



Pet Interments, Entombments and Scattering in Licensed Cemeteries Guideline

Created: August 2023
Amended: September 15, 2023

1.0 Background

The Bereavement Authority of Ontario (BAO) receives inquiries from consumers on a regular basis asking if they can arrange to have their pets buried with them once they die.

Additionally, licensing officers field questions regularly from Cemetery Operators asking if they are permitted to provide services for pets and if so, what rules are attached.

The *Funeral, Burial and Cremation Services Act, 2002* (FBCSA) is silent with respect to pet interments; however, it does reference the possibility of cremating pets with humans or pets alone if it is clearly outlined in the crematorium operator's bylaws.

2.0 Purpose

The BAO is mandated to protect cemeteries located in the Province of Ontario in perpetuity.

As more individuals and families view their pets as family members, there is an increased interest in obtaining options for the pet(s) to be interred, entombed or scattered with their owners.

The intent of this policy is to provide guidelines for cemetery operators to enable them to permit the interment of pets in their cemeteries.

3.0 Objective

Provide guideline for use by operators in developing and/or amending bylaws.

4.0 Application and Scope

This policy/procedure applies to any cemetery operator wishing to provide interment, entombments and/or scattering for pets in a cemetery licensed under the FBCSA.

5.0 Considerations

This policy cannot be applied to existing sections of cemeteries, entire mausoleums/columbariums and scattering grounds where rights have been sold and/or exercised for human remains only as the bylaws would not have contemplated services for pets and could have specifically excluded interment for animals.

Crematorium operators considering providing services to pets must have a designated unit for pet use and must not use the same unit to cremate human remains unless they obtain written consent of the deceased person's representative.

A Cemetery Operator considering the provision of services for pets should consider the following for inclusion in its bylaws:

1. Definitions. For example, what definition is being used to describe the pets that will be permitted to be interred, entombed, cremated or scattered? Operators are urged to consult the municipality in which the cemetery is located to compare its definitions to the proposed definition by the cemetery operator.
2. Under what conditions will interments be permitted to be provided. For example, must the pet be cremated or are full size interments permitted? **The BAO urges operators contemplating undertaking pet interments to strongly consider making the requirement that pets be cremated prior to interment.**
3. How many times will the rights be able to be exercised?
4. Will there be requirements for depth?
5. Entitlements of Interment Rights. For example, what it means to own interment rights, and a description of how they can be used.
6. Information or documents required for an interment and the records the cemetery operator will keep.
7. Any restrictions as to the type of container to be used?
8. Will a designated scattering ground be available? If so, what rules will apply?
9. Will graves be able to be marked? What rules will apply?
10. Will human remains have to have been interred before the rights can be used for the pet or is it a first to die situation?
11. If interments are not permitted in winter, will storage be an option?
12. Bylaws for pet and human sections should be separate than the operator's regular bylaws should specifically list which sections permit the interment of pets.

6.0 Service Standard Timelines

The BAO's licensing team endeavours to review and provide the Registrar's approval for new or amended bylaws within forty-five (45) days of their receipt.

7.0 Documents and Information to be submitted

Because the FBCSA does not include a licence for the provision of bereavement services for pets, similar requirements for by-law submissions will be applied.

<p>BAO Bereavement Authority of Ontario 100 Sheppard Avenue East, Suite 505, Toronto, Ontario, M2N 6N5 Tel: 647-483-2645 Toll-Free: 1-844-493-6356 Fax: 647-748-2645 Email: info@thebao.ca</p> <hr/> <p align="center">SUBMISSION PROCEDURES FOR APPROVAL OF CEMETERY BY-LAWS OR BY-LAW AMENDMENTS BY THE REGISTRAR, FUNERAL, BURIAL AND CREMATION SERVICES ACT, 2002, BEREAVEMENT AUTHORITY OF ONTARIO (Reference sections 151, 152 and 153 of Ontario Regulation 30/11)</p> <p align="center">NO CEMETERY / CREMATORIUM BY-LAW OR BY-LAW AMENDMENT IS EFFECTIVE UNTIL THE REGISTRAR HAS APPROVED IT. THE EXCEPTION TO OBTAINING THE REGISTRAR'S APPROVAL APPLIES TO A STANDARDIZED BY-LAW PREVIOUSLY APPROVED BY THE REGISTRAR. HOWEVER, THE NOTICE PROVISIONS STILL APPLY.</p> <p>Notice of filing must be:</p> <ol style="list-style-type: none"> Published <u>once</u> in a newspaper with general circulation in the locality in which the cemetery is located. Conspicuously posted on a sign (for 4 weeks) at the cemetery entrance. Delivered to each supplier of markers who has delivered a marker to the cemeteries during the previous twelve-month period <ul style="list-style-type: none"> - The notice shall state that the owner will allow interested parties access to the proposed by-law in order to make copies of it and that all proposed by-laws are subject to the Registrar's approval. - The owner shall allow interested persons to inspect and make copies of the proposed by-law. <p>The Bereavement Authority of Ontario will therefore require the following:</p> <ol style="list-style-type: none"> 1) A copy of the newspaper notice. 2) A photo of the sign that was posted at the cemetery entrance for 4 weeks (Please indicate the beginning and end dates of posting on the back of the photo). Please submit one photo of the sign to document the wording and one photo of the sign in relation to the cemetery entrance. 3) A list of monument dealers and their addresses that the cemetery by-laws were delivered to. 4) Two copies of the proposed by-laws to be approved by the Registrar. <p>Upon approval, a Bereavement Authority of Ontario endorsed copy will be returned.</p>	<p align="center">SAMPLE NEWSPAPER NOTICE FOR THE BY-LAWS</p> <p align="center">(Note: The sign and newspaper notice should be identical in content)</p> <p align="center">Notice</p> <p align="center">(Name of Cemetery)</p> <p>(Name of Operator) has submitted by-laws to the Registrar of the <i>Funeral, Burial, and Cremation Services Act, 2002</i>. Any interested parties may contact (Name of Operator's Representative) at Tel: (XXX) XXX-XXX for information, or to make copies. By-laws or amendments may be reviewed or copied at (enter address location).</p> <p>These by-laws are subject to the approval of the Registrar, <i>Funeral, Burial, and Cremation Services Act, 2002</i>. Telephone: Bereavement Authority of Ontario 647-483-2645 or 1-844-493-6356</p> <hr/> <p align="center"><u>Submission procedures for the filing of a previously approved "standardized" Cemetery and/or Crematorium by-laws to be adopted by the operator</u></p> <p>Standardized by-laws submitted by a recognised organization and previously approved by the Registrar are not required to be submitted. However, the above-mentioned notice provisions must be followed.</p> <p align="center"><u>Submission procedures for the approval of a "standardized" Cemetery and/or Crematorium by-laws with minor deletions and/or amendments or addendums</u></p> <p>If a cemetery operator intends to adopt a previously approved standardized by-law that includes a few by-laws that are unsuitable/un-applicable to the operation of their particular cemetery, or requires additional by-laws the operator may:</p> <ul style="list-style-type: none"> - Submit the standardized by-laws with an addendum of additional by-laws, or - Submit the standardized by-laws with the unsuitable/un-applicable stroked out and initialled by the operator. - Submit the standardized by-laws with the unsuitable/un-applicable stroked out and initialled by the operator along with an addendum of any additional by-laws required to reflect the particular requirement. The Registrar will then only review and approve the additional by-laws included in the addendum/schedule. <p align="center">Note: The above-mentioned notice provisions must be followed.</p>
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8.0 Bylaws

To alleviate consumer confusion, the BAO urges cemeteries contemplating submitting by-law changes to permit the memorialization of pets to keep the bylaws separate from the bylaws for parts of the cemetery strictly used for human remains.

9.0 Definitions, Statutory and Regulatory Considerations

<p>Definitions (Oxford Languages Online) FBCSA</p>	<p>Pet (noun) – a domestic or tamed animal kept for companionship or pleasure</p> <p>Cemetery (noun) – a burial ground; a graveyard</p> <p>cemetery means, (a) land that has been established as a cemetery under this Act, a private Act or a predecessor of one of them that related to cemeteries, or (b) land that was recognized by the registrar as a cemetery under a predecessor of this Act that related to cemeteries, and includes,</p>
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	<p>(c) land that, in the prescribed circumstances, has been otherwise set aside for the interment of human remains, and</p> <p>(d) a mausoleum or columbarium intended for the interment of human remains; (“cimetière”)</p>
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<p>Excerpts - Consumer Information Guide</p>	<p><u>Terms You Need to Know – Page 5</u></p> <p>Cremation: A process that uses incineration to reduce a body to an ash or granular substance.</p> <p>Grave: A place for the burial of human remains, typically a hole dug in the ground and marked by a stone or mount.</p> <p>Interment: The burial of human remains, including the placement of human remains in a lot (grave, crypt or niche)</p> <p>Interment Rights: the right to require or direct the interment of human remains in a lot or the disinterment of human remains from that lot.</p> <p>Scattering Right: The right to scatter cremated remains in a cemetery.</p>
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<p>Definitions (FBCSA and O. Reg. 30/11)</p>	<p>“bylaws”, when used in relation to a cemetery or crematorium, means the rules under which the cemetery or crematorium is operated; (“règlements administratifs”)</p> <p>“human remains” means a dead human body or the remains of a cremated human body; (“restes humains”)</p> <p>“operator” means a person who is licensed to operate a cemetery, crematorium, funeral establishment, casket retailing business, marker retailing business, transfer service or any other business for which a licence may be required by regulation and includes a cemetery owner who is deemed to be a cemetery operator under subsection 5 (2); (“exploitant”)</p>
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<p>Statutory Provisions</p>	<p>Interring remains</p> <p>(3) No person shall inter human remains in a place other than in a cemetery that is operated by a person licensed under subsection (1). 2002, c. 33, s. 4 (3).</p>
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