> <li>For each disinterment: Name of person who requested disinterment, date of disinterment, and location of re-interment/scattering or name of person who took possession of human remains.</li> </ul>		
<h2>5. Record Keeping</h2>		
<p><b>A) General requirements</b> [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]</p>		
<ul style="list-style-type: none"> <li>For operators with multiple locations: Are records kept in a manner that permits information for each licensed location to be separately identified?</li> </ul>		
<ul style="list-style-type: none"> <li>If records are not maintained in hard copy format, can a hard copy of the records be readily produced in an easily understandable form?</li> </ul>		
<ul style="list-style-type: none"> <li>Are records kept at the licensed location to which the records pertain, and if not, has the Registrar been given written notice?</li> </ul>		
<ul style="list-style-type: none"> <li>Are the following records kept, as applicable, in connection with each licensed business?</li> </ul>		
<ul style="list-style-type: none"> <li>Records of all money received and disbursed, including details of each account with a depository?</li> </ul>		
<ul style="list-style-type: none"> <li>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?</li> </ul>		
<ul style="list-style-type: none"> <li>Pooled investments only: all trust agreements between the operator and a third-party trustee re. prepaid trust money?</li> </ul>		
<ul style="list-style-type: none"> <li>Copies of all contracts including voided contracts, all statements, receipts, invoices and similar documents issued by the operator?</li> </ul>		
<ul style="list-style-type: none"> <li>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?</li> </ul>		
<ul style="list-style-type: none"> <li>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?</li> </ul>		

	Yes	Needs work – notes
<b>Prepayment funds ledger</b>		
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.) [Reg. 30, s.99.7]		
• Date of contract?		
• Contract number or code?		
• Name and address, date of birth or approximate age (if known) of recipient?		
• Name and address of purchaser?		
• Total price of contract?		
• Payments received on contract?		
• Amount of money deposited in a trust account or fund, and date of deposit?		
• Name of depository, trust account/fund number into which money is deposited, and details of any investment of the money?		
• Date on which contract is fully performed or cancelled?		
• If contract is fully performed, total “at-need” price for which contract was performed?		
• Amount of any refund of money paid on the contract?		
• Amount of money withdrawn from a trust account or fund and date of withdrawal?		
• Details of any annuity or insurance policy relating to the contract, including,		
• Policy number?		
• Name and address of insurance company issuing the policy?		
• Beneficiary named under policy?		
• Face value of policy?		
• At time of death: recipient’s date and place of death, place where body was interred, cremated or otherwise disposed of?		

	Yes	Needs work – notes
<b>B) “At-need” and prepaid files</b>		
<p>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.</p>		
<b>Prepaid Files</b>		
Does each prepaid file contain the following (or is the documentation readily accessible)?		
<ul style="list-style-type: none"> <li>• Copy of prepaid contract?</li> </ul>		
<ul style="list-style-type: none"> <li>• Trust-funded prepaid files: <ul style="list-style-type: none"> <li>▪ Deposit receipt(s) showing money was placed in trust within 35 days of receipt?</li> <li>▪ Investment receipt(s) or certificate(s)?</li> <li>▪ Copy(ies) of cheque(s) payable to operator or eligible depository? (not required, but can help confirm the identify of the purchaser)</li> </ul> </li> </ul>		
<ul style="list-style-type: none"> <li>• Insurance/annuity-funded prepaid files: <ul style="list-style-type: none"> <li>▪ Copy(ies) of insurance enrolment form(s)?</li> <li>▪ Policy certificate(s)?</li> <li>▪ Assignment of benefits form, if applicable?</li> <li>▪ Copy(ies) of cheque(s) payable to insurance company? (not required, but can help confirm the identity of the purchaser)</li> <li>▪ Is payment made directly to insurance company? (If cash is given or cheque is paid to licensed operator, money must be placed in trust.)</li> </ul> </li> </ul>		
<ul style="list-style-type: none"> <li>• 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?</li> </ul>		
<b>Fulfilled prepaid (“prepaid turned at-need”) files</b>		
Does each file contain the following (or is it readily accessible)?		
<ul style="list-style-type: none"> <li>• All documents listed above for prepaid files?</li> </ul>		
<ul style="list-style-type: none"> <li>• 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?</li> </ul>		
<ul style="list-style-type: none"> <li>• Written authorization for any changes made from original prepaid contract and confirmation of embalming?</li> </ul>		
<ul style="list-style-type: none"> <li>• 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.)?</li> </ul>		

	Yes	Needs work – notes
<ul style="list-style-type: none"> <li>Record of any additional deposits or monies received on account (e.g. receipt, photocopy of cheque, credit card slip)?</li> </ul>		
<ul style="list-style-type: none"> <li>If a refund was made, is there information about the refund (amount, payee name, operator cheque number, or cheque copy)?</li> </ul>		
<ul style="list-style-type: none"> <li>Other pertinent information, including but not limited to, copy of acknowledgement of death registration, copies of invoices for third-party expenses, correspondence with purchaser, notes, etc.?</li> </ul>		
<b>At-Need Files</b>		
Does each “at-need” file contain the following (or is it readily accessible)?		
<ul style="list-style-type: none"> <li>Copy of “at-need” contract?</li> </ul>		
<ul style="list-style-type: none"> <li>Record of any deposits or monies received on account (e.g. receipt, photocopy of cheque, credit card slip)?</li> </ul>		
<ul style="list-style-type: none"> <li>Copies of invoices for third-party expenses?</li> </ul>		
<ul style="list-style-type: none"> <li>Other pertinent information, including but not limited to burial permit, correspondence with purchaser, notes, etc.?</li> </ul>		
<b>C) Records re: cremated remains [Reg. 30, s. 100]</b>		
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"> <li>If cremated remains are claimed, name and address of person claiming the remains and date claimed</li> </ul>		
<ul style="list-style-type: none"> <li>If unclaimed cremated remains are interred in a cemetery after 1 year from the date of cremation, date and place of interment?</li> </ul>		
<ul style="list-style-type: none"> <li>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?</li> </ul>		
<b>D) Retention of records [Reg. 30, s.101]</b>		
<ul style="list-style-type: none"> <li>Are records relating to contracts retained for at least 6 years from the date the contract is fully performed or is cancelled?</li> </ul>		
<ul style="list-style-type: none"> <li>Is a copy of every price list retained for at least 6 years from the date the price list was last in effect?</li> </ul>		
<ul style="list-style-type: none"> <li>Are records re. unclaimed cremated remains retained for at least 6 years from the date they are claimed or interred?</li> </ul>		
<ul style="list-style-type: none"> <li>If required to make records available to the public under the FBCSA, the records are maintained as long as the business is licensed, e.g. register of interments?</li> </ul>		



		Yes	Needs work – notes
<b>6. Trust Fund Requirements</b>			
<b>A) Prepaid trust money [Reg. 30, s. 76, s.78]</b>			
<ul style="list-style-type: none"> <li>Is all trust money held separate and apart from other monies?</li> </ul>			
<ul style="list-style-type: none"> <li>If prepaid trust money is temporarily deposited into an account prior to its investment (individual or pooled),               <ul style="list-style-type: none"> <li>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?</li> <li>Is the money not used for the operations of the business? (i.e. account balance is always more than amount of trust monies deposited)?</li> </ul> </li> </ul>			
<ul style="list-style-type: none"> <li>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?</li> </ul>			
<ul style="list-style-type: none"> <li>Is prepaid money placed in trust (individual or pooled) <u>within 35 days</u> of receipt of the money?</li> </ul>			
<ul style="list-style-type: none"> <li>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.)</li> </ul>			
<b>B) Individual trust account requirements [Reg. 30, s. 79]</b>			
<ul style="list-style-type: none"> <li>Is each individual trust account used only to hold trust money received in respect of contracts with the same purchaser for the same recipient?</li> </ul>			
<ul style="list-style-type: none"> <li>Is operator name listed as trustee of the individual trust accounts? (Refer to monthly reports.)</li> </ul>			
<ul style="list-style-type: none"> <li>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>?</li> </ul>			
<ul style="list-style-type: none"> <li>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?</li> </ul>			
<b>C) Pooled trust fund requirements [Reg. 30, s. 80]</b>			
<ul style="list-style-type: none"> <li>Do the pooled trust fund reports track monies in the fund on an individual contract basis?</li> </ul>			
<ul style="list-style-type: none"> <li>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.)</li> </ul>			

	Yes	Needs work – notes
<ul style="list-style-type: none"> <li>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)?</li> </ul>		
<ul style="list-style-type: none"> <li>If trustee fees are paid out of the fund, are they paid only out of the income earned?</li> </ul>		
<ul style="list-style-type: none"> <li>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?</li> </ul>		
<b>D) Payout of prepaid trust money [Reg. 30, s. 81]</b>		
Is trust money paid out only in accordance with the following rules?		
<ul style="list-style-type: none"> <li>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)?</li> </ul>		
<ul style="list-style-type: none"> <li>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?</li> </ul>		
<ul style="list-style-type: none"> <li>For any contract cancellation, in whole or in part, including a request to “transfer” to another operator, <ul style="list-style-type: none"> <li>is there a written cancellation request signed by the purchaser or other person entitled to cancel?</li> </ul> </li> </ul>		
<ul style="list-style-type: none"> <li>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)?</li> </ul>		
<b>E) Annual reporting on trust funds (and insurance/annuity policies) [Reg. 30, s.108 &amp; 109]</b>		
<ul style="list-style-type: none"> <li>Does the operator submit a Report of Prepaid Funds annually within three months of its fiscal year end? (copy downloadable from the BAO’s website)</li> </ul>		
<b>7. Care &amp; Maintenance (C&amp;M) Fund or Account</b>		
<p>A cemetery operator who sells, assigns or transfers interment or scattering rights, or permits interments or scatterings, shall have a C&amp;M fund.</p> <p><b>Exception:</b> The cemetery operator can have a C&amp;M account, with the operator as the trustee of the account, if the operator meets the following criteria:</p> <ul style="list-style-type: none"> <li>✓ The cemetery is not a commercial one (for profit);</li> <li>✓ Total C&amp;M monies equal less than \$50,000, for all cemeteries owned by the operator;</li> <li>✓ The cemetery operator has requested that the municipality act as trustee and the municipality has declined;</li> <li>✓ The registrar has not determined that use of a C&amp;M account would be contrary to public interest.</li> </ul>		
<b>A) C&amp;M Fund: [FBCSA, s.53, Reg. 30, s.83, 85]</b>		
<ul style="list-style-type: none"> <li>Are C&amp;M funds held by a trustee who is 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</i>?</li> </ul>		

	Yes	Needs work – notes																
<ul style="list-style-type: none"> <li>Is the trustee the corporation, credit union or league in which the fund has been established? (Exception: A municipality may act as trustee for its own fund/account, and for those of other cemetery operators when requested to do so.)</li> </ul>																		
<ul style="list-style-type: none"> <li>Does the name of the C&amp;M fund include the words “care and maintenance fund” (ou “fonds d’entretien”)?</li> </ul>																		
<b>B) C&amp;M Account:</b> [FBCSA, s.53, Reg. 30, s.84]																		
<ul style="list-style-type: none"> <li>Is the account held in an eligible depository?</li> </ul>																		
<ul style="list-style-type: none"> <li>Is it designated as the care and maintenance account?</li> </ul>																		
<ul style="list-style-type: none"> <li>Is it established in the name of the cemetery operator (as it appears on the licence) for each cemetery to which the trust money relates?</li> </ul>																		
<ul style="list-style-type: none"> <li>Is it used only as a C&amp;M account to hold C&amp;M money?</li> </ul>																		
<ul style="list-style-type: none"> <li>Is money in the account invested and kept invested in one or more of the following? An interest-bearing account, GIC, deposit receipt or note, certificate of deposit, term deposit or other similar instrument?</li> </ul>																		
<ul style="list-style-type: none"> <li>Was the Registrar notified in writing prior to opening a C&amp;M account?</li> </ul>																		
<b>C) Payment into C&amp;M fund or account</b> [FBCSA, s.53, 55, Reg. 30, s.87, 88, 168]																		
<ul style="list-style-type: none"> <li>For every interment or scattering right sold, is the prescribed amount (see chart below) paid into the C&amp;M fund or account within 60 days of the date of sale, or interment/scattering, whichever is earlier? (Refer to s.168 for exceptions re. instalment payments.)</li> </ul> <table border="1" data-bbox="165 927 1409 1227"> <thead> <tr> <th>Interment or scattering right</th> <th>Prescribed contribution for per interment or scattering right sold / assigned / transferred</th> </tr> </thead> <tbody> <tr> <td>In-ground grave (2.23 m<sup>2</sup> /24 ft<sup>2</sup> or larger)</td> <td>Greater of 40 % of selling price and \$250</td> </tr> <tr> <td>In-ground grave (smaller than 2.23 m<sup>2</sup> /24 ft<sup>2</sup> )</td> <td>Greater of 40 % of selling price and \$150</td> </tr> <tr> <td>Crypt</td> <td>Greater of 20 % of selling price and \$500</td> </tr> <tr> <td>Niche</td> <td>Greater of 15 % of selling price and \$100</td> </tr> <tr> <td>Scattering ground (single scattering right holder)</td> <td>Greater of 40 % of selling price and \$100</td> </tr> <tr> <td>Scattering ground (multiple scattering rights holders)</td> <td>Greater of 15 % of selling price and \$25</td> </tr> <tr> <td>Scattering ground (no scattering rights holder)</td> <td>\$25 per scattering</td> </tr> </tbody> </table>	Interment or scattering right	Prescribed contribution for per interment or scattering right sold / assigned / transferred	In-ground grave (2.23 m <sup>2</sup> /24 ft <sup>2</sup> or larger)	Greater of 40 % of selling price and \$250	In-ground grave (smaller than 2.23 m <sup>2</sup> /24 ft <sup>2</sup> )	Greater of 40 % of selling price and \$150	Crypt	Greater of 20 % of selling price and \$500	Niche	Greater of 15 % of selling price and \$100	Scattering ground (single scattering right holder)	Greater of 40 % of selling price and \$100	Scattering ground (multiple scattering rights holders)	Greater of 15 % of selling price and \$25	Scattering ground (no scattering rights holder)	\$25 per scattering		
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		Yes	Needs work – notes										
<ul style="list-style-type: none"> <li>For every installation of a marker, is the prescribed amount (see chart below) paid into the C&amp;M fund or account within 60 days of installation?</li> </ul>													
<table border="1"> <thead> <tr> <th>Marker</th> <th>Prescribed amount per marker installed</th> </tr> </thead> <tbody> <tr> <td>Flat marker (smaller than 1,116.13 cm<sup>2</sup> /173 in<sup>2</sup>)</td> <td>\$0</td> </tr> <tr> <td>Flat marker (1,116.23 cm<sup>2</sup> /173 in<sup>2</sup> or larger)</td> <td>\$50</td> </tr> <tr> <td>Upright marker (1.22 m/4 ft or less in height and 1.22 m/4 ft or less in length, including base)</td> <td>\$100</td> </tr> <tr> <td>Upright marker (more than 1.22 m/4 ft in either height or length, including base)</td> <td>\$200</td> </tr> </tbody> </table>		Marker	Prescribed amount per marker installed	Flat marker (smaller than 1,116.13 cm <sup>2</sup> /173 in <sup>2</sup> )	\$0	Flat marker (1,116.23 cm <sup>2</sup> /173 in <sup>2</sup> or larger)	\$50	Upright marker (1.22 m/4 ft or less in height and 1.22 m/4 ft or less in length, including base)	\$100	Upright marker (more than 1.22 m/4 ft in either height or length, including base)	\$200		
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<b>D) Use of income from C&amp;M fund or account</b> [FBCSA, s.53, Reg. 30, s.93]													
<ul style="list-style-type: none"> <li>Is the income earned used only for the maintenance of the cemetery (grounds, structures, markers, etc.)?</li> </ul>													
<b>E) Annual reporting on Care &amp; Maintenance Fund(s) or Account(s)</b> [Reg. 30, s.109]													
<ul style="list-style-type: none"> <li>Does the operator file within 3 months of its fiscal year end, reports required under s.109(4) of Reg. 30 for C&amp;M accounts, or s.109(5) of Reg. 30 for C&amp;M funds? ]</li> </ul>													
<b>8. Miscellaneous</b>													
<b>A) Website compliance</b> [Reg. 30, s. 68(3), 113, 117, 119(5)]													
If the operator maintains a website for the business:													
<ul style="list-style-type: none"> <li>Are the above ownership disclosure requirements clearly visible on the main page?</li> </ul>													
<ul style="list-style-type: none"> <li>If contracts are entered into online, does the website show the operator’s licence number and class?</li> </ul>													
<ul style="list-style-type: none"> <li>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?</li> </ul>													
<ul style="list-style-type: none"> <li>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.)</li> </ul>													
<b>B) Storage of supplies in advance of use</b> [Reg. 30, s. 136]													
If storing a supply or arranging to store a supply, e.g. casket, urn, marker, vault or a grave liner, are the following conditions adhered to?													
<ul style="list-style-type: none"> <li>The supply is in a substantially completed condition?</li> </ul>													
<ul style="list-style-type: none"> <li>The purchaser has made full payment for the supply?</li> </ul>													
<ul style="list-style-type: none"> <li>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?</li> </ul>													
<ul style="list-style-type: none"> <li>The supply is to be stored in a way that does not give rise to a lien on it?</li> </ul>													

	Yes	Needs work – notes
<ul style="list-style-type: none"> <li>• The contract does not require that the purchaser be responsible for the costs relating to the storage or insuring of the supply?</li> </ul>		
<ul style="list-style-type: none"> <li>▪ The supply is not placed into storage until after 30 days of the contract date?</li> </ul>		
<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>○ 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?</li> </ul> </li> </ul>		