

**ADMINISTRATIVE AGREEMENT
BETWEEN:**

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO
(HEREINAFTER REFERRED TO AS THE "CROWN")
AS REPRESENTED BY THE MINISTER OF GOVERNMENT AND CONSUMER
SERVICES**

- AND -

**THE BEREAVEMENT AUTHORITY OF ONTARIO,
A NOT-FOR-PROFIT CORPORATION, WITHOUT SHARE CAPITAL
INCORPORATED UNDER THE LAWS OF ONTARIO
(HEREINAFTER REFERRED TO AS THE "ADMINISTRATIVE AUTHORITY")**

TABLE OF C O N T E N T S

1. DEFINITIONS	5
2. PURPOSE OF THE AGREEMENT	6
3. DESIGNATIONS, DELEGATED AND ASSIGNMENT OF RESPONSIBILITY	6
4. ACCOUNTABILITY RELATIONSHIPS AND CORPORATE GOVERNANCE	6
5. ROLES AND RESPONSIBILITIES OF THE PARTIES	6
6. CORPORATE REPORTING: BUSINESS PLAN AND ANNUAL REPORT	10
7. MEMBERSHIP	11
8. BOARD AND STATUTORY APPOINTMENTS	11
9. REGULATORY GOVERNANCE	13
10. FINANCIAL ARRANGEMENTS	14
11. RECORDS, ACCESS, AND OTHER TRANSITION MATTERS	14
12. LITIGATION	17
13. WIND-UP OR OTHER TERMINATION OF ADMINISTRATIVE AUTHORITY'S ADMINISTRATION	18
14. INDEMNITY AND RELEASE	19
15. INSURANCE	20
16. NON-REGULATORY BUSINESS	21
17. CODE OF CONDUCT FOR COMPLIANCE PERSONNEL	21
18. DISPUTE RESOLUTION	21
19. COMMUNICATIONS	22
20. ENTIRE AGREEMENT	22
21. JURISDICTION	22
22. CONFLICT	22
23. AMENDMENTS	22
24. PUBLIC DOCUMENT	23
25. EFFECTIVE DATE	23
SCHEDULE "A" – LETTERS PATENT	24
SCHEDULE "B"- REGULATION 187/09 (PART)	28
SCHEDULE "C" - CORPORATE PLANNING AND REPORTING	30
SCHEDULE "D" - CODE OF CONDUCT FOR DIRECTORS	35
SCHEDULE "E" - FEE SETTING PROCESS AND CRITERIA	37
SCHEDULE "F" – PAYMENTS	40
SCHEDULE "G" - MODEL ACCESS AND PRIVACY CODE	41

SCHEDULE "H" - NON-REGULATORY BUSINESS POLICY	45
SCHEDULE "I" - INFORMATION SHARING PROTOCOL	47
SCHEDULE "J" - ACCESS TO THE CONSUMERS AFFAIRS TRACKING SYSTEM	51
SCHEDULE "K" – TRANSFER OF ASSETS	54
SCHEDULE "L"- RECORDS TRANSFER	55

Recitals

WHEREAS the Minister and the Administrative Authority are required to enter into an Administrative Agreement pursuant to the *Safety and Consumer Statutes Administration Act, 1996* ("SCSAA") as amended, to include all matters that the Minister considers necessary for purposes of the BAO assuming and retaining responsibility for the administration of the Funeral, Burial and Cremation Services Act, 2002 ("the Act");

AND WHEREAS the Minister is accountable to the people of Ontario as a member of the Legislative Assembly and to the Legislative Assembly as a Minister of the Crown in right of Ontario;

AND WHEREAS it is understood that the designation of the Administrative Authority is for purposes of administering the legislation the administration of which is delegated to it, in order to ensure a reasoned and fiscally responsible approach to regulatory oversight and consumer protection. This delegation of authority is not intended to interfere with or infringe upon the funeral and burial practices of religious organizations, to the extent they are subject to the *Funeral, Burial and Cremation Services Act, 2002*;

AND WHEREAS nothing in this administrative agreement is to be interpreted as preventing a third party from seeking comment or input from ministry staff, including from senior ministry officials, on particular questions of concern to that third party;

AND WHEREAS the Administrative Authority is accountable to the Minister and the government for its administration of the delegated legislation;

AND WHEREAS the Administrative Authority administers the delegated legislation on behalf of the Minister and as a trusted advisor provides valuable information to the government regarding the operational effectiveness of the Act and that both parties acting in the public interest are dependent on a collaborative relationship;

AND WHEREAS the Minister and the Administrative Authority recognize the benefit of maintaining a strong collaborative relationship and the importance of resolving any disagreements as amicably and expeditiously as possible;

AND WHEREAS the Administrative Authority is not funded by government, is self-funded and is not self-regulating;

AND WHEREAS the Minister is responsible for recommending legislative and regulatory changes to the Lieutenant Governor in Council;

AND WHEREAS the Minister and the Administrative Authority intend to exercise their powers and duties in relation to this transfer of administrative responsibility for the Act in such a manner as to protect, enhance and improve consumer protection and carry out and perform this Agreement in a manner consistent with the objective and principle of ensuring a fair, safe and informed marketplace that supports a competitive economy;

NOW THEREFORE in consideration of the promises and the mutual covenants contained in this Agreement and subject to the terms and conditions hereof, the parties hereby enter into this Administrative Agreement.

1. Definitions

- (1) In this Administrative Agreement,
- (a) "Act" means the *Funeral, Burial and Cremation Services Act, 2002*, and the regulations under that Act, as amended from time to time;
 - (b) "Administrative Authority" means the Bereavement Authority of Ontario as formed by letters patent as set out in Schedule A;
 - (c) "Agreement" means the Administrative Agreement, all attached schedules and any agreement or schedule in writing supplementing or amending this Administrative Agreement or any of its schedules;
 - (d) "Board" means the Board of Directors of the Administrative Authority;
 - (e) "CATS" means the Consumer Affairs Tracking System, the applications software which collects the data needed to administer the Act.
 - (f) "Chair" means the Chair of the Board of Directors of the Administrative Authority;
 - (g) "Crown" means Her Majesty the Queen in Right of the Province of Ontario;
 - (h) "Delegated Legislation" means the part of the "Act", responsibility for which has been delegated to the Administrative Authority;
 - (i) "Minister" means the Minister responsible for the administration of the Act, or of the *Safety and Consumer Statutes Administration Act, 1996*, as the case may be, acting for and on behalf of the Crown;
 - (j) "SCSAA" means the *Safety and Consumer Statutes Administration Act, 1996*, and the regulations under it, as they may be amended from time to time;
 - (k) "Statutory Mandate" means the exercise of the authority delegated to the Administrative Authority pursuant to the SCSAA, excluding non-regulatory business ventures;
 - (l) "Termination" means the Lieutenant Governor in Council regulation revoking the designation of the Administrative Authority to administer all or part of the Act, pursuant to section 6 of the SCSAA.

2. Purpose of the Agreement

This Administrative Agreement between the Minister and the Administrative Authority:

- (1) Sets out all matters that the Minister considers necessary for delegating the administration of part of the Act to the Administrative Authority in accordance with the SCSAA.
- (2) Clarifies the roles, duties and responsibilities of the Minister and the Administrative Authority in relation to the administration of the Act and the administrative matters as set out under the Act and the SCSAA.
- (3) Clarifies the administrative, financial, auditing, accountability, legislative and regulatory development responsibilities, and the working and reporting relationships between the parties.
- (4) Sets out the arrangements agreed to between the parties regarding the transfer of, access to or use of government assets, systems, records and information relevant to the administration of the Act.

3. Designations, Delegated and Assignment of Responsibility

- (1) The parties acknowledge that responsibility for the administration of the provisions of the Act and the regulations made under the Act is as provided for in the regulation made under the Safety and Consumer Statutes Administration Act, the relevant provisions of which are contained in Schedule "B" attached to this agreement including the provisions that are delegated to the Administrative Authority and the designation of the administrative authority.
- (2) The Administrative Authority has assumed responsibility for the administration of all provisions in the Act except those specifically exempted in the designation.
- (3) The Statutory Mandate of the Administrative Authority is established by the Act and the SCSAA.

4. Accountability Relationships and Corporate Governance

- (1) The Minister is accountable to the Legislative Assembly for the fulfilment of the Statutory Mandate by the Administrative Authority and for reporting to the Legislative Assembly on the affairs of the Administrative Authority.
- (2) The Board is accountable to the Minister through the Chair, for the performance of the Administrative Authority.

5. Roles and Responsibilities of the Parties

The Minister

- (1) The Minister is responsible for the Administrative Authority's fulfilment of its Statutory Mandate. The SCSAA requires the Minister to report publicly on the Administrative Authority's activities. For this purpose, the Minister requires timely access to information from the Administrative Authority as set out in the Information Sharing Protocol, attached as Schedule "I".
- (2) The Minister is responsible for bringing forward proposed changes to the Act and SCSAA to the Lieutenant Governor in Council and the Legislative Assembly.
- (3) The Minister may, where the Minister deems appropriate, conduct policy, legislative and regulatory reviews.
- (4) The Minister shall make reasonable efforts to consult with the Administrative Authority in respect of current and proposed government legislation or policy which will directly impact upon the Administrative Authority's administration of the Act.
- (5) The Minister may engage the Administrative Authority:
 - Throughout the policy development process
 - In coordinating public and stakeholder communications regarding any proposed legislative, regulatory or policy changes, and
 - In the development of communication strategies for both critical and on-going issues.
- (6) The Minister may, where the Minister deems appropriate, delegate or assign to the Administrative Authority such additional authority, make such appointments or provide such consents as are within the Minister's authority, if the Administrative Authority requires such additional authority, appointments, or consents to carry out its delegated authority.
- (7) The Minister may, where the Minister deems appropriate, assist the Administrative Authority in obtaining any additional authorities, appointments or consents which cannot be granted by the Minister.
- (8) The Minister may, where the Minister deems appropriate, assist the Administrative Authority in working with other ministries to facilitate agreements and relationships with the Administrative Authority.
- (9) The Minister may conduct performance, governance, accountability or financial reviews of the Administrative Authority after giving reasonable notice if feasible, and may recommend changes as a result.
- (10) If the Minister agrees with the recommendations of the Administrative Authority for legislative or regulatory changes to the Act, the Minister shall make reasonable efforts to support the recommendations through the legislative or regulatory process.

- (11) The Minister may refer to the Board any matter relating to the SCSAA or to the administration of the Act.
- (12) The Minister shall not interfere with the independent exercise of the statutory functions fulfilled by the Administrative Authority's registrars or deputy registrars, inspectors, investigators, statutory directors or deputy directors, and other officers exercising statutory and regulatory duties.
- (13) The Minister shall make best efforts to meet with the Chair from time to time.

The Administrative Authority

- (14) In accordance with subsection 7(1) of the SCSAA, the Administrative Authority shall administer its designated legislation in accordance with the law, the SCSAA, the Act and this Agreement, with the purpose of protecting the public interest and advancing the principle of ensuring a fair, safe and informed marketplace that supports a competitive economy.
- (15) The Administrative Authority is responsible for ensuring that it has adequate resources, including financial resources, to comply with the Administrative Agreement, the Act, and other relevant law, and for acting in accordance with the business plan that it has provided to the Minister under clause 6(1)(a) of this Agreement.
- (16) The Administrative Authority is responsible for maintaining an up-to-date written policies and procedures manual for each functional area of its business.
- (17) The Administrative Authority is responsible for maintaining up-to-date written procurement policies and procedures in keeping with the spirit of the most recent Ontario Public Service *Procurement Directive* to ensure that goods and services, including consulting services and information technology are acquired through a process that is fair, open, transparent, geographically neutral, competitive and accessible to qualified vendors.
- (18) The Administrative Authority is responsible for maintaining up-to-date written travel, meal and hospitality expenses policies and procedures in keeping with the spirit of the most recent Ontario Public Service *Travel, Meal and Hospitality Expenses Directive* in order to set out results and principles for the reimbursement of expenses to ensure fair and reasonable practices, and to provide a framework of accountability to guide the effective oversight of resources in the reimbursement of expenses.
- (19) The Administrative Authority is responsible for maintaining appropriate performance measurements, governance, and financial management processes with sound internal controls to conduct the Administrative Authority's operations effectively and efficiently. In addition, the Administrative Authority shall maintain an effective system for responding to and assisting in the resolution of consumer and other complaints received by the Administrative Authority related to its administration of the Act.

- (20) The Administrative Authority is responsible for providing the Minister with timely information in relation to any matter requested by the Minister and shall also provide the information identified in the Information Sharing Protocol attached as Schedule "I".
- (21) When able and appropriate, the Administrative Authority shall coordinate its enforcement activities in relation to the investigation of serious incidents with the enforcement activities of other provincial and federal enforcement authorities.
- (22) When engaged by the Minister, in accordance with subsection (5), the Administrative Authority shall participate in:
- The policy development process;
 - Coordinating public and stakeholder communications regarding any proposed legislative, regulatory or policy changes, and
 - The development of communication strategies for both critical and on-going issues.
- (23) The Administrative Authority shall provide timely information to the Minister of any arising issues or concerns related to the administration of the Act that may require legislative, regulatory or policy changes to resolve.
- (24) The Administrative Authority shall take all reasonable measures and make all reasonable plans to provide services in French, subject to the limits that are reasonable in the circumstances.
- (25) The Administrative Authority shall consult with the Minister if:
- (i) an Advisory Committee has expressed a concern in writing with a proposed Board action that the Committee believes would infringe on fundamental religious bereavement practices of recognized faith groups;
 - (ii) those concerns have been shared with the CEO / Registrar; and
 - (iii) those concerns have been tabled with the Board and the Board is, notwithstanding those concerns, proposing to proceed with a particular action.

In these circumstances, before proceeding with the particular action, the Board shall give the Ministry notice of the proposed action a minimum of 60 days before the proposed action is to take effect. The notice shall be accompanied by any written feedback from the Advisory Committees on the proposed action. The Ministry may request a delay in proceeding with the proposed action in order to determine whether the concerns raised by one or more of the Advisory Committees have been considered and accommodated to the extent possible. The Ministry will provide the Administrative Authority with written confirmation of the receipt of notice. The Ministry's confirmation will include a proposed timeline for the Ministry's response.

6. Corporate Reporting: Business Plan and Annual Report

(1) The Administrative Authority shall:

- (a) provide the Minister each year, not later than one hundred and twenty (120) days after the end of its fiscal year, a business plan for the forthcoming year (as described in Schedule "C") in a format acceptable to the Minister, effective one year after April 1, 2016. ;
- (b) provide the Minister each year, not later than one hundred and twenty (120) days after the end of its fiscal year, an annual report for the preceding year (as described in Schedule "C") in a format acceptable to the Minister, effective one year after April 1, 2016. ;
- (c) enable the Minister to review and comment on the draft of the business plan referred to in clause (a) within a reasonable time period, estimated to be approximately two weeks from the receipt of the document, under normal circumstances, and prior to final approval of the Board;
- (d) enable the Minister to review and comment on the draft of the annual report referred to in clause (b) within a reasonable time period, estimated to be approximately two weeks from the receipt of the document, under normal circumstances, and prior to final approval of the Board;
- (e) make the final business plan and annual report referred to in clauses (a) and (b) available to the public, including posting on the Administrative Authority's website.

- (2) The Administrative Authority shall have a risk management framework and risk management plan for managing risks that the Administrative Authority may encounter in meeting its program and service delivery objectives (as described in Schedule "C").
- (3) The Administrative Authority's business plan shall set out the means by which services related to the administration of the Act are provided in French and the Administrative Authority's annual report shall account for how these French language services were provided.
- (4) The Administrative Authority's business plan shall set out the means by which complaints related to the administration of the Act are responded to and resolved and the Administrative Authority's annual report shall account for how these complaints were responded to and resolved.
- (5) The Administrative Authority shall conduct a client satisfaction/value survey of all or a sampling of its clients, consumer stakeholders, licensees and registrants at least once every two years. The client satisfaction/value survey may be facilitated by an independent third party or by in-house staff. The Administrative Authority shall share a summary of the survey results with the Minister. The Administrative Authority's annual report and website shall also include a synopsis

of the results of the client satisfaction/value survey, as conducted. The requirement to conduct this survey comes into effect one year after April 1, 2016.

- (6) The Administrative Authority and the Minister shall agree upon performance measures regarding the administration of the Act, and the Administrative Authority shall provide the Minister such performance measures on a quarterly basis each year, as well as provide the Minister with outcome measures on an annual basis, effective one year after April 1, 2016. These measures will be based on a stable set of performance metrics that will reflect the regulated sector and enable a year to year comparison. Where a year to year comparison is not possible because of a change in performance measures, the Administrative Authority shall give the Ministry sufficient information to enable a proximate comparison of the changed performance.

7. Membership

- (1) The Administrative Authority shall provide the Minister with a copy of any by-laws, as amended from time to time, respecting qualifications, terms and conditions of licensing, membership and the conduct of persons required to be licensed under the Act.

8. Board and Statutory Appointments

Board

- (1) The composition of the Board, the selection criteria and process and term of office of its members, other than Ministerial appointees, shall be established either by by-law, that is with the approval of the membership, or by resolution of the Board alone. Regarding Ministerial appointees, the by-law may include provisions that reflect the content of section 8 of SCSAA for completeness. This by-law shall reflect the corporate governance structure, and the Board composition, selection criteria and term of office. The Administrative Authority shall provide such by-laws or resolutions to the Minister for review and approval prior to submitting them to the Board.
 - (a) The by-laws shall not grant to any person who is not a director, the right to notice of meetings of the Board or the right to attend meetings of the Board.
 - (a) The Administrative Authority shall obtain the Minister's prior agreement to any change in the by-laws or resolutions respecting Board composition, the selection criteria and process and term of office of its members.
- (2) The Administrative Authority shall maintain and periodically update a skills profile of current Board members, including a gap assessment of the kinds of skills that would be needed on the Board. The selection criteria shall be made available to the public upon request.

- (a) The Board shall include such members as may be appointed by the Minister in accordance with section 8 of the SCSAA. The Board shall provide the Board skills profile and selection criteria to the Minister who shall use the skills profile and selection criteria to assist with his or her appointment decisions.
 - (b) The Board recognizes that members appointed by the Minister in accordance with the SCSAA may include representatives of consumer groups, business, government organizations or such other interests as the Minister determines.
 - (c) The Minister shall endeavour to make appointments to the Board in a timely manner.
 - (d) Board members appointed by the Minister shall be paid by the Administrative Authority in an amount and on a basis that is equivalent to all other Board members. If a Board member is employed by the Crown, the member shall not receive any remuneration.
- (3) The annual meeting, at which the Board shall present its annual report and audited financial statements, and report to the members of the Administrative Authority on the affairs of the Administrative Authority for the immediately preceding year, shall be open to the general public and the Board shall make reasonable efforts to inform the general public of such meeting. The Board shall provide written notice to all licensees a minimum of 30 days in advance of the annual meeting.
 - (4) The Board shall adopt a binding code of conduct for its members to prevent the possibility of any member advancing his or her personal or business interests or the interests of another person or organization, ahead of the interests of the Administrative Authority. The code of conduct for members is subject to the approval of the Minister. Upon approval by the Minister, such code shall be attached to this Agreement as Schedule "D".
 - (5) The Board shall conduct an evaluation for each individual Board member or for all board members as a group no less than once every two years, effective one year after April 1, 2016. A summary of the review shall be provided to the Minister.

Statutory Appointments

- (6) As provided for in subsection 2(1) of the Act, the Minister, up to the date of delegation, was responsible for the appointment of a director under the Act. The parties acknowledge that the administrative authority is to be responsible for this appointment. The Board shall appoint a director and may appoint a maximum of two deputy directors.

- (a) The director or deputy director(s) shall not be:
 - (i) a member of the Board unless the Board has approved guidelines providing for the independent exercise of the director's statutory duties;
 - (ii) a registrar or deputy registrar under the Act;
 - (iii) a person who holds a position in the Administrative Authority that is subordinate to the registrar or deputy registrar;
 - (iv) a licensee under the Act.

- (7) As provided for in subsection 3(1) of the Act, the Deputy Minister, up to the date of delegation, was responsible for the appointment of a registrar under the FBCSA. The parties acknowledge that effective January 16, 2016 this responsibility resides with the Board in respect cemetery and crematorium related provisions of the FBCSA that have been delegated to the Board and effective April 1, 2016 will reside with the Board in respect of funeral and transfer service provisions of the FBCSA. The Board shall appoint a registrar under the Act and may appoint a maximum of two deputy registrars.

- (a) The registrar and any deputy registrar(s) shall be employees of the Administrative Authority and shall not be:
 - (i) a member of the Board;
 - (ii) a director or deputy director under the Act;
 - (iii) an employee of a trade association representing the interests of the regulated sector;
 - (iv) a licensee under the Act.

- (9) The Administrative Authority acknowledges that the director and registrar under the Act and any deputy or deputies thereof exercise statutory duties that require independent decision-making and, for that purpose, the Administrative Authority agrees that the Board shall not interfere with the independent exercise of these statutory responsibilities but may review the manner in which those responsibilities are carried out, consistent with the Board's corporate and regulatory governance responsibilities.

9. Regulatory Governance

- (1) The Board shall be responsible for carrying out the following regulatory governance functions:
 - a) Reviewing the adequacy and effectiveness of the Administrative Authority's enforcement framework to ensure compliance with the Act;
 - b) Reviewing implementation of and reporting on the enforcement of the Act, as well as the operations of the consumer protection framework; and
 - c) Providing strategic advice to the Minister on potential or proposed legislative or regulatory changes.

10. Financial Arrangements

- (1) The Administrative Authority shall ensure that it has adequate resources to comply with this Agreement, the Act, and the SCSAA consistent with the business plan that it has provided to the Minister under clause 6(1)(a) of this Agreement.
- (2) The Administrative Authority acknowledges it cannot collect or retain as revenue any fines imposed by a court further to proceedings taken by the Administrative Authority under the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.
- (3) The Administrative Authority may establish fees, subject to any limitations on the amount imposed by the Act and by the SCSAA, costs and other charges related to its delegated administration in accordance with the process and criteria approved by the Minister, as set out in the attached Schedule "E".
- (4) The Administrative Authority agrees to pay to the Minister such amounts as set out in the attached Schedule "F".
- (5) Any payments by the Administrative Authority to the Minister shall be made payable to the Minister of Finance, drawn on the account of the Administrative Authority and paid on a timely basis and on the terms as set out in the attached Schedule "F".
- (6) The Minister will charge interest on any late payments on the terms set out in the attached Schedule "F".
- (7) The Administrative Authority shall report to the Minister at the earliest opportunity if there is any reason for concern about the financial state of the Administrative Authority.

11. Records, Access, and Other Transition Matters

Records

- (1) The Minister will transfer the records presently owned or used by the Ministry in the Administration of the Act in accordance with the terms, conditions and protocols set out in Schedule "L" and;
 - (a) The Minister makes no warranty, express or implied, with respect to the records, the accuracy or completeness of information contained therein, or that they will be fit for any purpose;
 - (b) In no event shall the Minister be liable for any damages including any loss of revenue or other incidental or consequential damages arising out of the Administrative Authority's use of or inability to use the information and data

in the records or as a result of inaccurate or out-of-date information contained therein. This subparagraph shall survive expiry or termination of this Agreement for a period of seven (7) years;

- (c) The Administrative Authority may request from the Minister copies of documents that were created prior to the delegation and were not used in the administration of the Act, but relate to the Act.
- (2) All records obtained from any source, created, or maintained by the Administrative Authority in the course of carrying out its delegated administration are the property of the Administrative Authority and the Administrative Authority is the sole owner and custodian of such records and may use them for the purpose of administering such parts of the Act as have been delegated to the authority.
- (3) All records that are the property of the Administrative Authority shall be maintained, in keeping with the records retention and destruction schedules established by the Administrative Authority.
- (4) The Administrative Authority shall have an access and privacy code addressing issues of access to public and personal information, protection of personal information, and effective procedural remedies. This code shall protect privacy and provide access in accordance with the principles of applicable privacy and access legislation and provide effective procedural remedies in support of these principles. This code shall also be consistent with the principles set out in the Model Access and Privacy Code attached as Schedule "G".
- (5) The Administrative Authority shall comply with the access and privacy code referred to in subsection (5), and will make the code available to the public, including posting on the Administrative Authority's website.
- (6) The Administrative Authority will provide the Minister with notice of, and a copy of, any changes to the access and privacy code.

Access to the Consumer Affairs Tracking System

- (7) The Minister shall provide the Administrative Authority with remote communication access to the Consumer Affairs Tracking System (CATS) up to and including September 30, 2018, in accordance with the following terms, and the conditions and protocols set out in Schedule "J"
 - (a) The Minister shall be responsible for the technical support and maintenance of CATS, including backups of the data;
 - (b) The Administrative Authority shall input data into CATS in the format prescribed by the Minister, and shall be responsible for the accuracy and completeness of any data that it creates;

- (c) The Administrative Authority may request that the Minister make changes and/or modifications to CATS;
 - (d) The Minister may make any changes and/or modifications to CATS necessitated by the error or negligence of the Administrative Authority;
 - (e) The Administrative Authority shall pay the Minister the applicable fees for the use of CATS, and for changes and modifications;
 - (f) The Minister may be required to correct at the Ministry's own cost any error(s) resulting from changes or modifications to CATS; and
 - (g) The Administrative Authority is authorized to use the cemetery and crematorium records maintained or created in CATS solely for purposes related to the administration of the Act.
- (8) The Minister shall apply the existing security mechanisms for the protection and strict confidence of the information available in CATS. These mechanisms include twenty four (24) hour per day restricted access for authorized personnel to areas containing the data of the Administrative Authority.
- (9) The Administrative Authority agrees that it does not exclusively use CATS and that the Minister at the Minister's own discretion may make changes to CATS to accommodate other users.
- (10) The Minister will not collect, use or disclose any of the Administrative Authority's data, records or information in CATS without the prior consent of the Administrative Authority.
- (11) The Minister shall not be responsible or liable for any loss, damage or inconvenience suffered by the Administrative Authority arising out of the Minister's inability to perform support services by reason of the failure of the Administrative Authority to provide data when required by this Agreement or by reason of the deficiencies in the data.
- (12) Any outages caused by electrical failure, or caused directly or indirectly by the action of the Administrative Authority or by excusable delays are not the fault of the Minister and do not constitute a failure by the Minister to perform any of the Minister's obligations under this Agreement.
- (13) Prior to transferring any data from CATS to any application software implemented by the Administrative Authority, the Minister and the Administrative Authority shall enter into a written agreement which sets out the scope and process by which the data is

to be transferred, and any fees to be paid by the Administrative Authority to the Minister.

Transfer of Assets

- (14) In accordance with the terms and considerations set out in Schedule "K" the Ministry will transfer the funds collected for the licensing of Cemetery Salespersons processed by the Ministry prior to the delegation relating to a period of time in respect of which the BAO has delegated responsibility.

12. Litigation

- (1) The following provisions address any litigation arising after or as a result of the Administrative Authority's designation under the SCSAA.
- (2) Civil and administrative litigation, including inquests, related to the Act in which the Crown is a defendant or an interested party, which was commenced prior to the date of designation of the Administrative Authority or which was commenced after that date but which relate in whole or in part to any event, act or omission, or to any alleged event, act or omission occurring prior to that date, shall be defended or otherwise carried out by the Crown unless the parties expressly agree otherwise, and the Crown shall be responsible for all costs of the litigation and for the payment of any settlement costs agreed to and payable, and any damages awarded against it, as a result of any act, omission or fault of the Crown subject to order of the court or agreement of the parties otherwise. The parties agree that the Administrative Authority reserves the right to defend or otherwise carry out any such litigation on its own behalf and at its own cost and in respect of its own interest where it determines that it has an independent interest in the litigation.
- (3) The Administrative Authority shall cooperate with the Crown for the purpose of the Crown's defence or other participation in the proceedings referred to in subsection (2) including, without limiting the generality of the foregoing, providing documentation or information and providing witnesses in such litigation, where appropriate.
- (4) Civil and administrative litigation, including inquests, related to the Act in which the Crown is a defendant or an interested party, as a result of any alleged act or omission of the Administrative Authority in its administration of the Act and which was commenced after the date of designation of the Administrative Authority, shall be defended or otherwise carried out by the Administrative Authority (with full right and power to choose legal counsel and with full right and power to reach a settlement which binds the Administrative Authority and, with the Crown's consent, binds the Crown), unless the parties expressly agree otherwise. The Administrative Authority shall be responsible for all costs of the litigation and for the payment of any settlement costs agreed to and payable by it and any damages awarded against it, as a result of any act, omission or fault of the Administrative Authority subject to order of the court or agreement of the parties otherwise. The parties

agree that the Crown reserves the right to defend or otherwise carry out any such litigation on its own behalf and at its own cost in respect of its own interest where it determines that it has an independent interest in the litigation.

- (5) Any proceedings, and any civil, criminal or administrative litigation, including inquests, not related to the Administrative Authority's administration of the Act, in which the Crown is a defendant or an interested party, arising from or in any way connected with any activity undertaken by, or alleged act or omission of the Administrative Authority, shall be defended or otherwise carried out by the Administrative Authority. The Administrative Authority shall be responsible for all costs of the proceedings or litigation and for the payment of any settlement costs agreed to and payable by it and any damages awarded against it. The parties agree that the Crown reserves its right to defend or otherwise carry out any such proceedings or litigation on its own behalf and at its own cost where it determines that it has an independent interest in the proceedings or litigation.
- (6) The Minister or the Crown shall cooperate with the Administrative Authority for the purpose of the Administrative Authority's defence or other participation in the litigation referred to in subsections (4) and (5) including, without limiting the generality of the foregoing, providing documentation or information and providing witnesses in such litigation, where appropriate.
- (7) For greater certainty, the Administrative Authority shall have authority to and may carry out all prosecutions related to the Act on behalf of and in the name of the Crown, all in accordance with, pursuant to and in furtherance of the statutory obligations of the Administrative Authority.
- (8) The Minister shall keep the Administrative Authority informed of any litigation by or against the Crown or in which the Crown is an interested party that may affect the interests of the Administrative Authority.
- (9) The Administrative Authority shall keep the Minister informed of any litigation by or against the Administrative Authority or in which the Administrative Authority is an interested party that may affect the interests of the Crown.

13. Wind-Up or Other Termination of Administrative Authority's Administration

- (1) Without limiting the powers of the Crown under the SCSAA or otherwise, the termination of the Administrative Authority's authority to administer the Act may result from a decision of the Administrative Authority to wind-up or dissolve or cease to operate as an administrative authority, the insolvency or bankruptcy of the Administrative Authority, the failure of the Administrative Authority to comply with the SCSAA, the Act or the Administrative Agreement, or may occur if the Lieutenant Governor in Council considers it advisable in the public interest to revoke the Administrative Authority's designation.
- (2) The Administrative Authority may request the Lieutenant Governor in Council to revoke its designation and in that case the Lieutenant Governor in Council shall,

by regulation, revoke the designation on the terms it considers advisable in the public interest (as per subsection 6(4) of the SCSAA).

- (3) If the Administrative Authority fails to comply with the SCSAA, the Act or the Administrative Agreement, the Minister shall allow the Administrative Authority the opportunity of remedying its failure within the time period that the Minister considers reasonable in the circumstances.
- (4) The Minister shall advise the Lieutenant Governor in Council whether or not the Administrative Authority remedies its failure within the time period that the Minister specifies.
- (5) The Lieutenant Governor in Council shall not revoke the designation of the Administrative Authority if it remedies its failure within the time period that the Minister specifies.
- (6) If a decision is made to terminate the designation of the Administrative Authority, the Minister may appoint a person(s) to liaise with the Administrative Authority to ensure the Administrative Authority's continued effective administration of the Act, including the administration of the Compensation Fund, pending resolution of financial and legal issues relating to the termination.
- (7) If the termination is due to the wind-up, bankruptcy, or insolvency of the Administrative Authority, the Minister may appoint a person to liaise with the persons(s) appointed by the Administrative Authority or by a secured creditor(s) or court to oversee the wind-up, bankruptcy, or insolvency of the Administrative Authority to ensure the continued effective administration of the Act.
- (8) The parties shall use their best efforts to resolve financial and other issues resulting from the termination of designation that impacts the Crown, the Administrative Authority or the public, in keeping with the principle of fairness in light of the nature of the termination.
- (9) Any agreement under subsection (8) that may increase, directly or indirectly, the indebtedness or contingent liabilities of the Crown will require the prior written approval of the Minister of Finance, in accordance with section 28 of the *Financial Administration Act*, R.S.O. 1990, c. F. 12 and will be subject to approval by Treasury Board. The Minister will make best efforts to obtain this and any other necessary approvals.
- (10) The Administrative Authority or its appointee shall keep the Minister and any person appointed under subsections (6) and (7) informed to ensure the effective ongoing administration of the Act during the wind-up or other termination of the Administrative Authority.

14. Indemnity and Release

- (1) The Administrative Authority hereby agrees to indemnify the Crown in respect of damages and costs incurred by the Crown for any act or omission of the Administrative Authority or its members, directors employees or agents in carrying out,

- (a) the administration of the designated legislation delegated to it; or
 - (b) its duties under SCSAA, the designated legislation or the administrative agreement
- (2) This indemnification survives termination of this Administrative Agreement for the maximum period permitted by law or contract
- (3) The Administrative Authority shall maintain sufficient insurance or bonding for the purposes of subsection (2) and shall provide the Minister with proof of same.

15. Insurance

- (1) The Administrative Authority shall at all times maintain adequate insurance against liability arising out of the Administrative Authority's carrying out the administration of the Act, its duties under the Act and this Administrative Agreement.
- (2) The Administrative Authority shall arrange for the completion and submission of a certificate of liability insurance which shall include a provision requiring the insurer to give prior notice to the Minister in the manner set forth in the policy conditions in the event that the policy is changed or cancelled.
- (3) The Administrative Authority shall take all reasonable steps to protect itself from and against all claims which might arise from the carrying out of the administration of and carrying out of duties under the Act by the Administrative Authority, its directors, appointees, officers, employees and agents where bodily injury (including personal injury), death or property damage is caused and for this purpose shall, without restricting the generality of the foregoing, maintain comprehensive general liability insurance acceptable to the Minister and subject to limits of not less than \$10 million inclusive per occurrence of bodily injury (including personal injury), death and damage to property including loss of the use thereof, and automobile liability insurance (owned and non-owned or hired units).
- (4) The policies of liability insurance shall include as an additional insured Her Majesty the Queen in Right of Ontario as represented by the Minister but only in respect of and during the performance of the Administrative Authority of its administration of the Act or its duties under the Act and not in respect of any act or omission of the Crown including its directors, appointees, officers, employees or agents. In addition, the policy of liability insurance shall contain a cross-liability clause or endorsement. The parties recognize that the requirement for the Crown to be named as an additional named insured does not apply to a policy of insurance in respect of errors and omissions.
- (5) If the Crown imposes an obligation on the Administrative Authority by obtaining

the enactment of legislation, making a regulatory change or otherwise, which gives rise to exposure to liability on the part of the Administrative Authority for which the Administrative Authority cannot reasonably obtain appropriate liability insurance, the Administrative Authority shall provide immediate notice to the Minister in writing of the uninsured risk and subject to government approvals that may be required, if any, the Administrative Authority and the Minister shall identify appropriate measures to resolve the issue to the satisfaction of both parties. Where government approval is required, the Minister will make best efforts to obtain the necessary approvals.

16. Non-Regulatory Business

- (1) The Administrative Authority shall only enter into new business ventures that promote and enhance consumer protection. For this purpose, the Administrative Authority shall comply with the principles set out in the Non-Regulatory Business Policy set out in Schedule "H".
- (2) For each new non-regulatory business venture, the Administrative Authority shall submit to the Minister a statement confirming that such new non-regulatory business venture will not negatively impact the Administrative Authority's regulatory business. The form and content of the statement shall be as detailed in Schedule "H".
- (3) The statement shall be provided to the Minister prior to the Administrative Authority entering into a business venture for the new non-regulatory business.

17. Code of Conduct for Compliance Personnel

From time to time, the government may develop new policies governing the conduct of compliance personnel. As new policies emerge, the Minister shall provide the Administrative Authority with any government directives regarding the conduct of compliance personnel. The Administrative Authority shall develop its own code of conduct in accordance with the principles set out in the government directives and shall provide them to the Minister and make them available to the public and posted on the Administrative Authority's website.

18. Dispute Resolution

The parties agree to use reasonable efforts to resolve any disputes that may arise out of or in connection with this Agreement, or the administration of the Act. In the event of any such dispute, the parties may each identify an administrator for the purpose of dispute resolution. If the administrators are unable to do so within a reasonable time, the parties may agree to refer the dispute to a single mediator or to a three-member panel jointly selected by the parties. In the case of a three-member panel, each of the parties shall select one member and the third member shall be a neutral member jointly selected by the parties. Any recommendation of the mediator(s) for resolution of the dispute will not be binding on the party without its consent. If the parties do not accept

the recommendation of the mediator(s), and the parties are unable to resolve the dispute, the parties may agree to resolve the dispute by arbitration.

19. Communications

- (1) Each of the parties shall designate an individual who will be the primary contact for all issues and communications related to this Agreement and the administration of the Act.
- (2) The parties shall develop procedures for the sharing of information and the resolution of issues that may arise during the course of the delegation. Upon approval by the Minister, such procedures shall be added to the Agreement as Schedule "I".

20. Entire Agreement

- (1) The Minister and the Administrative Authority agree that this Agreement and any Schedules hereto, as amended from time to time in accordance with section 23 of this Agreement form the entire Agreement between the parties and supersede any prior understanding or agreement, collateral, oral or otherwise, existing between the parties at the date of execution of this Agreement.
- (2) Neither the Administrative Authority nor the Minister shall assign this Agreement in whole or in part without the express written consent of the other.

21. Jurisdiction

This Agreement shall be governed by the laws of the Province of Ontario and applicable laws of Canada.

22. Conflict

In the event of a conflict between the provisions of the Administrative Agreement and the Act or the SCSAA, the Act and the SCSAA prevail.

23. Amendments

- (1) Subject to subsection 4(3) of the SCSAA, the terms of this Agreement may only be added to, deleted, varied or amended with the consent of both parties. Such amendments shall be in writing, dated, and signed by both parties and attached to this Agreement.
- (2) The parties shall amend this Agreement as required to accommodate any changes to the Act or the SCSAA. Pursuant to subsection 4(3) of the SCSAA,

prior to any Minister's amendments or insertions of terms in this Agreement, the Minister shall give such notice to the Administrative Authority as the Minister considers reasonable in the circumstances. The Minister shall provide the Administrative Authority with a time period that the Minister considers reasonable for the Administrative Authority to comply with the amended or inserted terms.

- (3) The parties shall conduct a review of the Administrative Agreement every five years. Despite the foregoing, either party may initiate a review of the Administrative Agreement when advisable in the public interest upon giving notice to the other.

24. Public Document

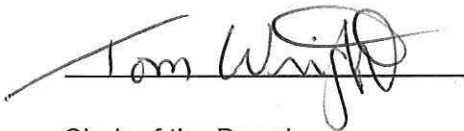
The parties agree that this Agreement, including the Schedules hereto, and any amendments, shall be made available to the public by either party upon request to that party by any member of the public, and that each party shall post the Agreement, Schedules and any amendments to that party's website.

25. Effective Date

This Agreement comes into effect on the later date of execution by the parties and will supersede and replace any prior agreements made between the parties in relation to the Administrative Authority.

IN WITNESS WHEREOF the parties hereto have executed this Agreement.

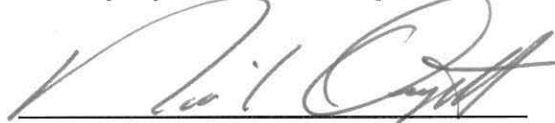
Bereavement Authority of Ontario

A handwritten signature in dark ink, appearing to read "Tom Wright", written over a horizontal line.

Chair of the Board

Date: March 17, 2016

Her Majesty the Queen in Right of Ontario

A handwritten signature in dark ink, written over a horizontal line.

Minister of Government and Consumer Services

Date:

A handwritten signature in dark ink, appearing to read "March 24/16", written over a horizontal line.

SCHEDULE "A" – LETTERS PATENT BEREAVEMENT AUTHORITY OF ONTARIO

Form 2
Corporations
Act
Formulaire 2
Loi sur les
personnes
morales

Ontario Corporation Number
Numéro de la société en Ontario

1917584



Ministry of
Government Services
Ontario

Ministère des
Services gouvernementaux

LETTERS PATENT
This application constitutes the charter
of the corporation which is issued by
these Letters Patent dated this

LETTRES PATENTES
La présente demande forme la charte de la
société constituée en personne morale
par lettres patentes daté le

JULY 24 JUILLET, 2014

Minister of
Government Services

[Signature]
Director / Directeur

Le ministre des Services
gouvernementaux

per/par

**APPLICATION FOR INCORPORATION OF A CORPORATION WITHOUT SHARE CAPITAL
REQUÊTE EN CONSTITUTION D'UNE PERSONNE MORALE SANS CAPITAL-ACTIONS**

1. The name of the corporation is: (Set out in BLOCK CAPITAL LETTERS)

Dénomination sociale de la société : (Écrire en LETTRES MAJUSCULES SEULEMENT)

B E R E A V E M E N T A U T H O R I T Y O F O N T A R I O

2. The address of the head office of the corporation is:

Adresse du siège social:

1235 BAY STREET, SUITE 400

(Street & Number or R.R. Number & if Multi-Office Building give Room No.)

(Rue et numéro ou numéro de la R.R. et, s'il s'agit d'un édifice à bureaux, numéro du bureau)

TORONTO

Ontario **M 5 R 3 K 4**

(Name of Municipality or Post Office)

(Postal Code)

(Nom de la municipalité ou du bureau de poste)

(Code postal)

3. The applicants who are to be the first directors of the corporation are:

Requérants appelés à devenir les premiers administrateurs de la personne morale :

First name, middle names and
surname

Prénom, autres Prénoms et nom
de famille

Address for service, giving Street & No. or R.R. No., Municipality, Prov-
ince, Country and Postal Code

Domicile élu, y compris la rue et le numéro, le numéro de la R.R. ou le
nom de la municipalité, la province, le pays et le code postal

**GLEN EDWARD TIMNEY
JOHN JOSEPH O'BRIEN**

**18 APOLLO DRIVE, TORONTO, ON. M3B 2G8
125 DROMORE CRESCENT, HAMILTON, ON. L8S
4B1**

AUBREY LENARD LEBLANC

**417 DELORAINE AVENUE, TORONTO, ON. M5M
2B9**

THOMAS ALAN WRIGHT

**27 PARNELL ROAD, UNIT 7, ST. CATHARINES, ON.
L2N 2W1**

BRIAN ARTHUR PARENT

2625 BROOKLYN AVENUE, LASALLE, ON. N9H1L5

4. The objects for which the corporation is incorporated are:
Objets pour lesquels la personne morale est constituée:

(A) To administer the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33 (the FBCSA) and regulations made under that Act, and any other legislation and regulations as may be designated and delegated to the Corporation under the Safety and Consumer Statutes Administration Act, 1996, S.O.1996, c.19 (the SCSAA) as amended from time to time;

(B) To enhance consumer protection and confidence in the regulated bereavement sector in Ontario through activities including education, training, licensing, registration, audit, quality assurance, inspection, investigation, enforcement and discipline, as they relate to licensees and registrants in the regulated bereavement sector;

(C) To promote consumer education, information and awareness in the regulated bereavement sector;

(D) To promote and undertake activities that encourage the harmonization of standards and compliance practices in the regulated bereavement sector;

(E) Pursuant to the duties under section 8(5) of the SCSAA, to provide the government with timely and reliable information and advice on statutory and regulatory reform, administrative issues and other matters of public interest relating to the regulated bereavement sector by maintaining regular liaison with the government and establishing policies and procedures to ensure adequate public and stakeholder consultation in developing recommendations;

(F) To promote open, fair and ethical business practices based on customer service and consumer protection consistent with the requirements of the FBCSA and the maintenance of high ethical and business standards;

(G) To develop a code of practice in order to foster high ethical standards and professionalism in the regulated bereavement sector;

(H) To promote and undertake activities which enhance consumer protection and support a fair, safe and informed marketplace that supports a competitive economy;

(I) To engage in such other activities, as may become necessary in the future, in order to fulfill the legislative and other mandates assigned to it by the SCSAA, FBCSA, or any other applicable legislation; and

(J) To carry on any other duties granted or delegated to it by the government and fulfill any obligations under an Administrative Agreement.

5. The special provisions are:
Dispositions particulières:

The corporation shall be carried on without the purpose of gain for its members, and any profits or other accretions to the corporation shall be used in promoting its objects.

La personne morale doit exercer ses activités sans rechercher de gain pécuniaire pour ses membres, et tout bénéfice ou tout accroissement de l'actif de la personne morale doit être utilisé pour promouvoir ses objets.

A) The name of the Corporation in French shall be Office ontarien des services funéraires

B) The Corporation shall be carried on without the purpose of gain for its members and no part of the income of the Corporation shall be payable to or otherwise available for the personal benefit of any member. Any profits or other accretions to the Corporation shall be used solely in promoting its objects; and

C) Upon the dissolution of the Corporation and after the payment of all of its debts and liabilities, its remaining property shall be distributed to any successor administrative authority or if there is no successor administrative authority to a not for profit corporation approved by the government with compatible objects and whose objects are beneficial to the community.

6. The names and address for service of the applicants:
Nom et prénoms et domicile élu des requérants

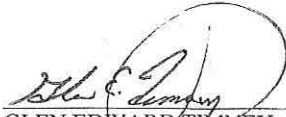
First name, middle names and
surname
Prénom, autres Prénoms et nom
de famille

Address for service, giving Street & No. or R.R. No., Municipality, Province,
Country and Postal Code
Domicile élu, y compris la rue et le numéro, le numéro de la R.R. ou le nom
de la municipalité, la province, le pays et le code postal

GLEN EDWARD TIMNEY	18 APOLLO DRIVE, TORONTO, ON. M3B 2G8
JOHN JOSEPH O'BRIEN	125 DROMORE CRESCENT, HAMILTON, ON. L8S 4B1
AUBREY LENARD LEBLANC	417 DELORAINE AVENUE, TORONTO, ON. M5M 2B9
THOMAS ALAN WRIGHT	27 PARNELL ROAD, UNIT 7, ST. CATHARINES, ON. L2N 2W1
BRIAN ARTHUR PARENT	2625 BROOKLYN AVENUE, LASALLE, ON. N9H1L5

This application is executed in duplicate.
La présente requête est faite en double exemplaire.

Signatures of applicants
Signature des requérants


GLEN EDWARD TIMNEY


JOHN JOSEPH O'BRIEN


AUBREY LENARD LEBLANC


THOMAS ALAN WRIGHT


BRIAN ARTHUR PARENT

SCHEDULE "B"- REGULATION 187/09 (PART)
BEREAVEMENT AUTHORITY OF ONTARIO

Safety and Consumer Statutes Administration Act, 1996

Loi de 1996 sur l'application de certaines lois traitant de sécurité et de services aux consommateurs
FBCSA related provisions of ONTARIO REGULATION 187/09

PART I

ADMINISTRATION OF VARIOUS ACTS

DESIGNATED LEGISLATION

Designated legislation

1. The provisions that are specified in Column 2 of the following Table and that are provisions of the Act or regulations specified opposite in Column 1 are designated as designated legislation for the purposes of subsection 3 (1) of the Act:

Column 1	Column 2
<i>Funeral, Burial and Cremation Services Act, 2002</i>	all provisions except for sections 88 to 101.1, 112 and 113
Ontario Regulation Reg. 30/11 (General) made under the <i>Funeral, Burial and Cremation Services Act, 2002</i>	all provisions except for, (a) subsection 30 (3) and clauses 86 (2) (b) and (c) and 87 (7) (b) as they apply to burial sites; and (b) sections 165, 172 to 184 and 229
Ontario Regulation 184/12 (Care and Maintenance Exemptions and Miscellaneous Charges) made under the <i>Funeral, Burial and Cremation Services Act, 2002</i>	All provisions

DESIGNATED ADMINISTRATIVE AUTHORITIES

Funeral, Burial and Cremation Services Act, 2002

2.2 For the purposes of subsection 3 (2) of the Act, the Bereavement Authority of Ontario, that is incorporated under the laws of Ontario by letters patent dated July 24, 2014 and with which the Minister of Government and Consumer Services entered into an administrative agreement dated August 6, 2015 for the purposes of section 4 of the Act, is designated as the sole administrative authority for the purpose of administering the provisions of the *Funeral, Burial and Cremation Services Act, 2002* and the regulations made under that Act that are designated legislation under section 1 and that apply to licensees that are cemetery operators, crematorium operators or sales representatives. O. Reg. 286/15, s. 2.

Note: On April 1, 2016, section 2.2 of the Regulation, is amended by striking out “and that apply to licensees that are cemetery operators, crematorium operators or sales representatives” at the end. (See: O. Reg. 286/15, s. 3)

Bereavement Authority of Ontario

Her Majesty the Queen in Right of Ontario


Chair of the Board

Date: March 17, 2016


Minister of Government and Consumer Services

Date: March 24/16

SCHEDULE "C" - CORPORATE PLANNING AND REPORTING

BEREAVEMENT AUTHORITY OF ONTARIO

The Bereavement Authority of Ontario (BAO) corporate planning and reporting documents are essential communications vehicles for demonstrating responsible stewardship of regulatory authority in the achievement of consumer protection. As such, BAO will strive to continuously improve and strengthen linkages between strategic planning, business planning, operational planning and reporting.

Recognizing that corporate planning and reporting documents have a broad audience that includes government, bereavement sector stakeholders and the public, BAO will use plain language so that the objectives and performance of BAO are clear and easy for the average reader to understand.

The corporate planning and reporting documents should easily allow for comparisons between them. For example, the commitments in the business plan and the outcomes contained in the annual report, over the course of the Administrative Authority's administration of the delegated statute, should be comparable.

BAO's corporate planning and reporting documents will support the accountability framework as laid out in the Administrative Agreement between the Minister and BAO.

In addition to the requirements specified directly in the Administrative Agreement, BAO's corporate planning and reporting documents shall include the following information, but shall not be limited to these requirements.

1. BUSINESS PLAN REQUIREMENTS

BAO will draft a business plan annually that identifies a coordinated set of activities to achieve BAO's strategic objectives for the next three year period. The business plan will state the specific activities that will be undertaken in the fiscal year, as well as identify resources to achieve BAO's strategic objectives and successfully deliver consumer protection services. The business plan shall include the following information, but shall not be limited to these requirements.

Corporate Overview

A general overview of BAO, including its mandate, mission, vision and values. It will also describe BAO's structure, services, regulated sector/industry and include a description of the nature and scope of the relationship between BAO, the government and the Ministry of Consumer Services.

Business Planning Overview

An explanation of the connection/linkages between strategic planning, the business plan and the annual report.

Objectives

In this section, BAO will make clear its strategic objectives for the next three year period, including those aimed at enhancing protections for consumers and the professionalism of licensees. Should BAO's business objectives for the planning period change at any point during a given year, BAO will notify the Ministry prior to the start of the next fiscal year so that the Ministry is informed.

BAO will list the following:

- Objectives / Priorities (key goals or outcomes that BAO proposes to achieve);
- Strategies (approaches that will be employed to achieve the objectives); and
- Activities (actions that will support the execution of the strategies to achieve the objectives).

Key outcomes or outputs shall include, but are not limited to:

- Compliance activities such as a minimum number of inspections to be performed over the period;
- Turn-around time for registrations;
- Complaint numbers and goals for mediation and dispute resolution;
- Outcome measures such as planned client and consumer education initiatives, surveys, or other engagement;
- Anticipated service levels provided to consumers and registrants;
- Financial goals.

This section will also include the means used by BAO for handling complaints and for providing French language services to licensees, clients and consumers.

BAO shall also note that the following is available on BAO's web-site:

- Information on the BAO's bereavement sector advisory committees; and
- Information on performance reporting including compliance and consumer protection, consumer awareness, and client/customer satisfaction outcomes.

This section should set out quantifiable/measurable targets that BAO will adopt to achieve the objectives set in administering the delegated responsibilities over the next three-year period. The plan will detail how the targets will be measured. The measures selected will be clearly linked to the objectives proposed for the period and indicate the statistics and outcomes to be reported in the annual report.

Measures should demonstrate BAO's effectiveness (in terms of both consumer protection outcomes and organizational effectiveness), efficiency and level of customer value/satisfaction. These measures will be based on a stable set of performance metrics that will enable a year to year comparison. Where a year to year comparison is not possible because of a change in performance metrics, BAO shall provide sufficient information to enable a proximate comparison.

Resources Needed To Meet Objectives

Assess the adequacy of financial, human and other resources required by BAO to meet its objectives over the planning horizon. Provide a forecast of anticipated revenues (derived from regulatory and non-regulatory business) and planned expenditures for the next three-year period.

2. ANNUAL REPORT REQUIREMENTS

BAO will report annually on its performance. The following items will be included in BAO's annual report. An explanation of the items is given for clarity where necessary. The annual report shall include the following information, but shall not be limited to these requirements.

Organizational Overview

- Introduction
- Mandate, mission, vision, values
- Overview of the organization
- Message from the Chair
- Message from the CEO / Registrar

Report on Performance

BAO shall report on how successful it has been at meeting its target performance outcomes for the planning/reporting period as set out in the business plan. BAO shall indicate if the target has been met. If the target has not been met, BAO shall explain why achievement was not possible in that fiscal year.

a) Performance Statistics:

Statistical reports should be clearly set out in chart form and compared against the objectives and performance measures set out in the business plan and previous year's performance. BAO may include any statistics it considers relevant to its administration of the Act in this section, however, statistics should include:

- compliance measures such as licensing, complaint resolutions, inspections, investigations, prosecutions, etc.;
- efficiency measures such as turn-around times for complaints, licensing, inspections, discipline, etc.; and
- outcome measures such as education and awareness, complaints against sector participants, etc.

b) Review of Regulation, By-Law and Policy Changes:

Outline any changes made to the *Funeral, Burial and Cremation Services Act, 2002* and regulations, by-laws or policies during the fiscal year.

c) French Language Services:

- Report on the provision of services in the French language including how those with need for services in French were provided for, the total number of inquiries that were received in the French language during the reporting period, and any other statistics that BAO considers relevant.

d) Complaint Handling Process:

Review of the complaint handling and dispute resolution processes provided by BAO including appeal procedures and outcomes and information on how to register complaints against sector participants and against the Administrative Authority.

Corporate Governance

BAO shall provide a summary of how it is governed. It will also provide the following information, which may alternatively be posted on its web site:

- Role of the Board
- Election/appointment process
- Basic qualifications
- Committees of the Board
- Code of Conduct for Directors
- Board of Directors (including biographies)
- Directors' terms of appointment
- Officers (including biographies)
- Organization chart
- BAO contact information

Management Discussion and Analysis

A discussion and analysis intended to assist with an understanding of the material financial changes in BAO's operations over the past fiscal year, to be read along with the financial statements and accompanying notes. This discussion shall include a breakdown of regulatory and non-regulatory business.

Financial Statements and Notes

The audited financial statements and notes to the financial statements shall be published in the annual report.

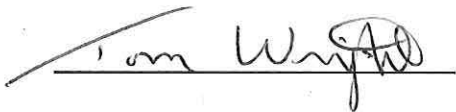
3. RISK MANAGEMENT FRAMEWORK AND RISK MANAGEMENT PLAN REQUIREMENTS

The Administrative Authority will conduct a risk assessment and develop a risk management plan that will:

- 1) State the Administrative Authority's objectives;
- 2) Identify and assess risks to the achievement of stated objectives;
- 3) Identify a risk mitigation strategy;
- 4) Establish and maintain a system of internal controls to minimize risk; and
- 5) Document policies and procedures to manage risk.

A summary of the risk management plan shall be provided to the Ministry annually for review.

Bereavement Authority of Ontario

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Chair of the Board

Date: March 17, 2016

Her Majesty the Queen in Right of Ontario

A handwritten signature in black ink, appearing to read "John C. O'Connell", written over a horizontal line.

Minister of Government and Consumer Services

Date: March 24/16.

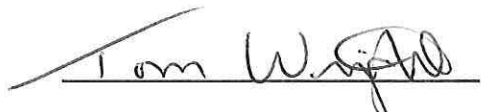
SCHEDULE “D” - CODE OF CONDUCT FOR DIRECTORS
BEREAVEMENT AUTHORITY OF ONTARIO

Code of Conduct for Members of the Board of Directors

1. Directors shall at all times use their best efforts to provide progressive, collective leadership and direction to BAO in support of its mandate to protect consumers and licensees through a fair, safe and informed marketplace.
2. Directors shall adhere to BAO's governance policies.
3. Directors shall adhere to BAO's Conflict of Interest Policy; avoid, in fact and perception, conflicts of interest; and immediately disclose possible conflicts to the Board.
4. All Directors, both elected and appointed, shall direct the activities of the organization as a whole rather than in their own interest or that of any specific group.
5. Directors shall maintain the confidentiality of the details and dynamics of Board discussions, as well as those items designated as confidential.
6. Regardless of their personal viewpoint, Directors shall not speak against, or in any way undermine Board solidarity once a Board decision has been made.
7. Directors are expected to attend all Board meetings. Directors shall be prepared to commit sufficient time and energy to attend to BAO business.
8. Directors' contributions to discussions and decision-making shall be positive and constructive and Directors' interactions in meetings shall be courteous, respectful and free of animosity.
9. Directors shall be prepared for meetings having read pre-circulated material in advance of the meeting.
10. Directors shall participate in BAO in ways other than attending Board meetings.
11. Directors shall adhere to the principle that the CEO / Registrar is responsible to the entire Board of Directors and consequently that no single Director or committee, task force, working group or advisory group has authority over the CEO/ Registrar.
12. Directors shall adhere to the principle that the Chair of the Board of Directors is the communications link between the Board and the CEO / Registrar.
13. Directors shall ensure that there is a current Position Description and annual work plan for the CEO / Registrar and that there is a process for his/her annual evaluation.
14. Directors shall not attempt to exercise individual authority or undue influence over BAO. The official spokespersons for BAO are the Chair of the Board of Directors and the CEO / Registrar and consequently, all public requests for comment on BAO policies shall be referred to them.

15. The Chair may make public statements on corporate policy matters that are within the scope of a policy approved by the Board, or a reasonable extension of a policy.

Bereavement Authority of Ontario

A handwritten signature in black ink, appearing to read "Tom W. S. A. D.", written over a horizontal line.

Chair of the Board

Date: March 17, 2016

Her Majesty the Queen in right of Ontario

A handwritten signature in black ink, appearing to read "N. J. O. H.", written over a horizontal line.

Minister of Government and Consumer
Services

Date: March 24/16

SCHEDULE "E" - FEE SETTING PROCESS AND CRITERIA

BEREAVEMENT AUTHORITY OF ONTARIO

Application

This Schedule applies exclusively to fees, costs or other charges ("fees") set by the Administrative Authority in accordance with clause 12 (1) (b) of the *Safety and Consumer Statutes Administration Act, 1996* (SCSAA) except for fines imposed by a Discipline and/or Appeals Committee, and incidental administrative fees such as non-sufficient funds charges.

Statement of Purpose

This Schedule has the following objectives:

- To comply with clause 12(1)(b) of the SCSAA in order to empower the Administrative Authority to set and collect fees, relating to the administration of the Act;
- To ensure the development of fees which are consistent with the Administrative Authority's operating principles and obligations under this Agreement, including the obligation to ensure that the Administrative Authority has adequate resources to comply with the Agreement, the Act, and the SCSAA;
- To achieve full recovery of all delivery costs with respect to fees as defined, consistent with the ongoing viability of the Administrative Authority as a not-for-profit corporation and at the same time provide service delivery value for stakeholders;
- To ensure that the Board of Directors considers the impact of a new fee or a fee change on consumers; and
- To ensure that, in the case of new fees or fee changes in excess of the cost of inflation, stakeholders have input into the fee setting process.

Process

Where the Board of the Administrative Authority has approved a fee change no greater than the cost of inflation, the Administrative Authority shall provide the Minister with 30 days advance written notice following which, 60 days written notice will be provided to licensees. The Fee Review Analysis including the Consultation and Criteria described below is not required. The Ministry may waive this 90 day written notice provision if the Board provides evidence satisfactory to the Minister that this notice would result in the Administrative Authority not having the resources needed to comply with one or more of the Agreement, the Act, and the SCSAA.

Every proposal to establish a fee change involving a new fee, or a fee change in excess of the cost of inflation, shall be subject to a Fee Review Analysis conducted by the Administrative Authority in accordance with the process set out below.

The Board shall not approve a fee change until the steps outlined in this Schedule have been completed. The Ministry may waive this process, or steps in this process, if the Board provides evidence satisfactory to the Minister that the requirement to undertake any or all of these steps

would result in the Administrative Authority not having the resources needed to comply with one or more of the Agreement, the Act, and the SCSAA.

Fee Review Analysis

The Fee Review Analysis shall be in the form of a business case consisting of a written analysis for the fee change that shall include:

- A scan of trends that may be occurring in the sector or beyond that could impact the Administrative Authority;
- Estimated costs for new or expanded programs as outlined in the Administrative Authority's business plan;
- Estimated costs associated with new or amended legislation;
- A rationale based on the Administrative Authority's historical, actual and projected revenues and expenses as well as impact on standards of service;
- A summary of stakeholder comments solicited in accordance with the Consultation and Notice process set out below; and
- An indication of compliance with the Criteria set out below.

The Administrative Authority shall provide the Ministry with written notice of the fee change proposal 45 days in advance of soliciting comments from licensees and sector stakeholder groups or the fee change proposal otherwise becoming public. The Fee Review Analysis (not including the summary of stakeholder comments) shall be submitted to the Minister at this time.

Consultation and Notice

The Administrative Authority will solicit comments from licensees and sector stakeholder groups on the proposed fee change for a period of 30 days in advance of the written Notice described below. A summary of the comments, once received, shall be forwarded to the Minister for information, and shall complete the Fee Review Analysis. The Administrative Authority will also provide the Ministry with a copy of the draft Notice to licensees at this time.

Concurrent written Notice will be given to the Ministry and the Administrative Authority licensees 60 days prior to the fee change taking effect.

Criteria

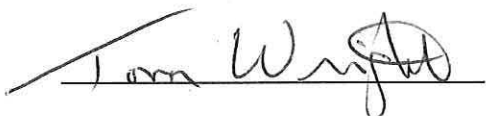
In developing a proposed fee change, the Administrative Authority will give appropriate consideration to the Administrative Authority's Business Plan and to the potential impact of the fee or fee change on consumers. In addition, the following criteria will be considered and addressed:

- Fees will be set on a cost recovery basis and designed to cover all the Administrative Authority's costs including those which cannot be directly attributable to the payees,

including but not limited to, complaint handling, inspection, investigation, prosecution, consumer awareness campaigns, website development and maintenance, governance programs, government oversight and reporting, and general administration.

- The fees charged for different services and licensing types will reflect
 - the comparative costs to the Administrative Authority for processing the application or providing the services;
 - the period during which a licence will be effective; and
 - uniformity of application regardless of geographic location.
- All fees will be payable when an application is made or when a service is requested. A partial refund may be made (after deducting the Administrative Authority's costs) for cancelled applications or requests for service. Notwithstanding the above, no refund will be issued for cancellations received after an application has been processed or a service has been delivered.
- A reasonable fee may be charged for applications that are received late. Where applicable, standard business practices will be followed (e.g. interest charged on overdue accounts, etc.). Late fees are not subject to the Fee Setting Process and Criteria outlined in this Schedule.
- In establishing or revising a fee, appropriate consideration will be given to deterring breaches of the Act.

Bereavement Authority of Ontario



Chair of the Board

Date: March 17, 2016

Her Majesty the Queen in right of Ontario



Minister of Government and Consumer Services

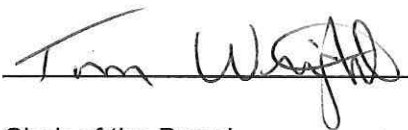
Date: March 24/16

**SCHEDULE "F" – PAYMENTS
BY THE BEREAVEMENT AUTHORITY OF ONTARIO**

BAO agrees to pay an oversight fee to the Minister for each Provincial fiscal year (April 1 to March 31), on the following terms:

1. An annual amount ("the payment") as determined by the Minister. The purpose of the oversight fee the Minister charges to the authority is to recoup the government's costs of the regulatory regime in their entirety. This includes the cost to government of oversight of BAO, responsibility for the development of legislation and regulations administered by BAO, and advice to the Minister in the execution of his or her duties in respect of the consumer protection regulatory regime within his or her mandate. The Ministry will share with BAO the detailed information regarding the calculation of the cost of regulatory oversight upon request.
2. For the 2016-17 fiscal year, the BAO agrees to pay the Minister the sum of \$100,000.00
3. For 2017-18 and subsequent fiscal years, the Minister shall determine the payment for each year and will notify BAO at least 18 months in advance of the payment being due. If during the fiscal year, the costs of regulatory oversight as determined by the Minister exceed the payment amount, the Minister may, after reasonable notice and prior consultation with BAO, increase the payment amount accordingly.
4. The payment for each fiscal year ending March 31 will be remitted to the Ministry by way of cheque payable to the Minister of Finance within 30 days of the date of the invoice sent by the Ministry each year.
5. Late payments will be subject to interest charged at the interest rate for unpaid debts to the Crown as fixed from time to time by the Lieutenant Governor in Council in accordance with subsection 10(4) of the *Financial Administration Act*, R.S.O. 1990, c. F.12.

Bereavement Authority of Ontario



Chair of the Board

Date: March 17, 2016

Her Majesty the Queen in right of Ontario



Minister of Government and Consumer Services

Date: March 24/16

SCHEDULE "G" - MODEL ACCESS AND PRIVACY CODE
BEREAVEMENT AUTHORITY OF ONTARIO

1. In this Code:
 - (a) "Personal information" means any information about an identifiable individual that is recorded in any form.
 - (b) "BAO" means the Bereavement Authority of Ontario.
2. The BAO (also referred to as the Authority) shall develop and implement policies and practices which:
 - (a) provide public access to information held by the BAO unless the release of information would:
 - (i) violate an individual's right to privacy;
 - (ii) violate a legally recognized privilege;
 - (iii) compromise ongoing inspection and enforcement activities of the BAO;
 - (iv) impair the ability of BAO to ensure a fair, safe and informed marketplace that supports a competitive economy;
 - (v) involve information that is the substance of deliberations by the BAO's Board of Directors and its committees, including but not limited to agenda, minutes, policy options and analysis, internal advice, proprietary information, and advice to government;
 - (vi) involve bulk data and other sensitive aggregate data that may identify a specific individual; or
 - (vii) involve commercial, proprietary, technical or financial information related to an individual or commercial enterprise who has supplied the records to the BAO in confidence, if disclosure would result in undue loss or gain, prejudice a competitive position, or interfere with contractual or other negotiations
 - (b) provide for protection of personal information collected by the BAO in the performance of its duties;
 - (c) establish an effective procedure including time frames to deal with inquiries regarding information held by the BAO;
 - (d) establish a mechanism to deal with complaints regarding the release of information or the refusal to release information to an inquirer; and


- (e) inform staff about the BAO's policies regarding the collection and dissemination of information and provide adequate training to enable staff to properly handle requests for such information.
- 3. (1) Personal information about licensees shall at all times be collected by lawful means directly from the individual to whom it relates whenever possible and be collected only where there is a demonstrable need for this information in order for the BAO to administer the *Funeral, Burial and Cremation Services Act, 2002*.
- (2) The reasons for which personal information is required shall be made available to the individual who is the subject of the information at or before the time the information is compiled.
- 4. (1) While a number of BAO staff members may be responsible for collecting and processing information, a designated member of the BAO's staff shall have responsibility for overseeing the BAO's compliance with this Code.
- (2) The identity of the individual responsible for overseeing the BAO's compliance shall be made known upon request.
- 5. BAO staff involved in the collection of personal information shall communicate the reasons such information is required at the request of the individual to whom the information pertains.
- 6. An individual's written consent must be obtained before personal information may be disclosed to third parties except for purposes related to the inspection or investigation of alleged wrongdoing and enforcement of such wrongdoing.
- 7. Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual to whom the information applies or legally authorized.
- 8. (1) Personal information shall be kept on record only as long as is necessary to fulfill the purposes for which the information was collected and used.
- (2) Guidelines shall be developed to govern the period of time personal information is retained by the Authority.
 - (3) Personal information that is no longer required to fulfill the identified purposes should be destroyed, erased or made anonymous. Guidelines shall be developed and procedures implemented to govern the destruction of personal information.
- 9. (1) Personal information held by the Authority shall be kept accurate and up to date based upon information provided by the registrants.
- (2) Amendments to personal information received from licensees shall be recorded by the Authority as soon as practically possible.
- 10.(1) Personal information shall be made available to third parties only where it can be demonstrated that these parties have put in place means to provide protection

comparable to that provided for by the Authority.

- (2) Where personal information is made available to third parties on an ongoing basis, amendments to such information shall regularly be provided to them.
11.
 - (1) In order to prevent unauthorized disclosure, copying, use or modification of personal information held by the Authority, access to such information shall be restricted by the use of recognized security mechanisms such as passwords and other safeguards as determined by the Authority.
 - (2) Authority staff shall be made aware of the importance of maintaining the confidentiality of personal information.
12.
 - (1) The Authority shall publish information regarding its policies and practices relating to the management of personal information.
 - (2) The information referred to in subsection (1) shall include:
 - (a) the name of the person responsible for the Authority's policies and practices in this area;
 - (b) the name of the person to whom complaints about the management of personal information should be directed;
 - (c) the form such complaints should take;
 - (d) the means of gaining access to personal information held by the Authority;
 - (e) a description of the type of personal information held by the Authority; and
 - (f) brochures or other documentation describing the Authority's policies, standards and codes.
13.
 - (1) Upon request, the Authority shall provide an individual with information concerning the existence, use and disclosure of his or her personal information and, subject to Section 15, provide to the individual the applicable personal information.
 - (2) Personal information shall be made available in response to inquiries at reasonable or no cost and shall be provided in a form that is easily understandable.
14. Where an individual disagrees with the accuracy of personal information about himself or herself, the individual has the right to challenge its accuracy and have it amended as appropriate. Where a correction was requested but not made, a statement of disagreement must be attached to the information and transmitted to any third parties having access to the information.
15. Personal information shall not be made available to an individual to whom it applies where releasing personal information would:

- (a) violate another individual's right to privacy, unless that individual consents to the information's release;
 - (b) violate a legally recognized privilege; or
 - (c) compromise security or commercial proprietary concerns.
16. The Authority shall develop a mechanism to address all complaints about the handling of personal information and if a complaint is found to be justified, shall take appropriate measures to rectify the problem, including where necessary, amending its policies and practices.
17. No person shall willfully use, disclose or retain personal information obtained under the authority of an administrative agreement entered into in accordance with section 4 of the *Safety and Consumer Statutes Administration Act, 1996*, S.O. 1996 Chapter 19 in contravention of the provisions of this Schedule.

Bereavement Authority of Ontario


Chair of the Board

Date: March 17, 2016

Her Majesty the Queen in right of Ontario


Minister of Government and Consumer
Services

Date: March 24/16

SCHEDULE "H" - NON-REGULATORY BUSINESS POLICY

BEREAVEMENT AUTHORITY OF ONTARIO

AUTHORITY

The *Safety and Consumer Statutes Administration Act, 1996*, S.O. 1996, c. 19, s. 7 (2) states, "Nothing in this Act restricts a designated administrative authority from carrying out other activities in accordance with its objects."

This authorizes the Bereavement Authority of Ontario to undertake non-regulatory business that is business in addition to its statutory Mandate.

POLICY

The Administrative Authority will only enter into non-regulatory business arrangements that promote and enhance consumer protection and are consistent with its vision and mission. It will operate in compliance with the principles outlined in this Policy. The Administrative Authority will ensure that all of its employees are aware of and act in accordance with this Policy.

POLICY PRINCIPLES

- Commitment to Core Responsibilities and Regulatory Integrity: The Administrative Authority will continue at all times to conduct itself in a manner that maintains its ability to effectively, with high standards of integrity and in a non-conflicted manner, deliver its Statutory Mandate.
- Fair Business Practices: The Administrative Authority will not use its authority as a regulator to create an unfair business advantage.
- Fair Competition: The Administrative Authority shall ensure that all contracts, agreements or understandings are consistent with competition law.
- Financial Independence: The Administrative Authority will deliver non-regulatory business services that enhance consumer protection and generate revenues generally to the benefit – and never to the detriment – of its regulatory responsibilities. The Administrative Authority will ensure independent financial reporting of non-regulatory business services.

COMPLIANCE

The Administrative Authority will submit to the Minister a statement for each non-regulatory business arrangement confirming that it will not negatively impact its Statutory Mandate and regulatory business and is consistent with this Policy. This statement shall be provided to the Minister ten (10) business days prior to entering into or bidding on a legally binding contract. The statement shall contain the duration and parties of each contract, and the nature of the work.

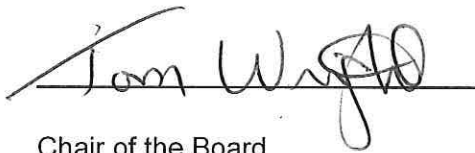
The Administrative Authority will communicate its Non-Regulatory Business Policy to its stakeholders and licensees to ensure a broad base of understanding. The Administrative

Authority will monitor its business development activities to ensure this Policy is being consistently applied.

The Administrative Authority will implement this policy to ensure appropriate treatment of confidential information, proper disclosure of the Administrative Authority's role, and decision-making that is fair and sound.

Upon request of the Minister, the Administrative Authority will engage a third party to conduct a review of compliance with this Policy. In addition, a summary of findings of the review will be made available to the public, including posting on the Administrative Authority's website.

Bereavement Authority of Ontario

A handwritten signature in black ink, appearing to read "Tom Wright", written over a horizontal line.

Chair of the Board

Date: March 17, 2016

Her Majesty the Queen in right of Ontario

A handwritten signature in black ink, appearing to read "Pat O'Brien", written over a horizontal line.

Minister of Government and Consumer Services

Date:

March 24/16

SCHEDULE "I" - INFORMATION SHARING PROTOCOL

BEREAVEMENT AUTHORITY OF ONTARIO

This Schedule outlines information sharing protocols recognizing that the Bereavement Authority of Ontario (BAO) shall respond in an expeditious manner to all requests made by the Minister including requests in respect of:

- (a) the governance of the BAO;
- (b) the administration of the Act by BAO;
- (c) the Administrative Agreement.

This Schedule outlines information sharing protocols not already specified in the Administrative Agreement or other Schedules to the Administrative Agreement (e.g. Corporate Planning and Reporting, Fee Setting Process and Criteria).

When making information requests of BAO, the Ministry of Government and Consumer Services ("Ministry") shall respect the requirements of BAO's Access and Privacy Code and section 106 (confidentiality clause) of the *Funeral, Burial and Cremation Services Act, 2002*, and shall inform BAO of the timeframe in which the information is needed, unless specifically outlined in this Schedule.

Prior to any personal information being shared, the Ministry and the BAO will confirm how it will be used, that there is legal authority to share it and that any notice requirements have been addressed. The method for sharing, securing and disposing of the personal information will also be specified and confirmed. The term "personal information" means any information about an identifiable individual that is recorded in any form, such as name, address etc.

To facilitate information sharing, BAO and the Ministry will seek to achieve a "one-window" policy with BAO and the Ministry's DAA Policy and Oversight Unit being the access points.

In addition, BAO and the Ministry's DAA Policy and Oversight Unit shall make reasonable efforts to meet quarterly to discuss current issues, needs and other matters necessary for the proper administration of this Schedule.

Description	Responsibility	
	Ministry	BAO
Information requests made by the Ministry to BAO	The Ministry shall make best efforts to share with BAO the context in which the request for information is being made.	BAO shall respond in an expeditious manner to all requests made by the Minister.
Cabinet Submissions		
All Issues	DAA Policy and Oversight Unit develops Cabinet submission in cooperation with other Ministry branches.	BAO is consulted where appropriate.
Correspondence		

The Ministry and BAO will work together to draft responses whenever possible, in a timely fashion, respecting the requirement for the DAA Policy and Oversight Unit to respond to all correspondence within five (5) business days.		
On all subjects directed to the Minister or Ministry	Actioned to DAA Policy and Oversight Unit which: 1. actions to BAO; or 2. drafts reply indicating referral to BAO for direct response; or 3. drafts reply.	Responds directly under BAO's signature and copies DAA Policy and Oversight Unit as appropriate, or supplies DAA Policy and Oversight Unit with information required for Ministry to reply.
Briefing Notes		
For Minister or Ministry meetings with BAO's stakeholders	DAA Policy and Oversight Unit coordinates preparation of meeting materials, makes reasonable effort to notify BAO of meeting and discusses with BAO.	Provides DAA Policy and Oversight Unit with relevant information on stakeholders/issues.
For BAO's meetings with Ministry stakeholders (e.g. other ministries or agencies)		BAO makes reasonable efforts to notify DAA Policy and Oversight Unit of meeting, discusses outcome with DAA Policy and Oversight Unit, and provides a briefing note upon request.
Issue Notes		
The Ministry and BAO will work together to issue responses in a timely fashion respecting the requirement for the Ministry to respond to all requests for Issue Notes within specific timeframes (i.e. could be short notice or outside of regular business hours).		
On any subject (Designed for use in the Legislature)	DAA Policy and Oversight Unit prepares issue note and provides it to the Ministry's Communications Branch. Requests for information made to BAO to develop issue note will be accompanied by a timeline for response.	BAO provides information to DAA Policy and Oversight Unit within timeframe specified.
Issues Management		
Emergencies, accidents and fatalities	When the Ministry is informed by BAO or through media reports, the DAA Policy and Oversight Unit provides the Ministry's Communications Branch with key information as quickly as possible and monitors for updates.	BAO informs DAA Policy and Oversight Unit and provides relevant details, key messages and response strategy.
Other possible contentious issues (e.g. stakeholder grievances /concerns, corporate restructuring, etc.)	DAA Policy and Oversight Unit informs the Ministry's Communications Branch.	BAO informs DAA Policy and Oversight Unit and provides relevant details, key messages and response strategy.
Media Relations		

Requests made to the Ministry for interviews and background material on BAO operational issues	Ministry's Communications Branch notifies DAA Policy and Oversight Unit which, as appropriate, refers request to BAO or obtains required information from BAO.	BAO provides the required information or responds directly and advises the DAA Policy and Oversight Unit of the outcome from the media engagement.
Media releases issued by BAO	DAA Policy and Oversight Unit shares a copy of BAO's media release with the Ministry's Communications Branch for information and review.	BAO prepares and shares a copy of its media release to the DAA Policy and Oversight Unit at its earliest opportunity and before the release is issued to media.
Marketing and Public Relations Events and Public Education Campaigns		
Collaboration on Marketing and Public Relations Events and Public Education Campaigns	<p>The Ministry's DAA Policy and Oversight Unit and Communications Branch will work collaboratively with BAO to:</p> <ul style="list-style-type: none"> plan and develop joint Ministry/BAO marketing and public relations events; and obtain information on BAO specific events, public education campaigns, industry events to be attended by BAO, communications research and best practices. <p>The DAA Policy and Oversight Unit will be the lead in contacting BAO about communications activities, respecting the one window approach. However, the Communications Branch may follow up directly with BAO while keeping the DAA Policy and Oversight Unit fully informed of discussions and planned activities.</p>	<p>BAO will work collaboratively with the Ministry's DAA Policy and Oversight Unit and Communications Branch to:</p> <ul style="list-style-type: none"> plan and develop joint BAO /Ministry marketing and public relations events; and provide information on BAO specific events, public education campaigns, industry events to be attended by BAO, communications research and best practices. <p>BAO will initially contact the DAA Policy and Oversight Unit about communications activities, respecting the one window approach. However, BAO may subsequently follow up directly with the Ministry's Communications Branch while keeping the DAA Policy and Oversight Unit fully informed of discussions and planned activities.</p>
Speeches/Speaking Notes		
All Ministry speeches/speaking notes (any topic)	Ministry's Communications Branch prepares and the DAA Policy and Oversight Unit advises BAO.	Supplies DAA Policy and Oversight Unit with information.
Performance Measures		
Metrics and performance measure results	DAA Policy and Oversight Unit will request metrics and performance measure results from BAO from	Supplies DAA Policy and Oversight Unit with metrics and performance measure results, as available, at the

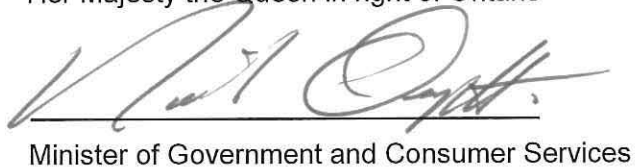
	time to time to facilitate oversight function and the publication of performance measures.	time of request.
Other		
Information concerning Board member competencies	DAA Policy and Oversight Unit will make requests for information as and when required.	BAO shall provide, at least once annually, and as requested, the Board Skills Profile.
Information concerning communications campaigns/activities undertaken by BAO	DAA Policy and Oversight Unit makes request of BAO for information regarding planned communications campaigns/activities.	BAO provides information on key communication activities to DAA Policy and Oversight Unit on a quarterly basis and on request.

Bereavement Authority of Ontario


Chair of the Board

Date: *March 17, 2016*

Her Majesty the Queen in right of Ontario


Minister of Government and Consumer Services

Date: *March 24/16*

SCHEDULE "J" - ACCESS TO THE CONSUMERS AFFAIRS TRACKING SYSTEM

BEREAVEMENT AUTHORITY OF ONTARIO

1. APPLICATION ACCESS

CATS is a shared client / server application that is used by several branches of the Ministry to automate a number of functions:

- Business / Employee /Registration and Licensing: Enter and update Business and Employee registration and licence information. Quickly access License information, track fees collected, create receipts, send correspondence and produce reports.
- Inspection: Enter and update inspection information. Quickly access inspection information and produce reports.
- Investigation / Prosecution / Charges: Enter and update investigations, related prosecutions and charges. Quickly access investigations, prosecutions and charges, and produce reports.

2. APPLICATION SUPPORT

The Minister shall provide application support services, from 9:00 am to 5:00 pm Monday to Friday, excluding statutory and government holidays.

Additional information regarding support hours, service and incident priority levels can be found in the Operational Support Model, as it may be revised from time-to-time by the Ministry's Applications Working Group. The Ministry will provide a copy of the Operational Support Model to the Bereavement Authority of Ontario (BAO) upon the signing of this agreement.

Changes or modifications to the application will occur in a controlled environment. Change requests are managed and prioritized via the Ministry's working group, which meets on a regular basis. The BAO shall designate a representative to participate as a member of this working group. This representative will have an opportunity to provide input to any proposed revisions to the Operational Support Model, and as a member of the working group, will have access to the model which is in effect.

3. AUTHORIZED PERSONNEL

It is the Government Services Integration Cluster (GSIC) that will provide application support and services to the BAO, and control and secure authorized access to CATS.

Upon request by the BAO, the GSIC will provide a list of the users who are authorized to access cemetery, crematorium and cemetery salespersons data and Records in CATS.

Licensing Module

Once the delegation is achieved, the licensing module in CATS which stores data and Records for Cemeteries, Crematoriums and Cemetery and Crematorium Salespersons licensed under the Act is under the sole control and management of the BAO.

To appropriately manage and mitigate the risk of unauthorized access to personal information stored in CATS, access to the cemetery and crematorium licensing module will be limited to identified staff from the GSIC directly responsible for providing technical support and services, and identified users from the BAO who have been authorized to access CATS.

Inspection and Investigation Modules:

Modifications to the CATS Inspection and Investigation Modules needed to provide the BAO with sole access to data or Records for cemetery, crematorium and cemetery salespersons inspections, investigations, prosecutions and charges, are ongoing.

Until these modifications are completed, the Ministry will provide written instruction to all Ministry staff with access to CATS that they do not have authority to view or modify cemetery, crematorium data or Records in the Inspection and Investigation modules which have been transferred to the BAO in the Records Transfer Agreement.

Once the modifications needed to provide the BAO with sole access to the Inspection and Investigation Modules are completed, access to these modules will be limited to identified staff from the GSIC directly responsible for providing technical support and services, and identified users from the BAO who have been authorized to access CATS.

4. FEES

The BAO will be invoiced quarterly. Fees for application software changes or modification reflect best estimates only. Costs that are greater/lower by more than 20% in any month will be invoiced separately and paid/refunded accordingly.

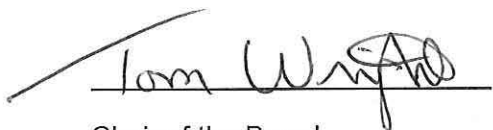
ACCESS	Quarterly Cost (+HST)
IT support for CATS	\$4,275.00
Maintenance of IT facilities used by I&IT Cluster staff in the course of the provision of support	\$150.00
Remote Communication Access Costs	Pass through

The overall cost of maintaining the CATS application may change from time to time. GSIC will review the costs either annually or semi-annually at the discretion of the GSIC.

APPLICATION SOFTWARE CHANGES OR MODIFICATIONS	Per Diem (+ HST)
IT Strategic Advice	\$1,000
Account Management	\$424
Manager Application Development Tech Support	\$900
Records Analyst	\$294
IT Systems Analyst & Developer	\$800
External Service Provider Charges	Pass through
Other IT Charges as may be requested	Pass through

Bereavement Authority of Ontario

Her Majesty the Queen in Right of Ontario



Chair of the Board

Date: March 17, 2016



Minister of Government and Consumer Services

Date: March 24/16

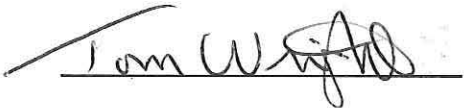
SCHEDULE "K" – TRANSFER OF ASSETS
BEREAVEMENT AUTHORITY OF ONTARIO

MONIES OWED BY THE MINISTER:

The Minister shall determine the value and provide the Bereavement Authority of Ontario with an accounting of the fees collected for the licensing of Cemetery Salespersons processed by the Ministry prior to the delegation relating to a period of time in respect of which the BAO has delegated responsibility. The amount determined shall be paid to the BAO as soon as practicable.

Bereavement Authority of Ontario

Her Majesty the Queen in Right of Ontario



Chair of the Board

Date: *March 17, 2016*



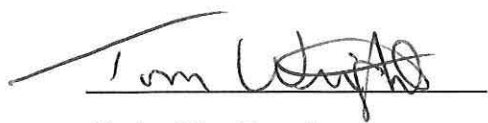
Minister of Government and Consumer Services

Date: *March 24/16*

SCHEDULE "L"- RECORDS TRANSFER
BEREAVEMENT AUTHORITY OF ONTARIO

1. The Minister hereby transfers to the Bereavement Authority of Ontario and the Bereavement Authority of Ontario hereby acquires from the Ministry all estate, right, title and interest in and to the records in the Consumer Affairs Tracking System applicable to the delegated responsibilities, as of and with effect from January 16, 2016.
2. The Minister also agrees to transfer to the Bereavement Authority of Ontario such hard copies of the source documents for the records which have been entered into the Consumer Affairs Tracking System as are in its possession.
3. The Minister also agrees to transfer to the Bereavement Authority of Ontario the hard copies of source documents that have not been entered into the Consumer Affairs Tracking System, that are required for the operation of the Bereavement Authority of Ontario and the day-to-day administration of the legislation delegated to the Bereavement Authority under Ontario Regulation 187/09 of the *Safety and Consumer Statutes Administration Act, 1996*.
4. The Minister agrees that it will retain some source documents as required for record retention purposes or for the ministry's ongoing responsibilities under the FBCSA but will provide the Bereavement Authority of Ontario with access to the records if required for the day-to-day administration of the legislation delegated to the Bereavement Authority under Ontario Regulation 187/09 of the *Safety and Consumer Statutes Administration Act, 1996*. These source documents include, but are not limited to:
 - Price lists (no longer required under the FBCSA)
 - Sample contracts (no longer required under the FBCSA)
 - Inspection records prior to 2010
 - Complaint records prior to 2010
 - Files relating to partial closures
 - Information on historical transfer of trust accounts
 - Copies of certificates or interment rights (no longer required under the FBCSA)

Bereavement Authority of Ontario



Chair of the Board

Date: March 17, 2016

Her Majesty the Queen in Right of Ontario



Minister of Government and Consumer Services

Date: March 24/16

SCHEDULE "M" – CONSULTATION PROCESS AND CRITERIA FOR REGULATIONS MADE BY THE BEREAVEMENT AUTHORITY OF ONTARIO

PART I. BACKGROUND

Pursuant to subsection 112(1) of the *Funeral, Burial and Cremation Services Act, 2002* (Act), the Minister may make regulations: (a) establishing one or more codes of ethics for the purposes of section 62 and determining to which licensees or classes of licensees each code of ethics applies; (b) governing the jurisdiction and procedures of any committee established under this Act; (c) respecting any matters that may be delegated by the Lieutenant Governor in Council under section 113.

And pursuant to subsection 112(2) of the Act, despite subsection 3(4) of the *Safety and Consumer Statutes Administration Act, 1996*, the Minister may, in writing, delegate to the Board of the Administrative Authority the power to make some or all of the regulations under section 112 of the Act, subject to the approval of the Minister.

And pursuant to subsection 112(3) of the Act, the Minister may approve or refuse to approve regulations made by the Board of the Administrative Authority, but the Minister's approval shall not be given unless, in his or her opinion, the regulations have been made in accordance with the consultation process and criteria set out in the Administrative Agreement.

PART II. PURPOSE AND APPLICATION

The purpose of this Schedule is to establish the consultation process and criteria referred to in subsection 112(3) of the Act.

The Board of the Bereavement Authority of Ontario (BAO) shall follow this Schedule in making a regulation pursuant to the Minister's written delegation of authority under subsection 112(2) of the Act.

For greater clarity, making a regulation includes amending, revoking or replacing a regulation.

PART III. CONSULTATION WITH THE MINISTRY OF GOVERNMENT AND CONSUMER SERVICES

1. If the BAO proposes to make a regulation under section 112 of the Act pursuant to the Minister's written delegation of authority made under subsection 112(2) of the Act, the BAO shall provide the Ministry of Government and Consumer Services (Ministry) the opportunity to review and comment on the proposed regulation at least 45 days prior to any public consultation on the proposed regulation.

2. For the purpose of enabling the Ministry's review and comment on the proposed regulation, the BAO shall forward to the Ministry an information package which includes the following information:

- Description of what is being proposed;
- Why the regulation is needed;
- The planned effective date of the proposed regulation (i.e., January 1 or July 1), and, if the proposed effective date is neither January 1 nor July 1, a justification for proposing that effective date.
- The date the Board shall consider the proposed regulation;
- Who will be affected by the change;
- How those affected will be impacted and their anticipated reaction;
- Any cost implications for stakeholders (e.g. licensees);
- Any resourcing implications for the BAO;
- What actions, if any, will be taken to mitigate the impact of the proposed regulation on stakeholders;
- How the regulation will be implemented (e.g. are new policies or is new training required? Is organizational change necessary?);
- A copy of the draft text of the proposed regulation in a form specified by the Ministry;
- Drafts of any other materials proposed to be included in the Regulatory Registry and, if applicable, Environmental Registry posting(s) to be made under this Schedule; and
- If applicable, a summary of any feedback the BAO has obtained from any preliminary consultations with stakeholders.

3. The Ministry may waive or vary either or both the 45-day time period specified under paragraph 1 of this Schedule and the information that must be included in the information package specified under paragraph 2 of this Schedule if the BAO provides evidence satisfactory to the Minister that doing so would be appropriate in the circumstances.

4. The Ministry will submit feedback to the BAO in response to each proposal within 45 days of receiving the complete information package or a time period agreed to by the Parties. The BAO shall work with the Ministry to address any concerns of the Ministry prior to public consultation.

5. The Ministry will work with the Office of Legislative Counsel to prepare a draft of the proposed regulation for consultation (consultation draft).

PART IV. PUBLIC CONSULTATION

BAO RESPONSIBILITIES

6. Before the proposed regulation is finalized and is approved by the Minister, the BAO shall publicly consult on the proposed regulation on Ontario's Regulatory Registry, for a minimum period of 45 days, or for such a period of time as is specified by the Government in Ontario's Regulatory Policy.
7. If the Ministry determines, in consultation with the BAO, it is necessary or appropriate to do so, the BAO also shall be required to publicly consult on the proposed regulation on Ontario's Environmental Registry if the proposed regulation could affect the environment.
8. With the exception of the consultation draft, which is translated by the Office of Legislative Counsel, the BAO shall be responsible for translating into French all materials to be posted to the Regulatory Registry (e.g., Summary of the Proposal, key words, supporting documents) and, if applicable, the Environmental Registry.
9. The BAO shall notify its stakeholders and the general public of the Regulatory Registry posting and, if applicable, Environmental Registry posting of the proposed regulation, including information on how to access the posting and the timeframe for providing comments, as soon as practicable after the posting becomes publicly accessible.
10. Feedback from the Regulatory Registry posting and, if applicable, Environmental Registry posting will be directed to the BAO for review and analysis.
11. Following the closing of the Regulatory Registry posting and, if applicable, Environmental Registry posting and within 45 days, the BAO shall provide the Ministry with a summary of stakeholder comments received and the BAO's analysis with respect to the impact of the comments on the proposed regulation, including any proposed changes to it in response to the feedback received.

MGCS RESPONSIBILITES

12. When the consultation draft of the regulation is finalized and the BAO has provided the French translations, if any, required under paragraph 8 of this Schedule, the Ministry will ensure the relevant materials are posted to the Regulatory Registry and, if applicable, Environmental Registry.

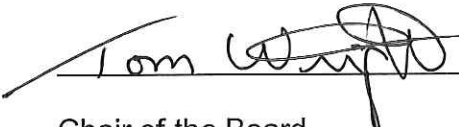
13. The Ministry will work with the BAO to finalize the regulation for the Minister's approval.

14. The Ministry will coordinate and facilitate the Minister's approval of the proposed regulation and the filing of the approved regulation in a timely manner.

GENERAL

15. The Ministry may waive or vary the public consultation process in this Schedule, or any steps in this process, if the BAO provides evidence satisfactory to the Minister or the Ministry determines that doing so would be appropriate in the circumstances.

Bereavement Authority of Ontario

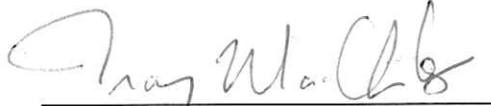


Tom W. Smith

Chair of the Board

Date: January 31/18

Her Majesty the Queen in right of Ontario



May MacChesney

Minister of Government and Consumer Services

Date: Feb 5/18