

# Doing More To Protect Consumers



## Annual Report

April 1, 2021 - March 31, 2022

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# Organizational Overview

The Bereavement Authority of Ontario (BAO) is a government delegated authority administering provisions of the *Funeral, Burial and Cremation Services Act, 2002 (FBCSA)* on behalf of the Ministry of Public and Business Service Delivery. Responsible for protection of the public interest, the BAO regulates and supports licensed:

- Funeral establishment operators, directors and preplanners;
- Cemetery, crematorium and \*alternative disposition operators;
- Transfer service operators; and
- Bereavement sector sales representatives across Ontario.

The BAO is wholly funded by licensee fees (not tax dollars).



## Mission

To protect consumers by regulating funeral, burial, transfer, cremation and alternative disposition services in Ontario.

## Vision

To provide fair, safe and supportive funeral, burial, transfer, cremation and alternative disposition services in Ontario.

## Values

- Honesty and Integrity
- Accountability
- Communication and Confidentiality
- Compliance
- Cooperation and Teamwork
- Healthy Co-existence with our Environment

## Mandate

The BAO is an independent, not-for-profit corporation that administers provisions of the *Funeral, Burial and Cremation Services Act, 2002 (FBCSA)*. The BAO's mandate is to serve and protect public interest and govern the bereavement sector in the province of Ontario.

## Objectives

- Increase consumer awareness of the BAO and access to useful and relevant regulatory information.
- Develop and maintain effective communications with key stakeholders.
- Improve resolution of consumer complaints.
- Enhance educational requirements.
- Conduct inspections and reviews and resolve matters of non-compliance.
- Increase the effectiveness and efficiency of inspections and compliance methods.
- Coach for compliance.
- Ensure financial sustainability.
- Improve operational capabilities.
- Ensure effective Board oversight of the BAO.
- Ensure compliance with the FBCSA and regulations.

\* Alternative disposition = Currently this relates to alkaline hydrolysis, a chemical process that uses a heated solution of water and potassium hydroxide or sodium hydroxide under pressure and agitation to reduce a body to components of liquid and bone.

# Message from the Chair

Glenda Brindle

Chair, BAO Board of Directors



## BAO strategic focus is on a fair and safe sector

The Bereavement Authority of Ontario is moving forward with development of a fair and safe marketplace for consumers.

The next three years will be about the BAO becoming a model for regulatory excellence, enabling us to protect grieving families to an even higher standard.

We have already made strides in that direction firming up our regulation of the sector to the benefit of families.

### Examples

We have our secret shoppers out there acting as consumers to check on upselling in the marketplace.

We've added more inspectors and licensing officers to ensure compliance with the law for consumers and to support the profession. In recent months, we have also put the onus on sector professionals to address deficiencies found by BAO inspectors before a follow-up inspection occurs.

### Board approved new Strategic Plan

These improvements and others have helped set the foundation for our way forward. After months of work, the BAO Board of Directors approved the authority's Strategic Plan for 2022-25.

The new Strategic Plan is our vision and commitment to a fair and safe bereavement sector in which grieving families have confidence in the dignified and respectful treatment of their deceased loved ones.

In support of this vision, the BAO Board and staff will effectively regulate Ontario's bereavement sector through these strategies:

- Use of effective regulatory tools to promote compliance and inspire confidence in the sector
- Support informed decision-making
- Responsiveness to the changing needs of consumers and the sector

As we say in our [BAO Strategic Plan](#), success will be determined by improvement in the risk profile of the sector, strengthened the quality and relevance of reporting available for BAO Board and management decision-making, increased effectiveness of regulatory oversight, enhanced preparedness for emerging issues and trends, plus inspections and operationally-oriented key performance indicators.

## Message from the Chair...continued

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### Teamwork

The BAO Board of Directors is working with the staff to continue to grow and work hard to achieve the goals set out in our Strategic plan.

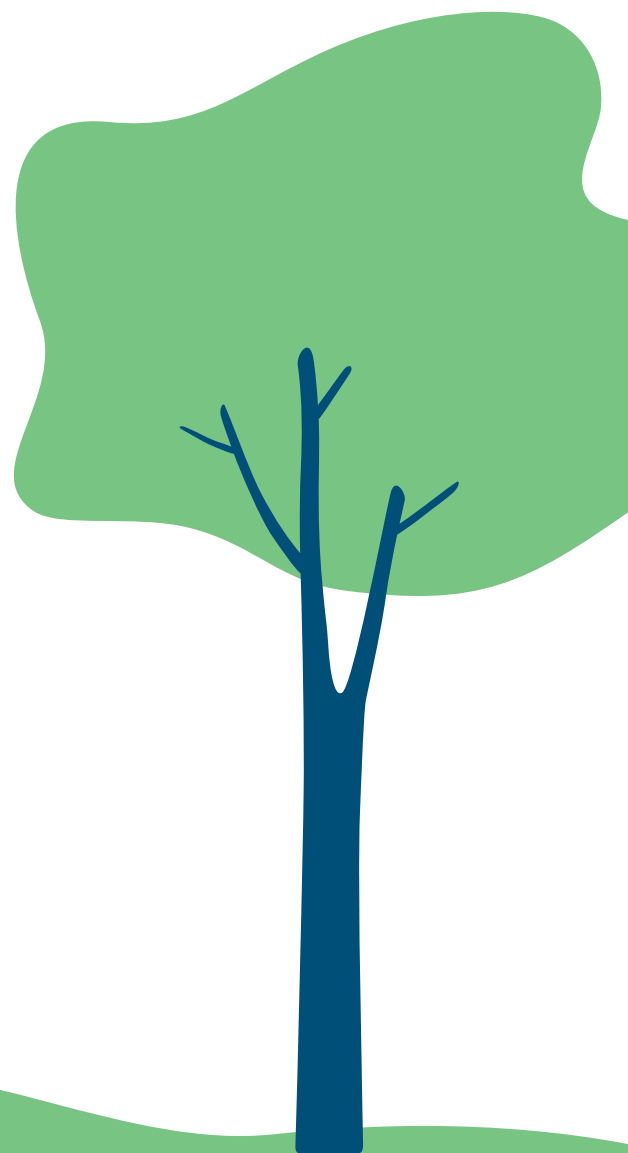
Of course, none of this can happen without partnerships and teamwork.

### Thanks

I would like to thank my colleagues on the board for their collaboration, dedication and leadership, as well as our BAO staff and management.

The board joins me as well in thanking our licensees for their adherence to regulations and BAO Registrar's Directives, which have helped keep sector staff and grieving families safe during the two years of the pandemic. The hard work and quick changes required during this pandemic showed the professionalism of the sector.

A special thank you to the Minister of Public and Business Service Delivery and Ministry of Public and Business Service Delivery for their oversight and support of the BAO in our mandate as the regulator. We are looking forward to working together with the government in the best interest of consumers.



# Message from the CEO & Registrar

Carey Smith



## BAO expands to do more in the public interest

We enter the new fiscal year of 2022/23 in a solid position to continue doing more for grieving families, who are the consumers of our bereavement sector.

Our work will continue to centre on consumer protection of course.

Beyond consumer protection, our role is to protect the broader public interest.

What does that mean?

It means that we're here to ensure the care, good order and dignity of cemeteries in perpetuity. It also means that we're here to ensure that human remains of loved ones are treated safely, with respect and decency.

The end of the fiscal year on March 31, 2022, marked a new start for the Bereavement Authority of Ontario because we made great progress on key business objectives during the previous 12 months.

We have focused on revamping our inspection strategy to prioritize inspections based on an assessment of risk of harm to consumers and expanded the rigour of licensing compliance to better serve and protect consumers.

In the second year of COVID-19, we continued to protect grieving families and bereavement sector staff by adapting quickly to each change in the pandemic.

the form of Registrar's Directives, Notices, guidance and news emails, plus our 19 pandemic update webcasts. In that time, no bereavement sector business had to close because of an outbreak among staff or visitors. You can read my COVID-19 Report on [page 15](#).



## Alignment with government

We worked in alignment with the provincial government by adapting and interpreting regulations and announcements to the health and safety needs specific to our sector. From February 28, 2020 to March 31, 2022, we maintained a valuable two-way communication with our licensees and the public. In doing so, the BAO was able to ensure that the sector maintained the capacity to handle surges in deaths with care, respect and dignity for the deceased.

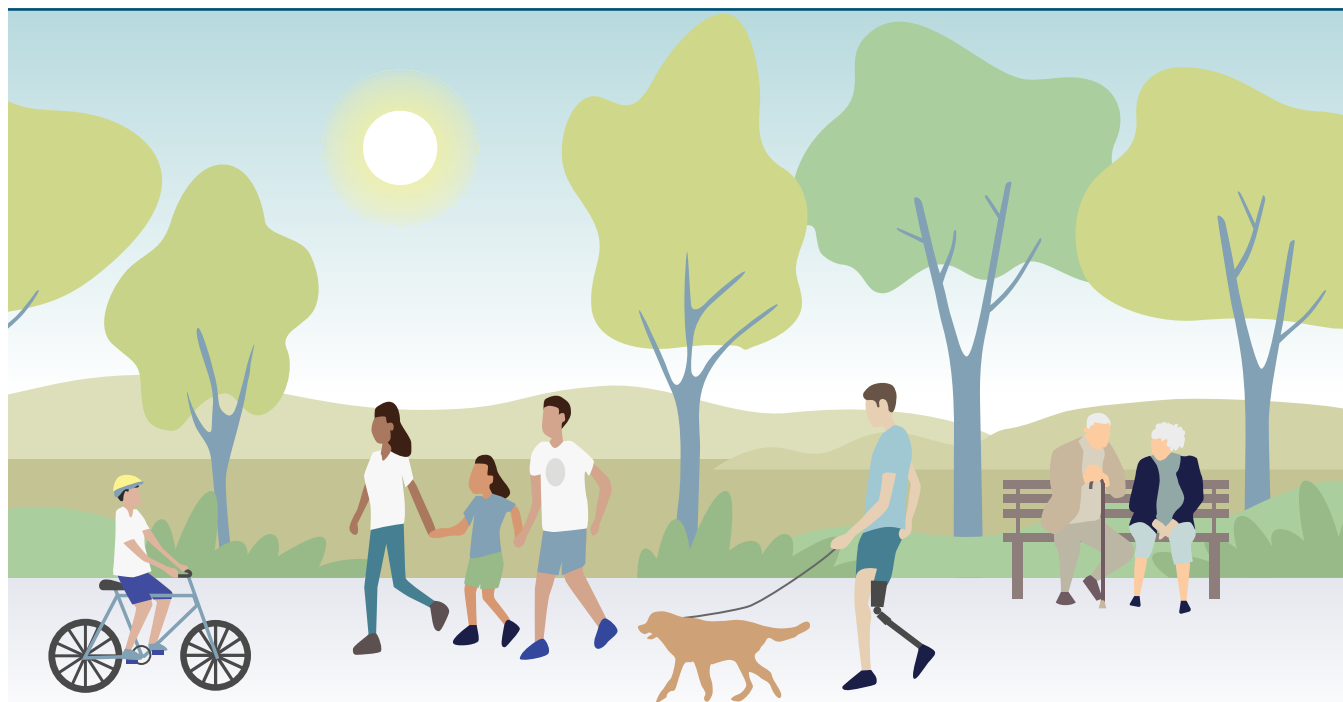
We published 93 pandemic communications items in

## BAO Interim Business Plan

We've also added value to our role of protecting the public interest with commitment to constant improvement as enshrined in our BAO Interim Business Plan that started on April 1, 2021.

Progress on the business plan is provided on [page 13](#) of this annual report. The two-year plan incorporated recommendations of the Office of the Auditor General Value-for-Money Audit conducted for five government delegated administrative authorities, including us.

## Message from the CEO & Registrar...continued



The BAO has made significant progress in our plan to implement the recommendations, 33 of the 51 action items – or 65 per cent – are fully implemented as of the fiscal yearend in partnership with the Ministry of Public and Business Service Delivery.

Highlights of our work include:

- **Development of effective strategies to increase the transparency of price information to consumers**, such as requiring all licensed operators' websites to provide their price lists and a link to the BAO's [Consumer Information Guide](#)
- **Standardizing the presentation of price lists** among all licensed operators. The BAO provided guidance to the sector to help standardize the presentation of price lists
- **Gathering of up-to-date contact information of all cemetery operators** toward licensing all cemetery operators including very old and small cemeteries
- **Performing inspections of cemeteries** that did not submit their annual reports and other information on time, and ordering them to comply with the law
- **Conducting proactive and unannounced inspections** (secret shoppers) of a sample of licensed operators to identify and deter upselling and other unethical practices or actions of non-compliance with the law
- **Establishment of an annual inspection plan** targeting high-risk areas for inspection, specifying the percentage of inspections to be reactive versus proactive, and how inspections are prioritized based on risk, urgency and severity of potential non-compliance
- **Improvement of the accuracy and reporting of inspection statistics** by: Conducting periodic verification of inspection counts; Tacking all trigger events for inspections in one place, and; Correcting the number of inspections listed in previous annual reports, as posted on our website
- **Protecting consumer funds** by conducting inspections or imposing conditions or other consequences, if funeral homes or transfer services do not file reports on prepaid funds within 90 days after their fiscal yearend, or fail to take timely action to correct any deficiencies identified
- **Placing appropriate conditions on operators** based on the type and severity of their violations if deficiencies are not corrected in accordance with its internal policies: Reducing turnaround time to follow up on significant non-compliance issue; Implementing more stringent conditions on non-compliant licensees, and; Providing the public with more details on licensing and enforcement decisions and actions taken against licensed and non-licensed operators, with the privacy of affected families being protected

# Message from the CEO & Registrar...continued

- **Improving tracking and monitoring of all consumer complaints and inquiries** so that they are addressed on a timely basis by: Establishing a formal policy to define which kind of inquiry should become a complaint, and what kind of complaint should be forwarded for an inspection; Instructing staff to record and update the status of complaints and inquiries consistently, accurately, and in a timely way, and: Reviewing process time for complaints and established a shorter turnaround time target of five business days to respond to complaints and 30 days (effective April 1, 2022) to close each complaint filed
- **Consultation with the Office of the Chief Coroner (OCC) on the Provincial Mass Fatality Plan** to effectively address any large-scale death event, such as a natural disaster or non-natural event. The OCC and BAO met, in September 2020 prior to the release of the Auditor's General's audit report, and the BAO's feedback was incorporated into the Provincial Mass Fatality Plan at that time.
- **Requirement that all transfer service providers be licensed** by the BAO across the province. This necessitated the development of a new licence class specific to Islamic centers and masjids, with a new modified transfer service education program developed and provided by Humber College
- **Working with the Ministry of Environment, Conservation and Parks to protect the environment** and comply with the Environmental Protection Act including: Verification and communication with all licensed funeral homes to verify that each has a current hazardous waste generator number; Communication to notify and remind BAO licensees of their environmental responsibilities
- **Increasing public awareness of the BAO's consumer protection mandate** and the resources on our website through expanded advertising, social media, media relations and stakeholder relations.

## Thank you

Making these improvements has required new policies, processes and 14 additional staff members bringing our total complement to 39 at fiscal yearend.

I would like to thank our staff team for our collective progress and for their dedicated efforts as we continue

our path of constant improvement.

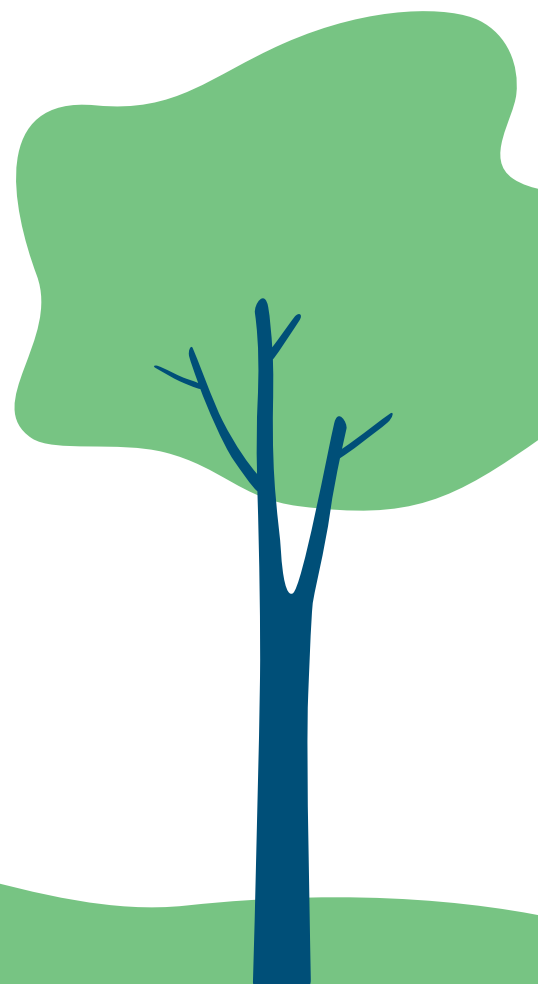
I also thank our dedicated BAO Board of Directors for their guidance and support, particularly during these unusual times.

Our licensees continue to prove themselves as highly adaptive professionals who serve families in their times of great personal loss.

Collaboration and consultation with our partners at the Ministry of Public and Business Service Delivery has been greatly appreciated again this year.

We look forward to building on our work of protecting consumers and the public interest

*Carey Smith*





# Two years of COVID safety in our sector

## CEO/Registrar's COVID-19 Report - Carey Smith

It has been two hard years of stormy skies, to say the least.

But thanks to the diligent work of the Bereavement Authority of Ontario and its licensees, COVID-19 outbreaks stemming from funeral services were very rare among family attendees and bereavement sector staff members.

It took a lot of focus and commitment to achieve that. Professionals at funeral homes, transfer services, cemeteries and alkaline hydrolysis facilities certainly had no shortage of provincial regulations and my Registrar's Directives to adapt to as the COVID-19 virus evolved.

### Authoritative information

Since February 28, 2020 to March 17, 2022, we published 93 pandemic communication items in the form of Registrar's Directives, Notices, guidance and news emails, plus our 19 pandemic update webcasts – answering questions from consumers and professionals along the way. All were made available on our website, with our social media feed broadcasting all changes in restrictions.

With our web pageviews more than tripling from 205,484 to 726,194 between the 2019/20 to 2021/22 fiscal years, we know people are turning to us for authoritative information.

In that time, no bereavement sector business had to close because of an outbreak among staff or visitors.

Only two licensees had to be suspended for breaking COVID safety protocols: one business was suspended for two weeks in February 2021; and one personal licence was immediately suspended and revoked as part of a notice of discipline including other matters in 2021/22.

That's two of more than 9,000 personal and operator licensees.

Our bereavement sector's track record of success was no accident. They followed the changing restrictions thanks to their professionalism in implementing our directives, notices and guidance.



There were many difficult changes to keep up with throughout the virus' surges and new variants requiring pivots along the way.

From initial shock as COVID's spread became an international crisis in March 2020, to the many measures put in place making sure the public and sector staff were as protected as they reasonably could be.

A steady stream of communication started from the BAO with an initial Registrar's blog two weeks before the pandemic was declared by the World Health Organization in mid-March of 2020. That was followed by our Good Friday webcast in April with more than 2,000 licensees participating -- and the frequent CEO & Registrar's Updates that continued for two years.



# CEO/Registrar's COVID-19 Report...continued



## Colour codes and the EDR

Remember our colour chart and the Emergency Death Response (EDR)?

They were safety measures, which also provided clarity on what the rules were during a constantly changing era.

Our own colour chart of restrictions matched the provincial government's COVID colour zones denoting which provincial jurisdictions were under green/prevent, yellow/protect, orange/restrict, red/control or grey/lockdown restrictions.

Our innovative EDR ensured funeral home and transfer staff moved decedents from hospitals and long-term care facilities expediently to prevent huge stockpiles of bodies, which occurred in several countries. This was a joint plan between the BAO and the Office of the Chief Coroner of Ontario.

We went through waves and variants of the coronavirus with the latest being the less severe and most transmissible Omicron variant and the BA.2 subvariant, in the winter and spring of 2022.

The overall picture has continued to get brighter as pandemic hospitalizations and deaths diminished greatly this past February and March in Ontario.

My most recent COVID Registrar's Directives removed capacity limits and the mask requirement for funerals in

alignment with the provincial government's actions in March 2022.

Like you, we hope the virus will continue to diminish throughout the world, across Canada and in our province.

## Trail of action

The trail of our actions as a regulator is well documented on our webpage called [COVID-19: Ready...together](#). Thankfully, the authority and the sector were indeed as ready as we could be.

I thank our licensees, partners at the Ministry of Public and Business Service Delivery, the Office of the Chief Coroner for Ontario, other provincial ministries, our staff and the BAO Board of Directors for their collaborative work and support.

Here's to clearer skies ahead.

# BAO by the Numbers 2021/22

 **726,194**  
Web pageviews

 **140,408**  
Consumer Information Guides  
printed & distributed  
(134,910 English and 5,498 French)


 **1,801**  
Followers


 **122** Inspections  
conducted

 **168**  
Followers

 **9,528**  
Active licensees

 **483**  
Followers

 **337**  
166 Licencing exams  
plus 171 Jurisprudence  
exams

 **97,000+**  
Views per quarterly  
issue of *Beyond*  
magazine

 **27,868**  
Phone calls received

# Organizational Chart

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# BAO Board of Directors 2021/22



**Glenda Brindle**  
**Chair**

**Broker**  
Royal LePage Team  
Realty Brokerage



**Leith Coghlin**  
**Vice-Chair**

**Managing Director**  
EnPointe Public Affairs



**John O'Brien**  
**Secretary**

**Principal**  
O'Brien Strategic Services



**Normand A. Allaire**  
**Director**

**President/CEO (Retired)**  
Runnymede Healthcare Centre



**Lucy Becker**  
**Director**

**Retired**  
Public affairs executive



**Laurie Macdonald**  
**Director**

**Executive Director**  
Ontario Wine  
Appellation Authority



**Scott Miller**  
**Director**

**Funeral Director**  
Part-owner  
Pinnacle Cremation Services



**Jay O'Neill**  
**Director**

**CEO/Registrar**  
Retirement Homes  
Regulatory Authority



**Andrew Roy**  
**Director**

**President**  
The Beechwood  
Cemetery Company



**Jane van Alphen**  
**Director**

**Partner**  
Search Practice LHH  
Knightsbridge

# Corporate Governance

## Role of the Bereavement Authority of Ontario (BAO) Board of Directors

The governance of the BAO is established through the *Funeral, Burial and Cremation Services Act, 2002 (FBCSA)*, its regulations, by-laws, policies as well as an Administrative Agreement with the government through the Ministry of Public and Business Service Delivery (MPBSD). The Board is accountable to the Minister for the performance of the BAO and is responsible for corporate governance, regulatory oversight and guiding the development of the BAO's strategic plan and priorities. The Board is committed to continually strengthening its governance practices and oversight of the organization and supporting the government's consumer protection mandate.

## Board composition and Director qualifications

The BAO is governed by a 10-member Board of Directors. The Board is comprised of:

- Four (4) skills-based directors with regulatory and governance experience and who have no direct interest in the bereavement sector.
- Three (3) directors who are selected and appointed by the Minister, MPBSD.
- Three (3) directors who are also the Chairs of the three Advisory Committees. These individuals represent all sectors of the bereavement industry: faith, funeral and transfer services, cemetery and cremation.

## Board remuneration

The Board met nine times during the 2021/22 fiscal year. The Board Remuneration Policy sets out the following rates (for 3+ hour meetings) for Board members.

- Per diem rate for Chair is \$744
- Per diem rate for Vice Chair is \$583
- Per diem rate for Board members is \$472

For fiscal year 2021/22 the total Board remuneration was \$84,109.

# Corporate Governance

## BAO Board Committees

The Board is supported by the work of these committees.

### Audit and Risk Committee

*Chair Jay O'Neill*

The Audit and Risk Committee's mandate is to assist the Board in fulfilling its oversight responsibilities with respect to the organization's standards of integrity and behaviours, reporting of financial information, and risk management control practices.

### CEO Performance Evaluation Committee

*Chair Glenda Brindle*

The CEO Performance Evaluation Committee's mandate is to assist with the evaluation of the CEO on an annual basis and to make recommendations on alterations to the CEO job description, incentives and salary.

### Compensation Fund Committee

*Chair Normand Allaire*

The Compensation Fund Committee's mandate is to manage the affairs of the Funeral Services Compensation Fund, to ensure compliance with the FBCSA and its regulations and to determine eligibility of claims.

### Selection Committee

*Chair Laurie Macdonald*

The Selection Committee is an ad-hoc committee that meets as needed to review applications for appointment to the Discipline and Appeal Committees.

### Governance and Nominations Committee

*Chair John O'Brien*

The Governance and Nominations Committee has a dual mandate to provide the Board of Directors with recommendations for the membership of the Board and committees, and to assess the BAO's governance development, practices and policies.

### Discipline and Appeal Committees

*Discipline Committee Chair: Paul Famula*

*Appeal Committee Chair: Marilyn Marshall*

The Discipline and Appeal Committees hear and determine issues regarding licensee violations of the Code of Ethics, including determining penalties where appropriate. A panel of three committee members will be selected to hear and determine each matter.

### Volunteer Advisory Committees

- **Cemetery, Crematorium and Municipal Advisory Committee** – Chair Andrew Roy

This committee is comprised of sector and consumer representatives, who provide the BAO Board and the CEO & Registrar with expert advice related to cemeteries and crematoriums.

- **Faith-based Advisory Committee**

Chair John O'Brien

This committee is comprised of sector and consumer representatives, who provide the BAO Board and the CEO & Registrar with expert advice related to funeral and transfer services

- **Funeral and Transfer Service Advisory Committee**

Chair Scott Miller

This committee is comprised of sector and consumer representatives, who provide the BAO Board and the CEO & Registrar with expert advice related to funeral and transfer services.

# BAO Interim Business Plan: 2021/22 to 2022/23

## Checking off our progress

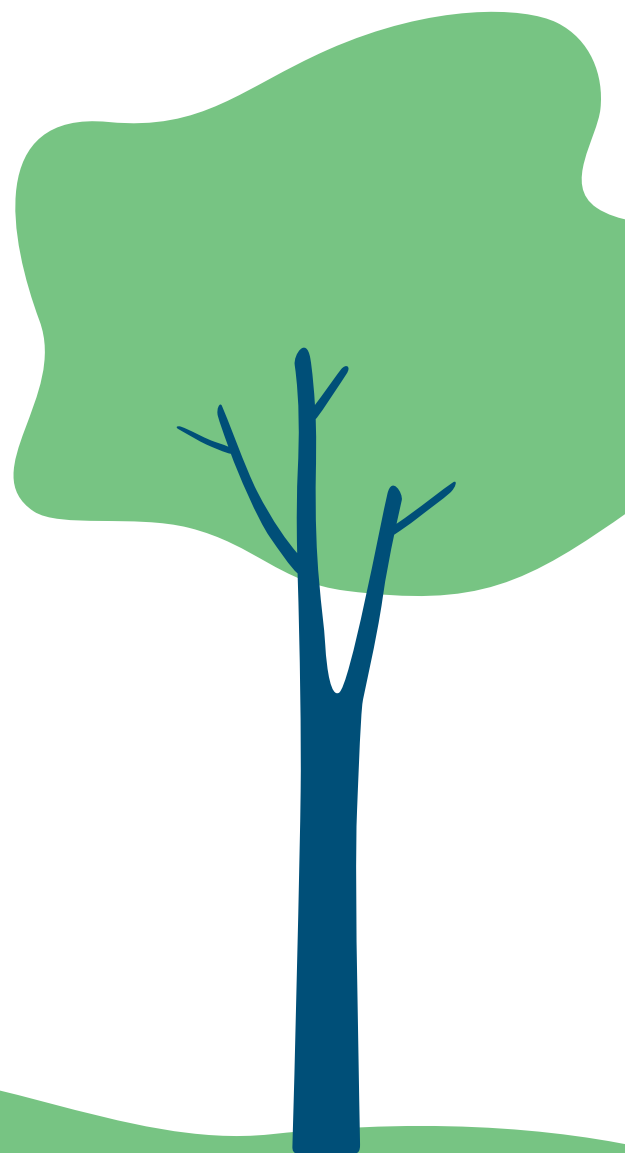
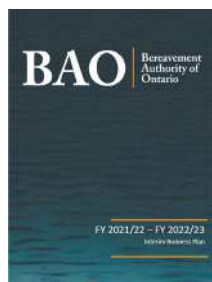
The BAO's two-year interim business plan demonstrates our progress on our objectives.

The authority has set strategic priorities, initiatives, and a performance plan in its interim business plan for these two fiscal years, 2021/22 to 2022/23.

As a reward for its hard work, the authority has had the pleasure of adding check marks to action items completed on time, or ahead of its deadlines, in the plan posted on our website.

Items not checked off, such as those with deadlines in the future, are in the works by BAO staff.

The public is welcome to see what we've done in the [Business Objectives, Annual Activities & Key Targets Section](#) of the plan on pages 13 to 24.





# Service Standards

The BAO is proud of its customer service. Consumers and licensees receive these turnaround times for services from our staff.

Service Standards	
Service	Target Turnaround Time
Personal Licence Application	10 Business Days
Business/Establishment Licence Application	45 Business Days
Inquiry Acknowledgement	1 Business Day
Complaint Processing	60 Business Days
Inspection Results Delivered to Licensee	14 Business Days

## Compliance - AODA

The BAO ensures that its policies, practices and procedures comply with the principles of dignity, independence, integration and equal opportunity in accordance with the Accessibility for Ontarians with Disabilities Act.

## French Language Services

The BAO employs four bilingual individuals. These employees provide bilingual support to consumers, stakeholders and licensees via phone and written correspondence, upon request.

The BAO also provides bilingual Funeral Service education through Collège Boréal, which offers the program in French. Of the total of 2,308 inquiries by phone or email, 19 were received and responded to by the BAO in the French language in 2021/22.

BAO publications are offered in French and English.

# Report on Performance

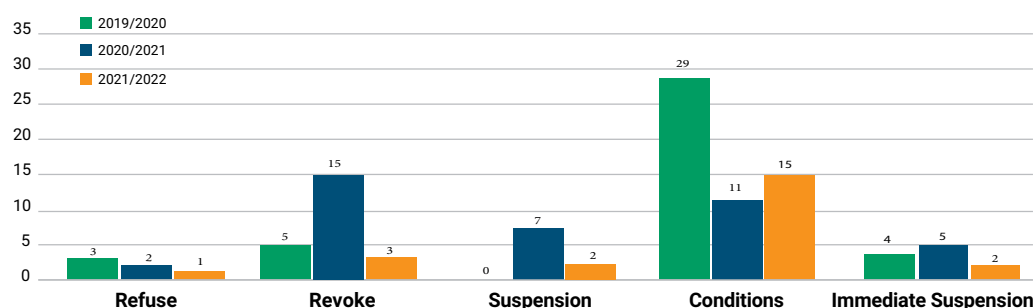
## Registrar's Actions 2021/22

Registrar's actions include issuing Proposals to Suspend, Refuse or Revoke Licences and to impose conditions on licences. Issuing of a registrar's temporary suspension (a.k.a. Registrar's Immediate Suspension) for the most serious matters are also included.

## Definitions

- **Refuse:** Notice of Proposal to Refuse issued by the Registrar
- **Revoke:** Notice of Proposal to Revoke issued by the Registrar
- **Suspension:** Notice of Proposal to Suspend or voluntary suspensions
- **Conditions:** Conditions imposed on the Licensee
- **Immediate Suspension:** Suspension: Registrar's Immediate/Temporary Suspension Order – typically issued in addition to a notice of proposal to revoke

## Registrar's Actions



Some actions (e.g. 'Proposal to Revoke' and 'Immediate Suspension' orders) fall under more than one category and so are counted more than once. This means that the totals in the Operator chart will not correspond.

## Registrar's Actions by Licensee Type

Fiscal Year (April 1, 2021 to March 31, 2022)

Operator	Total (13)	Percentage
Funeral Establishment Operator	3	23%
Transfer Service Operator	2	15%
Cemetery Operator	6	46%
Crematorium Operator	2	15%
Alkaline Hydrolysis Operator	0	0%
Personal	Total (5)	Percentage
Funeral Director	4	80%
Sales Representative	1	20%

There were four appeals to the Licence Appeal Tribunal: one by a personal licensee; three by operator licensees.

## The Trend

The Registrar has taken a proactive approach to resolving licensee compliance issues by using Orders for Information and Cease Orders. These actions have successfully reduced the need to escalate enforcement to litigation in many cases, and result in fewer Registrar's refusals, suspensions, conditions and revocations. Orders for Information are issued under s. 111 of the Act. A Cease Order is issued under the authority of O. Reg. 30/11, subsection 109(7).

# Report on Performance

## Licensing

Under the *Funeral, Burial and Cremation Services Act, 2002 (FBCSA)*, anyone in Ontario who provides or offers to provide bereavement-related supplies and services must be licensed with the BAO. The total number of active personal and operator licensees (cemetery, crematorium, alternative disposition operator, funeral establishment and transfer service operators; funeral directors, preplanners; and transfer service, cemetery and crematorium sales representatives) during this fiscal year is 9,528.

## Establishment Licensing

The 2021/22 fiscal year continues to see stability across licensed establishments.

## Licence Classes Defined

- Funeral Establishment Operator – Class 1: Can offer embalming services, full funeral services, removal of pacemakers or implants. Will make available an inexpensive transfer service.
- Funeral Establishment Operator - Class-2: Can temporarily place human remains so persons may attend and pay their respects, such as visitation or funeral. Cannot offer embalming services, transfer services, or removal of pacemakers or implants.
- Transfer Service Operator – Class 1: Can sell and provide the service of placing a dead human body in a casket, washing the body and setting the features and transporting a dead human body from one location to another.
- Transfer Service Operator – Class 2: Can sell and provide the service of placing a dead human body in a casket, removing personal effects and transporting a dead human body from one location to another.
- Transfer Service Operator – Class 2 (Restricted): Can sell and provide the same services as a Transfer Service Operator – Class 2 above, but the operator is restricted to serving only the members of its religious organization.
- Cemetery Operator: Person (corporation, partnership, sole proprietor, trustee/volunteer board – religious or other) licensed to sell and provide cemetery supplies and services.
- Crematorium Operator: Person (Corporation, Partnership, Sole Proprietor, Trustee/Volunteer Board – Religious or other) licensed to sell and provide crematorium supplies and services.
- Alternative Disposition (hydrolysis): Licensed to sell and provide hydrolysis services.

Establishment Licensing Statistics			
Licence Classes	2019/20	2020/21	2021/22
Funeral Establishment Operator - Class 1	576	575	572
Funeral Establishment Operator - Class 2	11	12	10
Transfer Service Operator - Class 1	50	51	67
Transfer Service Operator - Class 2	31	31	32
*Transfer Service Operator - Class (Restricted)			21
Cemetery Operators (2,338 organizations)	5,217	5,222	5,221
Crematorium Operators (53 organizations)	72	72	74
Alternative Disposition (Hydrolysis)	4	4	4
<b>Totals</b>	<b>5,961</b>	<b>5,967</b>	<b>6,001</b>

\* New in 2021/22

# Report on Performance

## Personal Licensing

Personal Licence Classes	Count of Category
Funeral Director-Class 1 (embalming)	2,524
Funeral Director-Class 2 (non-embalming)	38
Funeral Preplanner	380
Sales Representative (Cemetery/Crematorium)	548
Transfer Service Sales Representative	33
TSSR Restricted	25
<b>Grand total</b>	<b>3,548</b>

## Licence Classes Defined

- Funeral Director – Class 1: Can embalm and provide all related professional services associated with arranging and directing a funeral and memorial service on behalf of a licensed establishment.
- Funeral Director – Class 2: Can arrange and direct customized funeral rites and ceremonies on behalf of a licensed establishment. Cannot provide embalming services.
- Funeral Preplanner: Can enter into prepaid contracts funded by trust or insurance plans for funeral supplies and services on behalf of a licensed funeral establishment (FE).
- Transfer Service (TS) Sales Representative: Can sell transfer services on behalf of a licensed transfer service operator.
- Cemetery Sales Representative: Can sell or offer to sell cemetery supplies and services on behalf of a licensed cemetery operator.
- Crematorium Sales Representative: Can sell or offer to sell crematorium supplies and services on behalf of a licensed crematorium operator.

## New and renewed licences

	Newly issued in 2021/22	Renewed in 2021/22
FE and TS Operator licences	70*	699
Cemetery, Crematorium and Alternative Disposition (Hydrolysis) Operator	10**	2,707
Personal licences	245	2,935

\*Includes applications for new and asset/share purchases of funeral establishments and transfer services.

\*\*Includes applications for new and asset/share purchases of cemetery operators.

Emeritus Status - Funeral Directors in good standing for 50+ years	
Year	# of individuals
2019/20	10
2020/21	9
2021/22	6

# Report on Performance

## Licensee Education

Since 1938, funeral professionals in Ontario have committed to lifelong learning through participation in mandatory professional development programs. The BAO believes that professional development and continuing education is a priority and an important component of any profession.

## Exams

Traditionally, exams only took place onsite at Humber College or Collège Boréal three times a year. The BAO now offers additional administrations of the Entry-to-Practice examinations (Licensing and Jurisprudence) for small groups in house or onsite at the licensees' establishment. COVID-19 decreased the number of exams taken.

Licensing Examinations		
Year	Exams Taken	Pass %
2019/20	195	95%
2020/21	174	93%
2021/22	166	93%

Jurisprudence Examinations		
Year	Exams Taken	Pass %
2019/20	260	84%
2020/21	186	89%
2021/22	171	91%

## Continuing Education

Since Jan. 1, 2020, funeral licensees are required to complete a minimum of six hours of continuing education courses each year.

To qualify for continuing education credit, the course must be delivered through the provincial associations (OFSA and OACFP) Collège Boréal, Humber College and/or approved by the Bereavement Education Committee (BEC)\*. No courses, seminars, conferences or events originating from outside of the province or from other associations qualify for credit unless they have received prior approval of the BEC.

Qualifying courses will be identified as either technical/professional skills or self care. A maximum of two hours from self care courses will qualify for continuing education credit. The remaining four hours must be from technical/professional skills.

\*Bereavement Education Committee: The associations, OACFP and OFSA, in consultation with Collège Boréal and Humber College have created a committee to receive and assess applications and give accreditation to third-party providers. Offerings will only be eligible for con-ed credit if the provider and content has been approved and accredited by the BEC.

OFSA = Ontario Funeral Service Association

OACFP = Ontario Association of Cemetery and Funeral Professionals

# Report on Performance

## Trust Funds

The Financial Compliance Team educates licensees on the use of income, investment, capital preservation, sale/resale of interment rights, understanding institutional statements, reporting requirements and the difference between individual trust, pooled trust, and insurance products.

## Care and Maintenance Fund

A care and maintenance fund/account (C&M fund) is an irrevocable trust fund that ensures funds are available for the upkeep of a cemetery in perpetuity. Cemetery operators are required under the Funeral, Burial and Cremation Services Act, 2002 (FBCSA) to deposit appropriate contributions within 60 days of a sale. The C&M fund is held by an eligible trustee under the FBCSA. The use of capital (including realized capital gains) is strictly prohibited. However, the provincial government's changes to the FBCSA, effective Jan. 1, 2022, permit non-commercial cemetery operators to access the capital portion of a cemetery care and maintenance fund or account to increase the capacity of a cemetery. This is subject to approval from the Registrar of the FBCSA, under the condition that the capital is paid back into the trust fund or account. Additional changes to the FBCSA, also effective Jan. 1, 2022, have increased minimum Care & Maintenance contributions and the Care & Maintenance Fund's establishment deposit, which was increased from \$100,000 to \$165,000. The income generated from the investment of the capital is used for care and maintenance expenses of the cemetery.

### Funeral Establishment & Transfer Service Operators Report of Prepaid Funds Submission Rate

Year	Submission Rate
Jan. 1 - Dec. 31, 2019	100.00 %
Jan. 1 - Dec. 31, 2020	99.7%
Jan. 1 - Dec. 31, 2021	100.00%

### Cemetery & Crematorium Operators Report of Prepaid Funds Submission Rate

Year	Submission Rate
Jan 1 - Dec. 31, 2019	97.40%
Jan. 1 - Dec 31, 2020	76.05%
Jan. 1 - Dec 31, 2021	96.3%

### Cemetery & Crematorium Operators Report of Care & Maintenance Funds Submission Rate

Year	Submission Rate
Jan. 1 - Dec 31, 2020	85.47%
Jan. 1 - Dec 31, 2021	96.05%

Data prior to 2020 cannot be validated due to technical issues with our database system.

# Report on Performance

Total Prepaid Funds (Trust - Pooled & Individual)		% Change
2019/2020	\$1,262,512,569	-9.08%
2020/2021	\$1,147,934,572	
2021/2022	\$1,263,745,682	10%

Prepaid funds fluctuate year to year depending on consumer choices and changing rates of return. Between 2019/20 and 2021/22 the fluctuations resulted in numbers returning to a very similar total.

Total Prepaid Funds (Insurance)		% Change
2019/2020	\$1,668,980,757	2.60%
2020/2021	\$1,712,295,414	
2021/2022	\$1,701,128,899	-0.65%

Total Cemetery Care and Maintenance Funds		% Change
2019/2020	\$1,516,337,576	6.10%
2020/2021	\$1,608,786,479	
2021/2022	\$1,670,010,768	3.8%

The BAO restated its data, which was necessary to correct errors in our database system. We have restated C&M numbers for the year 2020 from \$1,701,619,804 to \$1,608,786,479.



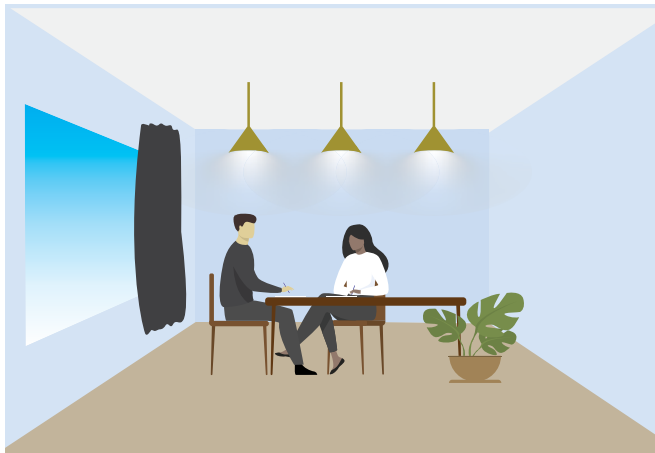
# Report on Performance

## Care and Maintenance Fund...continued

Cemetery Care and Maintenance (C&M) Funds Total by Category 2021/22		
Category	Total C&M Amount	# of Funds/Accounts
Municipal - not for profit	\$175,076,605.19	392
Not for profit	\$534,307,978.26	127
Corporation - Private	\$380,795,889.83	93
Corporation - Publicly Traded	\$73,260,616.15	1
Religious - not for profit	\$471,283,483.49	905
Trustee/Volunteer Board	\$34,952,769.51	531
Sole Proprietorship	\$333,425.79	11
<b>Grand total</b>	<b>\$1,670,010,768.22</b>	<b>2,060</b>

## Prepaid Funds

Licensed operators who enter into prepaid contracts for licensed prepaid supplies or services (excluding the purchase of interment/scattering rights) must place funds in trust within 35 days, either in a pooled trust fund, individual trust account, or insurance. Licensed operators report annually to the BAO via a Report of Prepaid Funds form which captures total number of contracts, total value, total interest, contracts provided, cancelled, and new. Licensed operators are required to engage a public accountant (independent of the operator) to submit a review engagement or audit report (excluding pooled trust funds less than \$100,000). Each report is reviewed by a BAO Financial Compliance Officer for compliance with the FBCSA.



## Compensation Fund

Established in 1990, the Prepaid Funeral Service Compensation Fund ("the Compensation Fund") is designed to compensate consumers who have suffered a financial loss as a result of a licensed funeral professional or transfer service licensee mishandling prepaid funds.

The Compensation Fund fiscal year was Nov. 1, 2020 to Oct. 31, 2021. In that fiscal year, there were 52 claims made against the Compensation Fund totalling \$136,647. Total market value of the fund at its fiscal year-end was \$2,367,627, comprised of cash, fixed income and equity holdings.

The Compensation Fund had revenues of \$315,386 from its primary income sources, including interest and dividend income, net gains on investments as well as contributions from new licensees. Voluntary payments may also be made by funeral establishment and transfer service operators in relation to prepaid trust funds that have been left unclaimed and for which the recipient (beneficiary) would be at least 120 years old. Should a rightful recipient to the unclaimed funds come forward after they are paid into the Compensation Fund, the funds will be paid out to the rightful recipient. Claims that are denied payment by the Compensation Fund Committee may be appealed to the Licence Appeal Tribunal.



# Report on Performance

## Complaints

The BAO's compliance officers have been very effective in addressing consumer inquiries and complaints. The majority of inquiries are resolved through the clarification of legislation. Complaints require investigation and mediation between a licensee and a consumer. The most common complaints received by the BAO are:

- From which family member to take direction
- Contraventions of regulations
- Contract related issues
- Miscommunication between the licensees and consumers
- Interment rights issues
- Service standards and professionalism

In the past fiscal year, the BAO saw a substantial increase in inquiries from consumers and licensees, partly due to COVID-19 related concerns, such as attendance restrictions and service options. For complaints, the BAO endeavours to conclude and close the matter within 60 business days. These efforts are undertaken to ensure Ontario Consumers are always treated in a compassionate and professional manner during a vulnerable time in their lives.

Inquiry and Complaint Statistics			
	2019/20	2020/21	2021/22
# Inquiries	1,253	2,944	2,304*
# Complaints	173	105	104
<b>Total</b>	<b>1,426</b>	<b>3,049</b>	<b>2,408</b>

\* Of the total of inquiries for the 2021/22 fiscal year, 790 were made by licensees and 1,510 by consumers; 19 of the inquiries were received and conducted in the French language.

Complaints by Licence Class			
Class	2019/20	2020/21	2021/22
Funeral Establishments	39	52	50
Cemeteries	29	50	50
Crematoriums	4	0	1
Transfer Services	6	1	3
Alkaline Hydrolysis	0	0	0
Other (Unlicensed)	2	2	0
<b>*Total</b>	<b>80</b>	<b>105</b>	<b>104</b>

## Complaints Process

The BAO's complaint process involves the following steps:

- Complaint received via phone, email, regular mail or online complaint form
- Complaint acknowledged and additional information/documentation requested from the complainant
- Applicable licensee contacted regarding complaint and clarification, documentation and response requested
- Complaint documentation thoroughly reviewed by BAO Management and Complaint Unit
- Licensee and complainant kept apprised of the process throughout the investigation
- Final written response provided to both the licensee and the complainant
- Complaints against the BAO can be made through this email [PrivacyOfficer@TheBAO.ca](mailto:PrivacyOfficer@TheBAO.ca). The complaint will be sent to the relevant manager. If it is not resolved at that stage, it will then escalate to the CEO & Registrar.

# Report on Performance

## Inspections & Investigations

### Risk-based

The Inspections, Compliance and Enforcement team employs a risk-based approach in identifying operators requiring inspections. Specific risks are identified, rather than relying exclusively on predetermined fixed time intervals for inspections.

Identified risks include:

- Failure to submit annual licence renewal and/or report on trust funds on time
- Failing to communicate or reply to the regulator
- Complaints
- Previous compliance history
- New or inexperienced, management

Licence Classes	2019/20	2020/21	2021/22
Funeral Establishment	58	63	80
Transfer Service	11	9	17
Cemeteries	51	26	15
Crematoriums	11	3	6
Alternative Dispositions	1	0	0
Non-Licensees	3	8	4
<b>Total inspections</b>	<b>135</b>	<b>109</b>	<b>122</b>
<b>Focused</b>	85 = 63%	79 = 73%	52 = 43%
<b>Regular</b>	50 = 37%	30 = 27%	70 = 57%

- Focused – Specific issue driven, such as adherence to COVID-19 protocols, website pricelist review, follow-up inspection on identified deficiencies
- Regular – Full inspection

*Note: Numbers in the 2020/21 and 2021/22 fiscal years reflect fewer inspections as a result of pandemic restrictions and precautions.*

### Archaeological Investigations

The BAO Registrar's Directive, Archaeological Assessments & Investigations on Cemetery Lands, was issued to remind cemetery operators that any invasive activity, either excavation or construction within or at the boundaries of a cemetery for which no credible maps/plans or records exist, may only be carried out after an archaeological investigation has been conducted by a professionally licensed archaeologist, to confirm that no undocumented human burials will be disturbed.

A Cemetery Investigation Authorization must be received from the BAO before any invasive activity, which could impact human burials, begins. Between April 1, 2021 and March 31, 2022, the Registrar responded to 122 inquiries related to potential investigation authorizations and issued 30 Cemetery Investigation Authorizations.

# Communications and Stakeholder Relations

## Access & Reach: The story behind the numbers

The Bereavement Authority of Ontario has sharpened its communications focus on reaching more families with consumer protection information.

During the 2021/22 fiscal year that focus has been on accessible and engaging free content that consumers have found, clicked on, read and viewed more than ever.

Our Web, Eblasts & Social Media table tells the story of an authority connecting people to information they need and want in times of grief, or in preparation for those times.

A greater number of people are reading our handy Consumer Information Guide in its online format more and more each year, especially during COVID-19. The trend is expected to continue beyond the pandemic. It is now also offered in an audio version.

Our web content continued to draw huge audience increases in the last year compared to the previous two – both of which had also seen significant upticks since the website was redesigned in 2020. There were a third more web pageviews even though the number of COVID-related Registrar's Directives, Notices, news and webcasts for our licensed professionals decreased – in tandem with fewer changes to pandemic restrictions and the introduction of a licensee newsletter which includes Notices.

In virtual and in-person meetings, we connected with three times as many bereavement sector stakeholder groups compared to last year. This included the two professional associations, municipal associations, and community organizations.

See our Stakeholder Presentations table for details.

We also shared hundreds of copies of our printed Consumer Information Guide with senior citizen centres and associations across the province. The BAO also introduced two new digital publications in the last year:



- [Beyond](#), a quarterly magazine for families featuring articles and videos on consumer information, plus broader public interest articles on dealing with grief, the value of licensing abandoned cemeteries, such as those related to the Underground Railroad and their importance to Canadian heritage

and history. Beyond's audience continues to grow reaching more than 97,000 people in its most recent issue in March 2022.



- [LifeLine](#), an ad-hoc newsletter for our thousands of licensed professionals providing practical information on operational requirements such as web posting of price lists, continuing education, articles on colleagues and more.

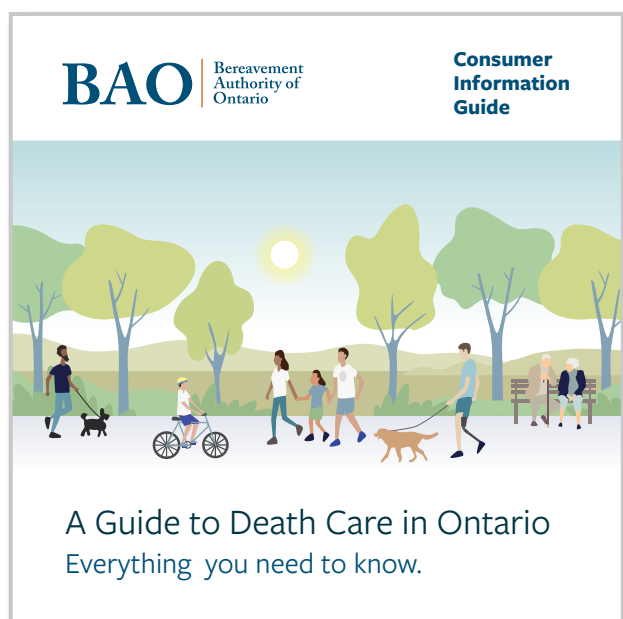


## More phone calls!

2019/20 calls	2020/21 calls	2021/22 calls
13,495	18,384	27,868

# Communications and Stakeholder Relations

Web, Eblasts & Social Media			
	2019/20	2020/21	2021/22
BAO Website total pageviews	205,484	572,712	726,194
BAO Consumer Information Guides (CIG) web pageviews	6,566	12,043	39,520
BAO eblast messages to licensees <i>Registrar's Directives, Notices, Guidance and news</i>	55	167	112
Facebook followers	1,191	1,465	1,801
Facebook posts	85	94	111
LinkedIn followers	98	337	483
LinkedIn posts	24	94	111
Twitter followers	74	130	169
Twitter posts	98	94	111



Earlier this year, the BAO added online audio versions in English and French of its [Consumer Information Guide](#).

Consumer Information Guide			
	Printed guides shipped		Total
	English	French	
2019/20	174,988	4,077	179,065
2020/21	105,266	1,827	107,093
2021/22	134,910	5498	140,408

# Communications and Stakeholder Relations

## Stakeholder Presentations

April 1, 2021 to March 31, 2022				
Date	Event	Location	Audience	BAO Presenter
2021/22	4 BAO CEO & Registrar Updates	Virtual	900 BAO licensees at each	Carey Smith, CEO & Registrar – COVID-19 and bereavement sector topics
Mar. 29-30, 2022	Ontario Association of Cemetery and Funeral Professionals (OACFP) 2022 Cremation Symposium: 1. Panel Discussion 2. Crematorium Legislation	Mississauga In person	85 attendees of the symposium	Michael D'Mello, Deputy Registrar – 'FBCSA & Regulatory Compliance' and panel discussion Inspector Paul LeRoy and Communications Manager David Brazeau answered questions of attendees
Jan. 22, 2022	Meeting with the OACFP and the Ontario Funeral Service Association (OFSA)	Virtual	6 executives of the two associations	Carey Smith – Discussion about Omicron measures
Jan. 12, 2022	Dying With Dignity GTA Chapter	Virtual	10 Core team members of Dying With Dignity GTA	David Brazeau – 'BAO Protecting Consumers/Families'
Nov. 18, 2021	Annual Education Conference for Coroners and Pathologists	Virtual	153 conference attendees	Carey Smith – 'Working with the Funeral Industry'
Nov. 4, 2021	Fall Meeting, Association of Municipal Managers, Clerks and Treasurers of Ontario Zone 7	Virtual	75 members of the association	Michael D'Mello – 'Compliance, Management, Abandonments & Approvals of Cemeteries & Crematoriums'
Oct. 20, 2021	University of Toronto, Forensic Sciences Program	Virtual	35 program students	Michael D'Mello – 'Regulating Cemeteries & Burials to Ensure Their Protection, Respect, Dignity and Heritage Value'
Oct. 13, 2021	Meeting of Senior Persons Living Connected (SPLC), Scarborough	Virtual	20 members of SPLC	David Brazeau – 'About The BAO, and consumer protection information'
Oct. 5, 2021	OACFP Annual General Meeting	Virtual, London ON	216 OACFP members	Carey Smith – Update on the sector
Sept. 29, 2021	OFSA Annual General Meeting	Virtual	138 OFSA members	Carey Smith – Update on the sector
May 30, 2021	Crematorium Operator Certification & Training, Hosted by the Ontario Association of Cemetery and Funeral Professionals	Virtual	97 crematorium operators' staff, and potential crematorium operators	Michael D'Mello – 'FBCSA & Regulatory Compliance' BAO staff answered questions in a virtual booth
April 19, 2021	Best Practices in the Operation, Compliance, and Approval processes for Cemeteries and Crematoriums under the Funeral, Burial and Cremation Services Act, 2002 workshop Hosted by the Association of Municipal Managers, Clerks and Treasurers	Virtual	42 members of the association	Michael D'Mello

# Financial Statements

- Please click on this link to read the [Financial Statements](#).

## Report on Performance - Financial Review FY2022

The following financial review is based on the audited financial statements, by Grant Thornton LLP, for the year ended March 31, 2022. The BAO uses its revenues to deliver consumer protection initiatives across the province and to ensure the organization's sustainability so the organization can fulfill its mandate.

As of March 31, 2022, the Net Assets of the BAO were \$5,608,707 compared to \$7,006,258 for the year ended March 31, 2021. In fiscal year 2022 (April 1, 2021, to March 31, 2022) the BAO realized a net deficit of revenues over expenses of \$1,397,551 (compared to a net surplus of \$1,032,838 in FY2021). Higher operating expenses were primarily incurred to address recommendations brought forward by the Auditor General of Ontario's ("AGO"), Value for Money audit conducted in the prior year. Additional expenses were realized for preliminary project and research costs related to the development of a new Customer Relationship Management (CRM) system.

### Revenue

The BAO relies on two main revenue streams, funeral and cemetery licensing fees, which are set out in accordance with a fee structure under the Minister's Order made under the Funeral, Burial and Cremation Services Act, 2002. Overall revenues for FY2022 were \$4,600,083, a decrease of \$315,938 compared to FY2021. The decrease was primarily driven by timing of prior year licensure renewals.

Non-operating revenue of \$16,990 was generated by the BAO's investment program for FY2022. Investment of excess cash flows were limited to short-term, risk-free, term deposits and held with major Canadian financial institutions.

### Expenses

The BAO's expenses in FY2022 were \$5,997,634 (including amortization), an increase of \$2,114,451 from the previous year. As noted above, the year-over-year increase in expenses was primarily due to a higher staffing complement and consulting fees to assist with the implementation of AGO's value for money audit. Additional communication and outreach expenses were incurred to help with public awareness initiatives throughout the year.

### Capital Expenditures

Capital spending including intangible assets in FY2022 amounted to \$114,851 (compared to \$14,635 in FY2021), primarily related to office improvements and computer hardware for new staff hired in the year.

### Liquidity

Based on cash flows provided by its operations and current investment holdings, the BAO has sufficient liquidity to fund its short-term business plans and obligations.

### Long Range Forecast of Revenues and Expenses

To execute the organization's business plan and maintain the recent investment in human resources and information technology, operating expenses are forecasted to outpace revenues between \$1.1 million and \$1.4 million each year. To address this financial constraint in the short term, the BAO plans to draw down on its cash reserves and will ultimately need to give serious and thoughtful consideration to its current licensing fee structure, rates and other sources of income to ensure the sustainability of its operations.



Grant Thornton

Independent Auditor's Report

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