

Funeral Establishment Operator and Transfer Service Operator Licence Application Checklist

The Bereavement Authority of Ontario (BAO) is responsible for ensuring Ontario's funeral establishments and transfer services are licensed in accordance with the *Funeral, Burial and Cremation Services Act, 2002* (FBCSA). Since a licence is not transferable under the FBCSA, any individual planning to establish a new, or purchase or move an existing funeral establishment or transfer service must comply with the licensing requirements of the FBCSA outlined below.

Prior to starting a licence application, the applicant should review the FBCSA and associated regulations, which may be accessed via our website at <https://thebao.ca/legislation/>.

The BAO's service standard timeline:

The BAO aims to issue a licence within 30 business days of receipt of a **complete** application. When an application is submitted, a BAO Licensing Officer will review the application within 10 business days of receipt and respond to the applicant by phone or email, with a list of any outstanding items and/or items that must be corrected. Once the Licensing Officer receives ALL required documents and they are accurately completed, the 30-day timeline begins. The application is submitted to management for review, then a pre-licensing inspection is scheduled, either in person or remotely, to be determined on a per case basis. Once any outstanding deficiencies have been resolved with respect to the application and the inspection, a licence will be issued.

For new businesses, the premises must also be ready for operation before a licence can be issued.

For existing business purchases, there is understandably a period of time between the closing date of the transaction and the licensing of the new operator, where the business is operating in between licences. To minimize this transition time, applicants are requested to submit their licence application at least 30 days **prior** to the proposed purchase date. It is understood that some of the required documents cannot be provided until after the purchase has taken place.

Relocation of an existing funeral establishment or transfer service: A business licence application must be submitted *and approved*, prior to moving the business to the new address.

Privacy:

Licence applications are confidential. Information about an application will only be shared with another party if the BAO has written consent from the applicant to do so.

Application Requirements:

The checklist below sets out in detail the required items. Please read through it carefully. Make sure the application is as complete as possible, as largely incomplete applications will be returned.

To avoid licensing delays and streamline the licensing application process, please communicate with one of our Licensing Officers early in the process, by phone at (647) 483-2645 / (844) 493-6356, or via email to licensing@thebao.ca.

1. Business Licence Application Form

This two-page form must be filled out completely and included in all applications.

- The name of the licensed operator is the name of the corporation, partnership, or sole proprietor applying for the licence to operate the business. In the case of a corporation, the corporation name must exactly match the name as shown on the Articles of Incorporation / Amalgamation / Amendment (as applicable).
- The address of the licensed operator is the registered address of the corporation, partnership, or sole proprietor.
- The business name is the operating/trade name and can be the same as, or different than, the licensed operator name. If the applicant intends to operate the business under a name that is different from the corporation's name, then proof of registration of the business name with Service Ontario is required. Visit <https://www.ontario.ca/page/ontario-business-registry> for more info.

2. Evidence of Transfer of Ownership (Asset purchase only)

In the case of an asset purchase, the applicant must submit evidence of the transfer of ownership from one party to another on a specific date. Please provide a copy of the pages of the asset purchase agreement that set out the parties to the transaction and the transaction date.

3. Attestation for Holding/Embalming Room or Letter re. Access

Where there is an onsite holding/embalming room at the proposed or existing location, the proposed manager of the location must complete the Attestation for Holding and Embalming Rooms form, which is available [here](#). (Applicants are no longer required to obtain a Certificate of Inspection from their local Public Health department.)

If the applicant intends to have "immediate access" to an offsite holding or embalming room, it must be at a licensed location within 50 km of the business address to which the application relates. Please provide:

- 1) a letter from the manager or owner of the licensed facility where the holding/embalming room is located, confirming that the applicant has 24/7 access, and
- 2) an Attestation form completed by the manager of the licensed facility where the holding/embalming room is located.

4. Request for One Person to Manage More Than One Business Form

If it is intended that one licensee will manage more than one business location, then submit this form to allow the Registrar time to assess the request prior to licensing the business. The form is available [here](#).

5. Corporate Documents

In the case of corporate ownership, provide corporate documents including:

- Articles of Incorporation / Amalgamation / Amendment (as applicable, and most recent version only)
- Officers and Directors registers or Ontario Form 1 – Initial Notice / Notice of Change re. Officers and Directors, or in the case of a federal corporation, the equivalent federal document from Industry Canada
- Shareholder's register confirming equity ownership.
- Copy of the Business Name Registration, if applicable (refer to #1 above)

The above documents must be provided for **each corporation having equity ownership in the business (including holding companies)**. Please check with your legal counsel for more info. Note: An individual controls a corporation when he or she owns 51% or more of the equity shares of the corporation.

For partnerships and sole proprietorships, please provide a copy of the business registration documents.

6. Plans or Drawings and TSSA licence

Prior to beginning construction of a new building or renovations to an existing building, submit plans or drawings that will allow the BAO to assess that the building meets the requirements outlined in sections 23, 46, 47 and 48 of O. Reg. 30/11. Drawings must detail the ventilation (exhaust directly to the outside) and plumbing, including location of backflow preventers on the water supply in or leading directly into the holding/embalming room.

If the building has a lift/elevator to move a dead human body from one level to another, a copy of the current TSSA licence must be submitted.

7. Occupancy Permit

In the case of a new construction or structural renovation that requires permits from the municipality, include a copy of the occupancy permit or equivalent document provided by the municipality to confirm the building is suitable for public occupancy.

8. Debt Financing Info

Submit information on all loans and mortgages obtained in support of the business, including lender name, amount borrowed and monthly payment.

9. Police Records Checks (PRCs) & Attestation Forms

Police Records Checks (PRCs):

PRCs dated within the last year of the application must be submitted for every officer, director, shareholder or other interested or associated person who has an interest in the operation of the business.

Original PRCs from the person's local police station or provincial police detachment are accepted. However, the BAO offers a more convenient alternative, whereby each person mentioned above may be sent an "invitation" via email from Sterling Backcheck, a third-party provider of PRCs, to submit to an online police check; this service allows the BAO to receive the PRC within 24 hours of the online submission. The fee of \$32 + HST is payable by the applicant.

If the applicant also uses Sterling Backcheck, PRCs that have been ordered by the applicant may be "shared" with the BAO, provided that the PRC is the "enhanced" police check (which checks RCMP as well as local police records). The BAO does not accept PRCs from other third-party providers.

Exception: If a person has criminal charges on record, they will have to provide an original PRC from their local police or provincial police detachment; do not order a Sterling Backcheck report.

Attestation by an Officer, Director, Shareholder, Partner, Sole Proprietor, Trustee, Board Member:

An Attestation form must also be completed for each officer, director, shareholder or other interested or associated person who has an interest in the operation of the business.

10. Proposed Letter to Prepaid Purchasers

Asset Purchase: The existing prepaid purchasers must be notified of the change in ownership and their cancellation rights under the FBCSA, within 30 days of the change (see sections 114 & 121 of Ontario Regulation 30/11). Prior to sending out any letters, please submit a copy of the proposed letter to the BAO for review.

Relocation of an existing business: Consumers who have prepaid with a funeral establishment or transfer service that subsequently moves to a new address must be notified in writing of the address change within 30 days. Prior to sending out any letters, please submit a copy of the proposed letter to the BAO for review.

11. Prepaid Contract Information

If purchasing an existing business, provide a FULL list or lists of all the prepaid contracts in effect as of the closing date* of the purchase and sale (P & S) transaction. The last page (summary page) of each list must be signed by both the purchaser and the seller of the business and submitted as soon as possible after the P & S transaction closing date.

*List(s) can only be provided after the business has been officially purchased.

Report of Prepaid Funds (RPF) requirements:

All funeral establishment and transfer service operators must submit an RPF within three months of the fiscal year end, regardless of whether they hold or accept prepaid funds. The RPF form can be found on our website [here](#).

When an existing funeral establishment or transfer service business is purchased, there can be no gap in reporting on prepaid trust funds. By default, the former owner is responsible for submitting an RPF for the final reporting period ending on the closing date of the P & S transaction, within three months of the closing date, unless other arrangements are negotiated with the new owner (which is possible in the case of a share purchase transaction).

12. Proof of Zoning

This requirement is only applicable to new businesses and to the relocation of existing businesses.

Acceptable examples of proof of compliance with zoning by-laws are as follows:

- A letter of compliance from the municipality in which the business is located.
- Where zoning info is available on the municipality's website, a copy of the section of the zoning map indicating the zoning designation of the property, and the corresponding section of the zoning bylaws indicating that the proposed use is permitted under the zoning in question.

For transfer services proposing to use an onsite holding room, either funeral establishment zoning or written consent from the municipality for the specific proposed use is required.

13. Copy of Lease Agreement

If the applicant intends to lease or rent the proposed facility, then a copy of the lease agreement for the proposed facility is required, and it must indicate that the specific proposed use is acceptable to the lessor (the landlord).

14. Proof of Liability Insurance

Proof of insurance must be provided with all applications. If purchasing an existing business, please provide proof of insurance as soon as possible after the purchase and sale transaction date.

- *Commercial General Liability*
Obtain a certificate of insurance in the name of the operator at the business address. An expired certificate will not be accepted, nor an invoice from the insurer. There is no set minimum for liability insurance; an insurance agent can advise on recommended amounts.
- *Liability Insurance on Owned or Leased Vehicles*
Obtain a certificate of insurance in the name of the operator for all owned and leased vehicles; include a list of vehicles insured. There must be at least one vehicle insured that is used for the transferring of deceased human remains. If an applicant intends to only have "immediate access" to a vehicle for transporting deceased human remains, then written confirmation that such access is being granted by a third party must be submitted.

15. Contracts, Price List

For funeral establishments and transfer services open to the public, submit copies of proposed at-need, prepaid trust and/or insurance-funded contracts (as applicable). With all applications, submit a copy of the proposed price list.

It is recommended that the BAO's sample contract and price list templates be used; they are available at <https://thebao.ca/for-professionals/funeral-transfer-service-professionals/forms/>. Nonetheless, licensees are responsible for ensuring that their contracts and price lists meet all statutory and regulatory requirements and properly reflect their own company policies. Applicants are encouraged to have their price lists and contracts reviewed by their legal counsel.

16. Signage and Advertising

Submit copies of proposed building signage, to ensure compliance with section 119 of O. Reg. 30/11. Submission of future advertising is recommended, to ensure compliance with the FBCSA.

17. Hazardous Waste Generator Number

Businesses with an on-site holding or embalming room must be registered as a hazardous waste generator with the Hazardous Waste Program Registry, which replaced the Hazardous Waste Information Network (HWIN) on January 1, 2023. Visit the [Resource Productivity & Recover Authority's website](#) to create an account and learn more about reporting requirements. Once an account has been created, please submit a copy of the registration confirmation.

18. Fees

The following fees apply:

- Licensing application fee of **\$568**. Payment may be made by cheque payable to the "**Bereavement Authority of Ontario**", or by Visa or Mastercard (use [Credit Card Payment Form](#)).
- Compensation Fund fee of **\$270** (\$250 plus 8% PST). Payment must be made by cheque only, payable to the "**Bereavement Authority of Ontario Compensation Fund.**"

Sending in your application:

The licence application form and applicable documents listed above may be submitted as follows, in order of preference:

1. By email (except for cheques and any original police record checks) to licensing@thebao.ca
2. By fax to 647-748-2645
3. By mail to the address below - If sending documents by mail, please retain a copy for your records and preferably, use a form of mail that is trackable, such as registered mail or courier service.

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