

**ADMINISTRATIVE AGREEMENT
BETWEEN:**

**HIS MAJESTY THE KING IN RIGHT OF THE PROVINCE OF ONTARIO
AS REPRESENTED BY THE
MINISTER OF PUBLIC AND BUSINESS SERVICE DELIVERY**

- AND -

**THE BEREAVEMENT AUTHORITY OF ONTARIO,
A NOT-FOR-PROFIT CORPORATION, WITHOUT SHARE CAPITAL
INCORPORATED UNDER THE LAWS OF ONTARIO**

TABLE OF CONTENTS

Recitals	1
1. Definitions and Interpretation	2
2. Purpose of the Agreement	3
3. Designation and Delegated Administration.....	3
4. Accountability Relationships.....	3
5. Roles and Responsibilities of the Parties.....	4
5.1 The Minister	4
5.2 The Administrative Authority	5
6. Board and Statutory Appointments	8
6.1 Board Composition and Appointment of Board Members	8
6.2 Information Required from the Board	9
6.3 Minister’s Appointment of Chair.....	10
6.4 Statutory Appointments	10
7. Corporate Reporting.....	11
8. Regulatory Governance	12
9. Financial Arrangements	13
10. Records, Privacy and Access	13
11. Litigation.....	14
12. Indemnification	16
13. Insurance.....	16
14. Non-Regulatory Business	17
15. Operational Coordination.....	18
16. Code of Conduct for Compliance Personnel.....	18
17. Revocation or Restriction of the Administrative Authority’s Administration	18
18. Administrator	19
19. Dispute Resolution	19
20. Communications and Information Sharing	19
21. Reviews and Audits	20
22. Severability of Provisions	21
23. Assignment	21
24. Waiver	21
25. Independent Parties.....	21

26. Jurisdiction 21

27. Conflict 21

28. Amendment and Review of Agreement 21

29. Public Document 22

30. Entire Agreement..... 22

31. Effective Date 22

SCHEDULE “A” – REGULATION 24

SCHEDULE "B" – INFORMATION SHARING PROTOCOL 26

SCHEDULE “C” - CONSULTATION PROCESS AND CRITERIA 31

SCHEDULE “D” – COMPETENCY AND SELECTION CRITERIA FOR MEMBERS OF THE BOARD OF DIRECTORS 35

SCHEDULE “E” – CODE OF CONDUCT FOR DIRECTORS 39

SCHEDULE “F” – CORPORATE PLANNING AND REPORTING 48

SCHEDULE “G” – FEE SETTING PROCESS AND CRITERIA 54

SCHEDULE “H” – PAYMENTS 58

SCHEDULE “I” – ACCESS AND PRIVACY CODE 60

SCHEDULE "J" – NON-REGULATORY BUSINESS POLICY 61

SCHEDULE "K" – OPERATIONAL INFORMATION SHARING PROTOCOL 63

SCHEDULE “L” – EFFECTIVE DATES OF CERTAIN PROVISIONS OF THE ADMINISTRATIVE AGREEMENT 67

Recitals

WHEREAS the Minister and the Administrative Authority are required to enter into an administrative agreement pursuant to the SCSAA;

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 the Administrative Authority is accountable to the Minister and the government for its administration of the Designated Legislation;

AND WHEREAS the Administrative Authority provides valuable information to the government regarding the operational effectiveness of the Designated Legislation 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 a Crown agent, 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 under the SCSAA and the Act in such a manner as to protect the public interest and carry out and perform this Agreement in a manner consistent with the objective 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 and Interpretation

- 1) In this Agreement, the following terms have the following meanings:
 - a) “**Act**” means the *Funeral, Burial and Cremation Services Act, 2002*;
 - b) “**Administrative Authority**” means the Bereavement Authority of Ontario;
 - c) “**Advisory Committees**” means the Advisory Committees as defined in the Administrative Authority’s corporate by-laws, as may be amended or replaced from time to time;
 - d) “**Agreement**” means this administrative agreement, all attached schedules and any agreement or schedule in writing supplementing or amending this administrative agreement or any of its schedules;
 - e) “**Board**” means the Board of Directors of the Administrative Authority;
 - f) “**Chair**” means the Chair of the Board;
 - g) “**Crown**” means His Majesty the King in Right of the Province of Ontario;
 - h) “**Designated Legislation**” means the legislation designated to the Administrative Authority pursuant to the SCSAA by the Lieutenant Governor in Council, being part of the Act;
 - i) “**Minister**” means the Minister responsible for the administration of the Act or of the SCSAA, as the case may be, by Order in Council of the Lieutenant Governor acting for and on behalf of the Crown;
 - j) “**Ministry**” means the ministry of the Minister;
 - k) “**SCSAA**” means the Safety and Consumer Statutes Administration Act, 1996;
 - l) “**Statutory Mandate**” means the exercise of the authority delegated to the Administrative Authority pursuant to the SCSAA, excluding non-regulatory business ventures.
- 2) In this Agreement, for the purposes of interpretation:
 - a) Words denoting the singular include the plural and vice versa and words denoting any gender include all genders;
 - b) The word “including” or “includes” shall mean “including (or includes) without limitation”;
 - c) Any reference to a statute shall mean the statute in force as at the date

hereof, together with all regulations promulgated thereunder, as the same may be amended, re-enacted, consolidated and/or replaced, from time to time, and any successor statute thereto, unless otherwise expressly provided;

- d) The division of this Agreement into separate sections and subsections, and the insertion of headings are for convenience of reference only and shall not affect the construction or interpretation of this Agreement; and
 - e) This Agreement should be read together with the SCSAA and the Act. This Agreement does not affect, modify or limit the powers of the SCSAA, the Act or the Administrative Authority as set out in the SCSAA or the Act, or interfere with responsibilities of any of its parties as established by law.
- 3) The powers and responsibilities of the Minister set out in this Agreement may be exercised by the Minister, the deputy minister of the Ministry or another authorized official of the Ministry.

2. Purpose of the Agreement

- 1) This Agreement between the Minister and the Administrative Authority:
 - a) 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; and
 - b) Clarifies the administrative, financial, auditing, accountability, legislative and regulatory development, and working and reporting relationships between the parties.

3. Designation and Delegated Administration

- 1) The parties acknowledge that responsibility for the administration of provisions of the Act is as provided for in the regulation made under the SCSAA. For greater clarity, a copy of the relevant provisions of the regulation designating part of the Act and the Administrative Authority is attached as Schedule "A" to this Agreement.
- 2) The Administrative Authority has assumed responsibility for the administration of all provisions in the Act provided for in the designation.
- 3) The Statutory Mandate of the Administrative Authority is established by the Act and the SCSAA.

4. Accountability Relationships

- 1) The Minister is accountable to the Legislative Assembly for the fulfilment of

the Statutory Mandate by 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

5.1 The Minister

- 1) The Minister is responsible for the Administrative Authority's fulfilment of its Statutory Mandate. 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 "B".
- 2) The Minister is responsible for bringing forward proposed changes to the Act and the SCSAA to the Lieutenant Governor in Council and the Legislative Assembly.
- 3) The Minister may engage the Administrative Authority:
 - a) throughout the policy development process,
 - b) in coordinating public and stakeholder communications regarding any proposed legislative, regulatory or policy changes, and
 - c) in the development of communication strategies for critical or on-going issues.
- 4) The Minister may provide the Administrative Authority with an annual letter outlining the government's expectations and priorities with respect to the Administrative Authority during the specified fiscal year. The letter would provide measurable expectations from the Minister that align with the Administrative Authority's mandate as well as government priorities and commitments.
- 5) Pursuant to section 13.1 of the SCSAA and subject to section 13.7 of the SCSAA, the Minister may issue policy directions to the Administrative Authority relating to its administration of the Designated Legislation after giving the Administrative Authority the notice that the Minister considers reasonable in the circumstances. The parties acknowledge that a policy direction issued to the Administrative Authority is deemed to form part of the Agreement and is binding on it.
- 6) The Minister may, where the Minister deems appropriate, delegate, make or assign to the Administrative Authority such additional authority, appointments or consents as are within the Minister's authority, if the Administrative Authority requires such additional authority, appointments, or consents to carry out its Statutory Mandate.

- 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 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.
- 10) The Minister shall make reasonable efforts to meet with the Chair from time to time.
- 11) Pursuant to subsection 112(3) of the Act, the Minister may approve or refuse to approve regulations made by 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 attached as Schedule "C".

5.2 The Administrative Authority

- 1) The Administrative Authority shall, in accordance with subsection 7(1) of the SCSAA, administer its Designated Legislation in accordance with law, the SCSAA, the Designated Legislation and this Agreement.
- 2) The Administrative Authority shall, in accordance with subsection 4(3) of the SCSAA, comply with the principles of maintaining a fair, safe and informed marketplace and promoting the protection of the public interest.
- 3) The Administrative Authority, through the Chair, shall ensure that the Board is aware of the terms of this Agreement.
- 4) The Administrative Authority is responsible for ensuring that it has adequate resources, including financial resources, to comply with this Agreement, the SCSAA, the Designated Legislation, and other applicable law, and for acting in accordance with the business plan that it has provided to the Minister under clause 7(1)(a) of this Agreement.
- 5) The Administrative Authority is responsible for developing and maintaining corporate by-laws and shall make such by-laws available on its website within 30 days after the by-laws are passed by the Board.
- 6) The Administrative Authority is responsible for developing and maintaining an up-to-date written policies and procedures manual for each functional area of its business.

- 7) If the Minister appoints the Chair pursuant to subsection 8(5.2) of the SCSAA, the Administrative Authority is responsible for developing, maintaining and making publicly available on its website up-to-date written procurement policies and procedures that comply with the Ontario Public Service Procurement Directive. If the Minister does not appoint the Chair, the Administrative Authority is responsible for developing, maintaining and making publicly available on its website, up-to-date written procurement policies and procedures in keeping with the spirit and principles 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 and transparent.
- 8) The Administrative Authority is responsible for developing, maintaining and making publicly available on its website up-to-date written travel, meal and hospitality expenses policies and procedures in keeping with the spirit and principles of the most recent Ontario Public Service Travel, Meal and Hospitality Expenses Directive in order to set out 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.
- 9) The Administrative Authority is responsible for developing and maintaining appropriate performance measurements, governance, and financial management processes with sound internal controls to conduct the Administrative Authority's operations effectively and efficiently.
- 10) The Administrative Authority is responsible for developing, maintaining and making publicly available on its website up-to-date written policies and procedures for responding to and assisting in the resolution of consumer and other complaints received by the Administrative Authority related to its administration of the Designated Legislation.
- 11) 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 "B".
- 12) The Administrative Authority is responsible for developing, maintaining and making publicly available on its website up-to-date written policies and procedures regarding service standards for licensing applications.
- 13) 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.
- 14) When engaged by the Minister, in accordance with subsection 5.1(3), the

Administrative Authority shall participate in:

- a) the policy development process;
 - b) coordinating public and stakeholder communications regarding any proposed legislative, regulatory or policy changes, and
 - c) the development of communication strategies for critical or on-going issues.
- 15) If the Minister exercises any of the Minister's powers under the SCSAA, the Administrative Authority shall take all necessary and advisable steps to ensure compliance with the power that has been exercised.
- 16) 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 and to any exemptions that may be provided for in the SCSAA.
- 17) The Administrative Authority shall consult with the Minister if:
- a) 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;
 - b) those concerns have been shared with the Administrative Authority's CEO and Registrar; and
 - c) 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 Minister 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 Minister 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 Minister will provide the Administrative Authority with written confirmation of the receipt of notice. The Minister's confirmation will include a proposed timeline for the Minister's response.

- 18) If the Minister delegates, in writing, to 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, the Board shall make the regulations in accordance with the consultation process and criteria attached as Schedule "C".

6. Board and Statutory Appointments

6.1 Board Composition and Appointment of Board Members

- 1) Subject to any Minister's order made under the SCSAA and any other legal obligations, the composition of the Board, the selection criteria, selection process and term of office of Board members, other than Ministerial appointees, shall be established by by-law with the approval of the membership. The Administrative Authority shall provide such by-laws to the Minister for review and approval prior to submitting them to the Board or membership as the case may be.
- 2) Regarding Ministerial appointees, the by-laws of the Administrative Authority may include provisions that reflect the content of section 8 of the SCSAA for completeness.
- 3) The Administrative Authority shall obtain the Minister's prior approval of any change in the by-laws respecting Board composition, the selection criteria, selection process and term of office of its Board members.
- 4) No person may sit as a member of the Board while the person is an employee of a trade association representing the interests of the regulated industry.
- 5) The by-laws of the Administrative Authority shall not grant to any person who is not a Board member the right to notice of meetings of the Board or the right to attend meetings of the Board.
- 6) Subject to any order made by the Minister under subsection 8.2(1) of the SCSAA, the Administrative Authority shall develop and maintain competency criteria for the Board setting out the types of skills and competencies that are required on the Board, which shall be approved by the Minister and attached to this Agreement as Schedule "D". A Minister's order is deemed to be an addendum to Schedule "D".
- 7) The Board selection criteria in Schedule "D" shall be inclusive and shall require that reasonable efforts be made to include members on the Board who reflect a variety of perspectives, including consumer protection or public interest perspectives. Additionally, reasonable efforts shall be made to include members on the Board who reflect the diversity of Ontario, including gender, geographic distribution, and ethnicity. The Administrative Authority shall make the selection criteria public.
- 8) The Minister shall have regard to the competency criteria and selection criteria used by the Board when making appointments to the Board.
- 9) The Board recognizes that Board 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.

- 10) The Minister shall endeavour to make appointments to the Board in a timely manner.
- 11) Board members appointed by the Minister shall be remunerated by the Administrative Authority in an amount and on a basis that is equivalent to all other Board members. If such a Board member is employed by the public service of Ontario as defined in the Public Service of Ontario Act, 2006, the Board member shall not receive any remuneration unless permitted under the Ontario Public Service Agencies and Appointments Directive or any successor directive.
- 12) The Board shall ensure that new Board members complete any training required by the Minister within six (6) months of being elected or appointed, or when next available.

6.2 Information Required from the Board

- 1) The Board shall conduct a Board evaluation in accordance with best practices at least once every three years. The evaluation may be facilitated by an independent third party. The results of the evaluation shall be summarized in a report and a copy of the report shall be provided to the Chair. The Chair shall provide a copy of the report to the Minister upon request.
- 2) The Board shall adopt a binding code of conduct for the Board members to prevent the possibility of any Board 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 Board members, as it may be amended from time to time, is subject to the approval of the Minister. Upon approval by the Minister, such code shall be attached to this Agreement as Schedule "E".
- 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.
- 4) Subject to any Minister's order made under section 13.3 of the SCSAA, the Board shall establish an advisory process for direct input to the Board on issues of importance to consumers. The terms of reference of such a process shall be made public and a report on the activities and advice provided by this process shall be included in the annual report.

6.3 Minister's Appointment of Chair

In accordance with subsection 8(5.2) of the SCSAA, the Minister may appoint the Chair from among the Board members and for this purpose the Minister shall have regard to the views of the Board, the competency criteria used by the Board, the Administrative Authority's succession planning, and any other matter the Minister considers advisable in the circumstances.

6.4 Statutory Appointments

- 1) For the purpose of subsection 2(1) of the statutory provisions that are Designated Legislation, the Board shall appoint a director and may appoint a maximum of two deputy directors to carry out the Statutory Mandate.
 - a) The director or deputy director(s) shall not:
 - i) be a member of the Board unless the Board has approved guidelines providing for the independent exercise of the director's statutory duties;
 - ii) be a registrar or deputy registrar under the Act;
 - iii) hold a position in the Administrative Authority that is subordinate to the registrar or deputy registrar;
 - iv) be an employee or director of a trade association representing the interests of the regulated sector;
 - v) be a licensee under the Act.
- 2) For the purpose of subsection 3(1) of the statutory provisions that are Designated Legislation, the Board shall appoint a registrar and may appoint a maximum of two deputy registrars to carry out the Statutory Mandate.
 - 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 or director of a trade association representing the interests of the regulated sector;
 - iv) a licensee under the Act.
- 3) The Administrative Authority acknowledges that the director and registrar under the Designated Legislation 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.

7. Corporate Reporting

- 2) The Administrative Authority shall:
 - a) each year, provide the Minister with a business plan (as described in Schedule "F") for the forthcoming year, in a format acceptable to the Minister, no later than the commencement of the fiscal year;
 - b) each year, provide the Minister with an annual report (as described in Schedule "F") in a format acceptable to the Minister, no later than one hundred and twenty (120) days after the end of its previous fiscal year;
 - c) enable the Minister to review and comment on the draft documents referred to in clauses (a) and (b) within a reasonable time period, estimated to be approximately thirty (30) days from the receipt of the documents, under normal circumstances, and prior to final approval of the Board.
- 3) The Administrative Authority's business plan shall set out a summary of the activities it will undertake to ensure that its goods, services and facilities are accessible in accordance with the Accessibility for Ontarians with Disabilities Act, 2005, and any relevant additional accessibility related activities. The Administrative Authority's annual report shall account for how these accessibility-related activities were provided.
- 4) The Administrative Authority's business plan shall set out the means by which services related to the administration of the Designated Legislation are provided in French in accordance with subsection 5.2(16) of this Agreement or section 13.8 of the SCSAA, as applicable, and the Administrative Authority's annual report shall account for how these French language services were provided.
- 5) The Administrative Authority's business plan shall set out the means by which complaints received by the Administrative Authority related to the administration of the Designated Legislation are managed and resolved and the Administrative Authority's annual report shall account for how these complaints were responded to and resolved.
- 6) The Administrative Authority:
 - a) shall make the business plan referred to in clause (1)(a) available to the public, including by posting on the Administrative Authority's website, no

later than thirty (30) days after final approval of the Board;

- b) shall publish the annual report referred to in clause (1)(b) to the Administrative Authority's website and by any other method no later than thirty (30) days after the annual report receives final approval of the Board.
- 7) The Administrative Authority shall conduct a satisfaction/value survey of all or a sampling of its consumer stakeholders and licensees at least once every two years. The 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 satisfaction/value survey, as conducted.
- 8) 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 "F".
- 9) The Administrative Authority shall establish performance measures regarding the administration of the Designated Legislation, subject to the approval of the Minister. This stable set of performance measures 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 Minister sufficient information to enable a proximate comparison of the changed performance measure.
- 10) The Administrative Authority shall provide the Minister with performance targets and results for the performance measures approved by the Minister in subsection (8) on an annual basis and upon request by the Minister. Where the Administrative Authority does not meet any one or more of its performance targets, the Administrative Authority shall identify any variance from the target and provide a written rationale to the Minister.

8. 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 licensing, enforcement and consumer protection framework to ensure compliance with the Designated Legislation;
 - b) reviewing implementation of and reporting on the enforcement of the Designated Legislation, 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.

9. Financial Arrangements

- 1) The Administrative Authority shall ensure that it has adequate resources to comply with this Agreement, the Designated Legislation and the SCSAA consistent with the business plan that it has provided to the Minister under clause 7(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.
- 3) The Administrative Authority may establish fees, subject to any limitations on the amount imposed by the Designated Legislation and by the SCSAA, costs and other charges related to its administration of the Designated Legislation in accordance with the process and criteria approved by the Minister, as set out in the attached Schedule "G".
- 4) The Administrative Authority shall make publicly available, including by posting on its website,
 - a) its fees, costs and other charges,
 - b) the process and criteria by which its fees, costs and other charges are established, and
 - c) any rules governing the payment of its fees, costs and other charges.
- 5) The Administrative Authority agrees to pay to the Minister such amounts as set out in the attached Schedule "H".
- 6) 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 "H".
- 7) The Minister will charge interest on any late payments on the terms set out in the attached Schedule "H".
- 8) 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.

10. Records, Privacy and Access

- 1) To the extent permissible by law, all records obtained from any source,

created, or maintained by the Administrative Authority in the course of carrying out its administration of the Designated Legislation 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 its legitimate purposes in the administration of the Designated Legislation.

- 2) 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.
- 3) Subject to any regulation made under section 12.2 of the SCSAA, the Administrative Authority shall have an access and privacy code addressing issues of access to its records, protection of personal information, and effective procedural rights and remedies. This code shall protect privacy and provide access in accordance with the principles of the Freedom of Information and Protection of Privacy Act and provide an effective procedure in support of these principles. Upon approval by the Minister, the code shall be attached to this Agreement as Schedule "1".
- 4) The Administrative Authority shall comply with the access and privacy code referred to in subsection (3), and shall make the code available to the public, including by posting on the Administrative Authority's website.
- 5) The Administrative Authority shall obtain the Minister's approval of any changes to the access and privacy code.

11. 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 relates 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 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 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 litigation referred to in subsection 11(2) of this Agreement including 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 Designated Legislation 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 an order of the court or agreement between the parties. 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 Designated Legislation, 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 providing documentation or information and providing witnesses in such litigation, where appropriate.
- 7) The Administrative Authority shall carry out all prosecutions related to the Designated Legislation on its own behalf and in its own name, all in accordance with, pursuant to and in furtherance of the obligations of the Administrative Authority to administer the Designated Legislation. The Administrative Authority shall develop policies for the conduct of prosecutions that accord with the principles set out in any Ministry of the Attorney General

prosecution-related policies, guidelines, codes or similar documents provided to it by the Minister. In carrying out prosecutions related to the Designated Legislation, the Administrative Authority shall conduct prosecutions in the public interest and in a manner consistent with such policies.

- 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.

12. Indemnification

- 1) The Administrative Authority acknowledges that, pursuant to subsection 11(4) of the SCSAA, it is required 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, officers, Board members, employees or agents in the exercise or performance or intended exercise or performance of their duties or powers under the SCSAA, a Minister's order, the Designated Legislation or the Agreement or for any act or omission otherwise connected to the SCSAA, a Minister's order, the Designated Legislation or the Agreement.
- 2) This indemnification survives termination of this Agreement for the maximum period permitted by law or contract.

13. Insurance

- 1) 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 the Designated Legislation and the exercise or performance of its duties under the Designated Legislation by the Administrative Authority, its Board members, appointees, officers, employees and agents. The Administrative Authority shall at all times maintain adequate insurance against liability arising out of the Administrative Authority's carrying out of the administration of the Designated Legislation, the exercise or performance of its duties or powers under the Designated Legislation and this Agreement including commercial general liability insurance on an occurrence basis for third party bodily injury, personal injury and property damage, to an inclusive limit of not less than \$10 million inclusive per occurrence, \$10 million products and completed operations aggregate. The policy is to include the following:
 - a) His Majesty the King in Right of Ontario as represented by the Minister as additional insureds with respect to liability arising in the course of

performance of the Administrative Authority's obligations under, or otherwise in connection with, the Designated Legislation;

- b) cross-liability clause;
 - c) thirty (30) day written notice of cancellation, termination or material change; and,
 - d) non-owned automobile coverage with blanket contractual coverage for hired automobiles.
- 2) The Administrative Authority shall provide the Minister with certificates of insurance or other proof as may be requested by the Minister, that confirms all of the insurance coverage as provided for in subsection (1), and renewal replacements on or before the expiry of any such insurance.
- 3) 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 shall make reasonable efforts to obtain the necessary approvals.

14. Non-Regulatory Business

- 1) The Administrative Authority shall only enter into non-regulatory business ventures that promote the protection of the public interest 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 "J".
- 2) For any non-regulatory business venture, the Administrative Authority shall submit to the Minister a statement confirming that such 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 "J".
- 3) The statement shall be provided to the Minister prior to the Administrative Authority entering into a business venture for the non-regulatory business.
- 4) The Administrative Authority acknowledges that, in accordance with subsection 7(3) of the SCSAA, it shall not engage in commercial activity

through an individual, corporation or other entity that is related to the Administrative Authority.

15. Operational Coordination

The Administrative Authority and the Ministry shall provide one another with the information identified in the Operational Information Sharing Protocol attached as Schedule “K”, and in accordance therewith.

16. Code of Conduct for Compliance Personnel

- 1) The Administrative Authority shall develop a code of conduct for its compliance personnel relating to the Administrative Authority’s compliance and enforcement responsibilities under the Designated Legislation and any other legislation that is in keeping with the spirit and principles of the most recent Ontario Public Service Regulators’ Code of Practice.
- 2) The Administrative Authority shall provide its code of conduct to the Minister, as it is updated from time to time, make it available to the public, and post the code on the Administrative Authority’s website.

17. Revocation or Restriction of the Administrative Authority’s Administration

- 1) Without limiting the powers of the Crown under the SCSAA or otherwise, the revocation or restriction of the Administrative Authority’s authority to administer the Designated Legislation may result from the failure of the Administrative Authority to comply with the Designated Legislation, the SCSAA, or the Agreement or may occur if the Lieutenant Governor in Council considers it advisable in the public interest to revoke or restrict the Administrative Authority’s designation.
- 2) The Administrative Authority may request the Lieutenant Governor in Council to revoke or restrict its designation and in that case the Lieutenant Governor in Council shall, by regulation, revoke or restrict the designation on the terms it considers advisable in the public interest.
- 3) If the Administrative Authority fails to comply with the SCSAA, the Designated Legislation, or the 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 has remedied its failure within the time period that the Minister specifies.

- 5) The parties shall use reasonable efforts to resolve financial and other issues resulting from a proposed revocation or restriction that impact the Crown or the Administrative Authority, in keeping with the principle of fairness in light of the nature of the proposed revocation or restriction. If applicable, this may include consideration of issues relating to the administration of the Funeral Services Compensation Fund, including stakeholder input on how the Fund should be used, taking into account the source of the funds, in keeping with the Designated Legislation and the enhancement and improvement of consumer protection in transactions for bereavement supplies or services involving licensees under the Designated Legislation.
- 6) Any agreement under subsection 17(5) 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, the President of the Treasury Board or both, as applicable, in accordance with section 28 of the Financial Administration Act, and will be subject to approval by Treasury Board. The Minister shall make reasonable efforts to obtain this and any other necessary approvals.

18. Administrator

The parties recognize that the Minister has the power under section 5.1 of the SCSAA to appoint an administrator if the Minister is of the opinion that it is advisable in the public interest because at least one of the following conditions is satisfied:

- a) The appointment is necessary to prevent serious harm to public safety or to the interests of the public or consumers.
- b) An event of force majeure has occurred.
- c) The Administrative Authority is facing a risk of insolvency.
- d) The number of members of the Board of the Administrative Authority is insufficient for a quorum.

19. 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.

20. Communications and Information Sharing

- 1) Each of the parties shall designate an individual who will be the primary contact for all issues and communications related to this Agreement, the SCSAA and the administration of the Designated Legislation.

- 2) The parties shall develop procedures for the sharing of information and the resolution of issues that may arise during the course of the Administrative Authority's administration of the Designated Legislation. Upon approval by the Minister, such procedures shall be attached to the Agreement as Schedule "B".

21. Reviews and Audits

- 1) The Administrative Authority acknowledges that pursuant to section 13.4 of the SCSAA, the Minister may require that:
 - a) policy, legislative or regulatory reviews related to the Designated Legislation or this Agreement be carried out.
 - b) reviews of the Administrative Authority, its operations, or both, including performance, governance, accountability and financial reviews, be carried out.
- 2) If the Minister requires the Administrative Authority or a person on behalf of the Administrative Authority to carry out a review mentioned in subsection 21(1), the Administrative Authority shall share the results of any reviews with the Minister.
- 3) If the Minister specifies another person or entity to carry out a review mentioned in subsection 21(1), the Minister shall ensure that the person or entity consults with the Administrative Authority as appropriate during any such review, and that as appropriate, the results of any such review are shared with the Administrative Authority.
- 4) Pursuant to section 12.4 of the SCSAA, the Auditor General appointed under the Auditor General Act may conduct an audit of the Administrative Authority other than an audit required under the Not-for-Profit Corporations Act, 2010.
- 5) Upon the Auditor General conducting an audit under the SCSAA, the Administrative Authority shall provide the Auditor General and its employees access to all records and any information required to conduct the audit, as may be requested by the Auditor General.
- 6) The Administrative Authority shall forthwith notify the Minister upon receiving notice from the Auditor General of an audit conducted on the Administrative Authority.
- 7) The Administrative Authority shall cooperate in any review or audit required by the Minister or the Auditor General.

22. Severability of Provisions

The invalidity or unenforceability of any provision of this Agreement will not affect the validity or enforceability of any other provision of the Agreement. Any invalid or unenforceable provision will be deemed to be severed.

23. Assignment

Neither the Administrative Authority nor the Minister shall assign this Agreement in whole or in part without the express written consent of the other.

24. Waiver

If a party fails to comply with any term of the Agreement, that party may only rely on a waiver of the other party if the other party has provided a written waiver. Any waiver must refer to a specific failure to comply and will not have the effect of waiving any subsequent failures to comply.

25. Independent Parties

The Administrative Authority is not an agent, joint venture, partner or employee of the Crown, and the Administrative Authority shall not represent itself in any way that might be taken by a reasonable person to suggest that it is, or take any actions that could establish or imply such a relationship.

26. Jurisdiction

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

27. Conflict

In the event of a conflict between the provisions of this Agreement and the SCSAA, the Designated Legislation, or a Minister's order made under the SCSAA, the SCSAA, the Designated Legislation or the Minister's order as the case may be, prevails.

28. Amendment and Review of Agreement

- 1) Subject to subsection 4(4) 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 SCSAA or the Act.
- 3) Pursuant to subsection 4(4) of the SCSAA, prior to any Minister's amendments to 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 amendments.
- 4) Upon a change in the Minister or Chair of the Board, the new Minister or new Chair, as the case may be, must, within six months of the change, send a letter to the other party affirming their awareness of the Agreement in order to facilitate compliance with the requirements of the Agreement.
- 5) The parties shall conduct a review of this Agreement within five (5) years of execution to ensure it is current. Despite the foregoing, either party may initiate a review of the Agreement when advisable in the public interest upon giving notice in writing to the other.

29. Public Document

The parties agree that this Agreement shall be made available to the public by either party upon request to that party by any member of the public. The Administrative Authority shall post this Agreement on its website within thirty (30) days of the effective date of this Agreement and thirty (30) days of execution of any amendments thereafter.

30. Entire Agreement

The Minister and the Administrative Authority agree that this Agreement, as amended from time to time in accordance with section 28 of this Agreement forms the entire Agreement between the parties and, subject to Schedule "L", supersedes any prior understanding or agreement, collateral, oral or otherwise, existing between the parties at the date of execution of this Agreement.


31. Effective Date

Subject to Schedule "L", this Agreement comes into effect on the later date of execution by the parties and will supersede and replace any prior administrative agreements made between the parties.

IN WITNESS WHEREOF the parties hereto have executed this Agreement.

Bereavement Authority of Ontario

**His Majesty the King in right of
Ontario**



Chair of the Board

Minister of Public and Business Service
Delivery

Date: Dec. 8th 2022

Date: Dec 29, 2022

SCHEDULE “A” – REGULATION

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

ONTARIO REGULATION 187/09

PART I **ADMINISTRATION OF VARIOUS ACTS**

Consolidation Period: From April 19, 2022 to the [e-Laws currency date](#).

Last amendment: 360/22.

This Regulation is made in English only.

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 [SCSAA]:

<i>Funeral, Burial and Cremation Services Act, 2002</i>	all provisions except for sections 88 to 101.1, 112 and 113
Ontario Regulation 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, 168.1, 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

Ontario Regulation 216/18 (Code of Ethics) made under the <i>Funeral, Burial and Cremation Services Act, 2002</i>	all provisions
Ontario Regulation 374/18 (Discipline and Appeal Committees) made under the <i>Funeral, Burial and Cremation Services Act, 2002</i>	all provisions

DESIGNATED ADMINISTRATIVE AUTHORITIES

Funeral, Burial and Cremation Services Act, 2002

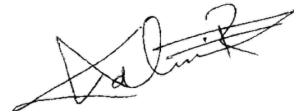
2.2 For the purposes of subsection 3 (2) of the [SCSAA], the Bereavement Authority of Ontario, that is incorporated under the laws of the Province of Ontario by letters patent dated July 24, 2014 and with which the Minister of Government and Consumer Services entered into an administrative agreement dated August 6, 2015, 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.

Bereavement Authority of Ontario

His Majesty the King in right of Ontario

Glenda Brindle

[Glenda Brindle \(Dec 12, 2022 09:05 EST\)](#)



Chair of the Board

Minister of Public and Business Service Delivery

Date: **Dec 12, 2022**

Date: Dec 29, 2022

SCHEDULE "B" – 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:

- 1) the governance of the BAO;
- 2) the administration of the Designated Legislation by the BAO; or
- 3) the Agreement.

This Schedule outlines information sharing protocols not already specified in the Agreement or other schedules to the Agreement.

Unless specifically outlined in this Schedule, when making information requests of the BAO, the Minister shall inform the BAO of the timeframe in which the information is needed.

Prior to any information being shared, the Minister and the BAO will confirm that there is legal authority to share it. Prior to any personal information being shared, the Minister and the BAO will also confirm how it will be used, that any notice requirements have been addressed, as well as the method for sharing, securing and disposing of the personal information. For this purpose, "personal information" has the same meaning as in the Freedom of Information and Protection of Privacy Act.

To facilitate information sharing, the BAO and the Minister will seek to achieve a "one-window" policy with the BAO and the Ministry's Consumer Policy and Liaison Branch (CPLB) unless otherwise specified by the Minister, being the access points.

In addition, the BAO and CPLB 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	
	Minister	BAO
Information requests made by the Minister to BAO	The Minister shall make reasonable efforts to share with the BAO the context in which the request for information is being made.	The BAO shall respond in an expeditious manner to all requests made by the Minister.
Cabinet Submissions		
All Issues	CPLB will develop Cabinet submissions, as required, in cooperation with other Ministry branches.	The BAO is consulted where appropriate.
Correspondence		
The Minister and the BAO will work together to draft responses whenever possible, in a timely fashion, respecting that CPLB is required to respond to all correspondence within five (5) business days.		
On all subjects directed to the Minister	<p>CPLB will:</p> <ul style="list-style-type: none"> • action to the BAO; or • draft a reply indicating referral to the BAO for direct response; or • draft a reply. 	<p>The BAO will:</p> <ul style="list-style-type: none"> • respond directly under BAO's signature and copy CPLB as appropriate, or • supply CPLB with information required for the Minister to reply.
Briefing Notes		
For Minister meetings with the BAO's stakeholders	CPLB will coordinate preparation of meeting materials and make reasonable efforts to notify the BAO of any such meetings and discuss with BAO.	The BAO will provide CPLB with relevant information on stakeholders/issues.
For the BAO's meetings with Minister stakeholders (e.g., other ministries or agencies)		The BAO will make reasonable efforts to notify CPLB of the meeting, discuss outcomes with CPLB and provide a briefing note upon request.
Issue Notes		
The Minister and the BAO will work together to issue responses in a timely fashion respecting the requirement for the CPLB to respond to all requests for issue notes within specific timeframes (i.e., short notice or outside of regular business hours).		

Description	Responsibility	
	Minister	BAO
On any subject (designed for use in the Legislature)	CPLB will prepare the issue note and provide it to the Ministry's Communications Branch. Requests for information made to the BAO to develop the issue note will be accompanied by a timeline for response.	The BAO will provide information to CPLB within timeframe specified.
Issues Management		
Emergencies, accidents and fatalities	When the Minister is informed by the BAO or through media reports, CPLB will provide the Ministry's Communications Branch with key information as quickly as possible and monitor for updates.	The BAO will inform CPLB and provide relevant details, key messages and response strategy.
Other possible contentious issues (e.g., stakeholder grievances/ concerns, etc.)	BAO will inform the Ministry's Communications Branch.	The BAO will inform CPLB and provide relevant details, key messages and response strategy.
Media Relations		
Requests made to the Minister for interviews and background material on the BAO operational issues	Ministry's Communications Branch will notify CPLB, who will then, as appropriate, refer the request to the BAO or obtain the required information from the BAO.	The BAO will provide the required information or, if requested by the Minister, respond directly and advise CPLB of the outcome from the media engagement.
Media releases issued by the BAO	CPLB will share a copy of the BAO's media release with the Ministry's Communications Branch for information and review.	The BAO will prepare and share a copy of its media release with CPLB at its earliest opportunity and before the release is issued to media. The BAO will request the Ministry's review if required under its agreed upon media protocol with the Ministry.

Description	Responsibility	
	Minister	BAO
Speeches/Speaking Notes		
All Minister speeches/speaking notes (any topic)	Ministry's Communications Branch will prepare, and CPLB will advise the BAO.	The BAO will supply CPLB with information.
Performance Measures		
Metrics and performance measure results	CPLB may request metrics and performance measure results from the BAO from time to time.	The BAO will supply CPLB with metrics and performance measure results, as available, at the time of request or when the BAO determines there is a risk that it will not achieve its target performance measure.
Marketing / Public Relations Events		
Collaboration on Marketing / Public Relations Events	<p>CPLB and the Ministry's Communications Branch will work collaboratively with the BAO to:</p> <ul style="list-style-type: none"> plan and develop joint marketing and public relations events between the Minister and the BAO; and obtain information on the BAO specific events and, industry events to be attended by the BAO, communications research, and best practices. <p>CPLB will be the lead in contacting the BAO about communications activities, respecting the one-window approach. However, the Communications Branch may follow up directly with the BAO while keeping CPLB fully informed of discussions and planned activities.</p>	<p>The BAO will work collaboratively with CPLB and the Ministry's Communications Branch to:</p> <ul style="list-style-type: none"> plan and develop joint marketing and public relations events between the BAO and the Minister; and provide information on the BAO specific events and, industry events to be attended by the BAO, communications research, and best practices. <p>The BAO will initially contact CPLB about communications activities, respecting the one-window approach. However, the BAO may subsequently follow up directly with the Ministry's Communications Branch, while keeping CPLB fully informed of discussions and planned activities.</p>
Other		
Information concerning Board member competencies	CPLB will make requests to the BAO for information as and when required.	The BAO shall provide to CPLB at least once annually, and as requested, the Board's skills profile.

Description	Responsibility	
	Minister	BAO
Information concerning communications campaigns/activities undertaken by the BAO	CPLB will make requests to the BAO for information regarding planned communications campaigns/activities, including public education campaigns.	The BAO will provide information on key communication activities to CPLB on a quarterly basis and on request.

Bereavement Authority of Ontario

His Majesty the King in right of Ontario

Glenda Brindle

Glenda Brindle (Dec 12, 2022 09:05 EST)



Chair of the Board

Minister of Public and Business Service Delivery

Date: Dec 12, 2022

Date: Dec 29, 2022

SCHEDULE “C” - CONSULTATION PROCESS AND CRITERIA

FOR REGULATIONS MADE BY

THE BEREAVEMENT AUTHORITY OF ONTARIO

PART 1. 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 PUBLIC AND BUSINESS SERVICE DELIVERY

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 Public and Business Service Delivery (Ministry or MPBSD) 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.

MPBSD RESPONSIBILITIES

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

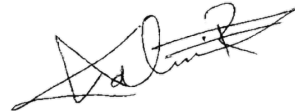
Glenda Brindle

[Glenda Brindle \(Dec 12, 2022 09:05 EST\)](#)

Chair of the Board

Date: **Dec 12, 2022**

His Majesty the King in right of Ontario



Minister of Public and Business Service Delivery

Date: Dec 29, 2022

SCHEDULE “D” – COMPETENCY AND SELECTION CRITERIA FOR MEMBERS OF THE BOARD OF DIRECTORS

BEREAVEMENT AUTHORITY OF ONTARIO

All Board members shall meet the following competency criteria:

- As a basic prerequisite, each Board member shall be an individual who is not less than 18 years of age, has the power under law to contract, has not been found by a court in Canada or elsewhere to be incapable, including incapable of managing property, and does not have the status of a bankrupt.
- General competencies and interpersonal skills for effective participation as a contributing Board member (such as collaboration, completing tasks in a timely manner, building consensus, etc.) are considered prerequisites that each Board member shall possess.

Board members shall meet the following selection criteria:

- In selecting new Board members, attention shall be given to ensuring the collective mix of skills and experience supports the Board’s ability to add strategic value to the Bereavement Authority of Ontario (BAO). In addition, reasonable efforts shall be made to reflect a variety of perspectives, including consumer protection and public interest perspectives, as well as the diversity of Ontario, including gender, geographic distribution and ethnicity.
- The Board members who are selected based on skills and governance experience and those who are selected as a Consumer Representative can have no direct interest in the bereavement sector.
- The Board members who are chairs of the BAO’s Advisory Committees are selected from amongst the members of each committee.
- The Board members appointed by the Minister may include representatives of consumer groups, business, government organizations or such other interests as the Minister determines.

Board members shall be selected through the following process:

- Candidates for the elected Board member positions will be selected based on a comprehensive evaluation of the skills and competencies outlined below.
- The Governance and Nominations Committee shall oversee the process, ensuring a fair and transparent selection.

- The skills profile and competency criteria are intended to guide the recruitment and election of qualified Board members, ensuring that the BAO benefits from diverse perspectives in its decision-making processes.

Collective Board Skills and Experience

Each Board member brings unique skills and experience to the Board. The Board recognizes the importance of having a diversity of backgrounds from both within and outside the bereavement sectors.

Collectively, Board members shall:

- Possess a positive orientation for proactive consumer protection initiatives;
- Provide strong participation that strives for excellence and supports consensus-building;
- Be strategic thinkers who take a governance-focused approach to Board responsibilities; and
- Demonstrate a willingness to proactively support the BAO's statutory mandate, mission, vision and values.

Competency Criteria for Board Members Who Are Selected Based on Skills and Governance Experience

Consideration of existing Board strengths and identification of any gaps should be used to recruit new Board members who complement the existing Board members' skills and experience, with a goal of addressing the following skills and experience as much as possible:

Board and Governance Experience

To achieve this competency, Directors should demonstrate an appropriate level of knowledge and understanding of the tools and methodologies for monitoring and developing the performance of the organization and of the CEO.

Financial Literacy

To achieve this competency, Directors should demonstrate an appropriate level of financial knowledge and understanding and can interpret financial reports and statements and monitor corrective action to ensure financial goals and regulatory requirements are met.

Risk Management

To achieve this competency, Directors should demonstrate an appropriate level of knowledge and understanding of the risk management framework for

identifying, measuring and managing significant risks and events that may impact the organization's objectives.

Strategic Direction and Planning

To achieve this competency, Directors should demonstrate an appropriate level of knowledge and understanding of the strategic planning process and contribute to the development of the strategic direction, core values and the strategic goals and objectives for the organization.

Government and Regulatory Environment

To achieve this competency, Directors should demonstrate an appropriate level of knowledge and experience collaborating with government and understanding the regulatory environment.

Stakeholder Relations

To achieve this competency, Directors should demonstrate an appropriate level of knowledge and understanding of how to build third-party networks that can develop credible, united voices about issues, products, and/or services that are important to the organization.

Competency Criteria for Board Members Who Are Selected as Chairs of the BAO's Advisory Committees

The Board members who are chairs of the BAO's advisory committees are to be selected based on the following criteria:

Regulatory Understanding and Interpretation

To achieve this competency, Directors should demonstrate an appropriate level of knowledge and experience collaborating with government and understanding the regulatory environment.

Board or Committee Experience

To achieve this competency, Directors should demonstrate an appropriate level of knowledge and understanding of the tools and methodologies for monitoring and developing the performance of the organization and of the CEO

Leadership

To achieve this competency, Directors should demonstrate an appropriate level of knowledge and experience in proactively supporting the BAO's statutory mandate, mission, vision and values.

Sector Experience

To achieve this competency, Directors should demonstrate an appropriate level of knowledge and understanding of sector issues, as they relate to funeral and transfer services or cemeteries and crematoriums, or of matters of faith, as applicable.

Strategic Direction and Planning

To achieve this competency, Directors should demonstrate an appropriate level of knowledge and understanding of the strategic planning process and contribute to the development of the strategic direction, core values and the strategic goals and objectives for the organization.

Competency Criteria for Board Members Who Are Selected as a Consumer Representative

The Consumer Representative on the Board is an essential position aimed at protecting the interests and perspectives of consumers in the BAO's decision-making process. As such, the candidates for this role are to be selected based on the following criteria:

Consumer advocacy

To achieve this competency, Directors should have experience in a role directly connected to upholding consumer protection and rights and understanding consumer needs. At a minimum, a candidate can demonstrate a work history and specific cases, examples, and/or jurisprudence in pursuit of defending and advocating for a consumer or class of consumers. Knowledge of issues and barriers affecting consumers in the sector is required.

Communication skills

To achieve this competency, Directors should have competencies to communicate the needs, concerns, and perspectives of diverse consumers to the Board and other stakeholders. Candidates can demonstrate a history of participation and design of consultation, research, feedback, and performance processes in a consumer protection environment(s) and have the ability to synthesize and communicate inputs to effectively support diverse consumer perspectives.

Stakeholder networks

To achieve this competency, Directors should have diverse and inclusive networks of professional peers, consumer-oriented organizations, and sectoral and industry experts. Priority would be given to those who can quantify how to maintain, sustain, and grow their existing networks and identify and engage new constituencies of stakeholders.

Strategic thinking

To achieve this competency, Directors should have experience working in an oversight or governing role where they have developed significant experience and history as it relates to these functions, e.g., strategic planning, financial management and performance, business reporting, key performance indicators, risk management, and operational accountability and transparency.

Ethical and Transparent behaviour

To achieve this competency, Directors should have a history of being subject to and compliant with professional codes of conduct, practice, and/or standards in their professional, advocacy, and any philanthropic pursuits.

Analytical skills

To achieve this competency, Directors should have experience in roles where review and interpretation of legislation, statutes, regulations, policies, guidelines, and implementation procedures in the course of their work history. This includes quantitative and qualitative analysis that has led to practical recommendations, estimates, and the identification of emerging issues and trends in applicable operating environments.

Adaptability

To achieve this competency Directors should be aware of their obligation, how to respond to emerging trends, practices, and procedures in regulated sectors and understand how to adapt to regulatory frameworks that are amended, replaced, and/or updated regularly. The Director should exert emphasis on maintaining consumer protections as the basis of any new regimes, schemes, or policies. The Director should act as an advocate during such change processes and within evolving environments.

Representation

To achieve this competency, Directors should have a history and knowledge of integrating diverse consumer groups and perspectives into policy and regulatory frameworks. This includes, among others: cultural, faith, gender, geography, linguistic, orientation(s), and socio-economic groups. Directors should also have a broad awareness of key influencers and community leaders who may be relied upon to contribute and to inform consultations and processes for consumer-based protections.

Public and Institutional Responsibilities

To achieve this competency, Directors should have a working history within institutions and organizations that adhere to mandates that require balancing of competing and diverse interests that may not always align, within the available frameworks, resources, and time allocations.

Bereavement Authority of Ontario



Chair of the Board

Date: July 23, 2024

**His Majesty the King in Right of
Ontario**



Minister of Public and Business Service
Delivery and Procurement

Date: August 15, 2024

SCHEDULE “E” – CODE OF CONDUCT FOR DIRECTORS

BEREAVEMENT AUTHORITY OF ONTARIO

SECTION 1

GENERAL

1.01 Application

This Directors’ Code of Conduct and Policy on Conflicts of Interest and Confidentiality (the “code”) has been approved by the Board of the Bereavement Authority of Ontario (BAO) and the Minister. The code is intended to govern the conduct of Directors. It also sets out guidelines for avoiding and disclosing conflicts of interest and keeping information confidential.

1.02 Definitions

Unless otherwise specified, the words and expressions used in this code shall have the same meaning as in By-law No. 2 (the By-law), as may be amended or replaced from time to time, of the BAO.

1.03 Complement to By-laws, etc.

The provisions of this code are intended to complement and enhance in a consistent manner, the requirements that arise at law and the By-law.

1.04 Interpretation

This code shall be, unless the context otherwise requires, construed and interpreted in accordance with the interpretation provisions of the By-law.

SECTION 2

DUTIES AND RESPONSIBILITIES OF INDIVIDUAL DIRECTORS

2.01 Responsibilities

Each Director is expected to become an active participant in a Board that functions effectively as a whole. A Director is responsible to:

- a) be informed of the constating documents and legislation under which the BAO exists, its By-law, mission, values, codes of conduct, and policies as they pertain to the duties of a Director;

- b) keep generally informed about the activities of the BAO and the funeral establishment, transfer service, crematorium and cemetery licensing activities of the BAO and general trends in the sector(s) in which it operates;
- c) attend Board and committee meetings regularly and contribute from personal, professional and life experience to the work of the Board;
- d) exercise, in the performance of their duties, the degree of care, diligence and skill required of a Director pursuant to the laws under which the BAO is incorporated;
- e) be independent and impartial;
- f) not be influenced by self-interest, outside pressure, expectation of reward or fear of criticism;
- g) act with honesty and integrity and conduct themselves in a manner consistent with the nature and the responsibilities and the maintenance of public confidence in the conduct of the Board's business;
- h) offer their personal perspectives and opinions on issues that are the subject of Board discussion and decision;
- i) voice, clearly and explicitly at the time a decision is being taken, any opposition to a decision being considered by the Board;
- j) maintain solidarity with fellow Directors in support of a decision that has been made in good faith in a legally constituted meeting, by Directors in reasonably full possession of the facts;
- k) ask the Directors to review a decision, if they have reasonable grounds to believe that the Board has acted without full information or in a manner inconsistent with its fiduciary obligations;
- l) work with the staff of the BAO on committees or task forces of the Board;
- m) know and respect the distinction in the roles of Board and staff consistent with the principles of governance policies;
- n) exercise vigilance for and declare any apparent or real personal conflict of interest in accordance with the BAO's By-law and policies, and in particular with

this code; and

- o) comply with all other codes and policies approved by the Board from time to time.

2.02 Conduct of Directors

A Director will at all times conduct themselves in a manner that:

- a) supports the objectives of the BAO;
- b) serves the overall best interests of the BAO;
- c) subordinates personal interests, and those of any particular constituency, to the best interests of the BAO;
- d) brings credibility and goodwill to the BAO;
- e) respects principles of fair play and due process;
- f) demonstrates respect for individuals and human rights;
- g) respects and gives fair consideration to diverse and opposing viewpoints;
- h) demonstrates due diligence and dedication in preparation for, and attendance at, meetings, special events and in all other activities on behalf of the BAO;
- i) demonstrates good faith, prudent judgment, honesty, transparency and openness in their activities performed on behalf of the BAO;
- j) ensures that the financial affairs of the BAO are conducted in a responsible and transparent manner with due regard for their fiduciary responsibilities and public trusteeship;
- k) avoids real or perceived conflicts of interest;
- l) conforms with the By-law and policies approved by the Board, in particular this code and the Oath of Office and Confidentiality Agreement.

SECTION 3

CONFLICT OF INTEREST GUIDELINES

3.01 Integrity

These Conflict of Interest Guidelines are intended to ensure the highest standards and maintenance of the integrity of the Board. Directors shall act at all times in the best interests of the BAO rather than in their own interest or in the interests of particular constituencies. This means putting the interests of the BAO ahead of any personal interest or the interest of any other person or entity. It also means performing their duties and transacting the affairs of the BAO in such a manner that promotes public confidence and trust in the integrity, objectivity and impartiality of the Board.

3.02 No Pecuniary Benefit

- a) No Director shall directly or indirectly receive any profit from their position as such, provided that, notwithstanding anything herein contained to the contrary, Directors may receive reasonable payment for their services and reimbursement for reasonable expenses incurred by them in the performance of their duties as permitted in the By-law and approved by the Board in accordance with the obligations of the BAO under any Administrative Agreement entered into by the BAO with His Majesty the King in right of the Province of Ontario.
- b) The pecuniary interests of immediate family members (including the immediate family members of a Director's partner) or close personal or business associates of a Director are considered to also be the pecuniary interests of the Director.

3.03 Definition of Conflict of Interest

- a) A conflict of interest refers to situations in which personal, occupational or financial considerations may affect, or appear to affect, a Director's objectivity, judgment or ability to act in the best interests of the BAO and includes conflicts as described in subsection **Error! Reference source not found.** hereof.
- b) A conflict of interest may be real, potential or perceived in nature.
- c) A real conflict of interest arises where a Director has a private or personal interest, for example, a close family connection or financial interest.
- d) A potential conflict of interest may arise when a Director has a private or personal interest such as an identified future commitment.
- e) A perceived or apparent conflict of interest may exist when a reasonable, well-informed person has a reasonable belief that a Director has a conflict of interest, even if there is no real conflict.

- f) Full disclosure, in itself, does not remove a conflict of interest.

3.04 Examples of Conflict of Interest on the Part of a Director

The following examples constitute conflicts of interest under this code:

- a) Any circumstance that may result in a personal or financial benefit to a Director or their family, business associate or friend. This includes, but is not limited to, accepting any payment for services rendered to the BAO other than payment for services of a Director as permitted in this code, including contracted work or honoraria; or accessing financial or other resources for personal use, i.e., transportation, training costs, supplies, equipment, etc.
- b) Personal interests which conflict with the interests of stakeholders of the BAO or are otherwise adverse to the interests of the BAO.
- c) Seeking, accepting or receiving any personal benefit from a supplier, vendor or any individual or organization doing or seeking business with the BAO.
- d) Being a member of the Board or staff of another entity, which might have material interests that conflict with the interests of the BAO or its stakeholders; and, dealing with matters on one Board which might materially affect the other Board.
- e) Any involvement in the hiring, supervision, grievance, evaluation, promotion, remuneration or firing of a family member, business associate, or friend of the Director.

3.05 Principles for Dealing with Conflict of Interest

- a) Both prior to serving on the Board and during their term of office, Directors must openly disclose a potential, real or perceived conflict of interest as soon as the issue arises and before the Board or its committees deals with the matter at issue.
- b) If the Director is not certain whether they are in a conflict of interest position, the matter may be brought before the Chair or the Board for advice and guidance.
- c) If there is any question or doubt about the existence of a real or perceived conflict, the Board will determine by majority vote if a conflict exists. The Director potentially in conflict of interest shall be absent from the discussion and shall not vote on the issue.
- d) It is the responsibility of other Directors who are aware of a real, potential or

perceived conflict of interest on the part of a fellow Director to raise the issue for clarification, first with the Director in question and, if still unresolved, with the Chair.

- e) The Director must abstain from participation in any discussion on the matter, shall not attempt to personally influence the outcome, shall refrain from voting on the matter and, unless otherwise decided by the Board, must leave the meeting room for the duration of any such discussion or vote.
- f) The disclosure and decision as to whether a conflict exists shall be duly recorded in the minutes of the meeting. The time the Director left and returned to the meeting shall also be recorded.

3.06 Gifts and Hospitality

Directors shall not directly or indirectly offer or accept cash payments, gifts, gratuities, privileges or other personal rewards, which are intended to influence the activities or affairs of the BAO. Directors may, however, give or receive modest gifts or hospitality as a matter of general and accepted business practice, provided the foregoing does not include cash or other negotiable instruments and provided further proper accounting of any such expenses is made.

3.07 Complaints and Disputes Involving Directors

- a) The Board, in a meeting duly called for the purpose, shall review any complaints that a Director has violated any provision of the BAO's By-law, or policies approved by the Board, in particular, this code and its Oath of Office and Confidentiality Agreement.
- b) The Board shall similarly review disputes between Directors that interfere with the ability of the Board to carry out its duties.
- c) Complaints of a grave nature may be referred to an independent arbiter.
- d) Allegations of illegal activity shall be immediately referred to appropriate authorities for investigation. Any Director against whom such allegations are made shall take a leave of absence from the Board pending completion of the investigation.
- e) The review of such complaints or disputes shall include an opportunity for the Director concerned to present their position.
- f) The Board may make such determination as it sees fit including:

- i. dismissal of the complaint;
- ii. a letter of reprimand to the Director from the Board;
- iii. oral censure of the Director in question before the Board;
- iv. removal of an elected Director or recommending removal of an appointed Director from the Board; or
- v. such other outcome as the Board determines is appropriate having regard to the facts and the gravity of the violations of the code and Confidentiality Agreement.

SECTION 4

CONFIDENTIALITY

4.01 Confidential Information

Confidential information means all information relating to the business and affairs of the BAO, regardless of the manner in which it is furnished (whether oral or in writing or in any other form or media) or obtained by the Director through observation or examination of the BAO's facilities or procedures, but does not include information that:

- a) is already published or otherwise is or becomes readily available to the public, other than by a breach of this code;
- b) is rightfully received by the Director from a third party not in breach of any obligation of confidentiality to the BAO;
- c) is proven to be known by the Director on a non-confidential basis prior to disclosure hereunder; or
- d) is proven to be developed by the Director independent of any disclosure by the BAO.

4.02 Use of Confidential Information

The Director will use the confidential information solely for the purposes of the BAO. Subject to Section 4.05, the Director will not disclose the confidential information to any person other than the BAO's representatives. The Director will:

- a) prior to disclosing the confidential information to any such representative, issue appropriate instructions to such representative with respect to the restrictions that

apply to the confidential information and obtain the representative's agreement to receive and use the confidential information on a confidential basis on the same conditions as contained in this code and otherwise to comply with the terms hereof; and

b) be responsible for any and all of their breaches of the terms of this code.

The confidential information will not be copied, reproduced in any form or stored in a retrieval system or database by the Director without the prior written consent of the BAO, except for such copies and storage as may be required by the Director in their capacity as a member of the Board. The Director will take reasonable security measures and use care to preserve and protect the secrecy of, and to avoid the disclosure or use of the confidential information. The Director will promptly advise the BAO in writing of any misappropriation or misuse by any person of the confidential information that may come to their attention.

4.03 Return of Confidential Information

Upon the request of the BAO, any confidential information it has furnished to the Director will be promptly returned (accompanied by all copies thereof made by the Director) and deleted from all retrieval systems and databases by the Director. With the consent of the BAO, any confidential information that would otherwise be returned to the BAO may instead be destroyed by the Director. The Director will deliver to the BAO a certificate by the Director of such return (or destruction) and deletion.

4.04 Rights in Confidential Information

All right, title and interest in and to the confidential information will remain the exclusive property of the BAO and the confidential information will be held in trust and confidence by the Director for the BAO. No interest, licence or any right respecting the confidential information, other than expressly set out herein, is granted to the Director under this code by implication or otherwise. Nothing herein contained will be deemed to limit or restrict the rights of the BAO to assert claims for copyright infringement against the Director.

4.05 Legally Required Disclosure

If the Director is requested pursuant to, or required by, applicable law or legal process to disclose any confidential information, the Director may make such disclosure but must first provide the BAO with prompt notice of such request or requirement, unless notice is prohibited by law, in order to enable the BAO to seek an appropriate protective order or other remedy or to waive compliance with the terms of this code or both. The Director will not oppose any action by the BAO to seek such a protective order or other

remedy. If, failing the obtaining of a protective order or other remedy by the BAO, such disclosure is required, the Director will use reasonable efforts to ensure that the disclosure will be afforded confidential treatment.

4.06 Confidential Information

It is the responsibility of Directors to know what information is confidential and to obtain clarification when in doubt. Except as they may be compelled by applicable legal process, a Director must, both while having and after ceasing to have that status, treat as confidential all information regarding the policies, internal operations, systems, business and affairs of the BAO obtained by reason of their status as a Director and not generally available to the public. A Director shall not use information obtained as a result of his or her involvement on the Board for his or her personal benefit. Each Director shall avoid activities which may create appearances that they have benefited from confidential information received during the course of their duties as a Director.

4.07 Review of Code

Each Director, forthwith after being elected or appointed, shall meet with the BAO's legal counsel or the Chair to review this code and such other policies of the BAO that apply to Directors.

4.08 Oath of Office and Confidentiality Agreement

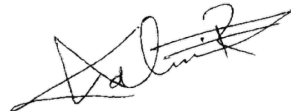
Each Director is required to sign and agree to comply with the Oath of Office and Confidentiality Agreement. Failure to do so will result in removal from office as a Director.

Bereavement Authority of Ontario

His Majesty the King in right of Ontario

Glenda Brindle

[Glenda Brindle \(Dec 12, 2022 09:05 EST\)](#)



Chair of the Board

Minister of Public and Business Service Delivery

Date: **Dec 12, 2022**

Date: Dec 29, 2022

SCHEDULE “F” – CORPORATE PLANNING AND REPORTING

BEREAVEMENT AUTHORITY OF ONTARIO

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

Recognizing that corporate planning and reporting documents have a broad audience that includes government, sector stakeholders and the public, the BAO will use plain language so that the objectives and performance of the 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 strategic objectives, commitments and activities in the business plan should be aligned with the outcomes contained in the annual report.

The BAO’s corporate planning and reporting documents will support the accountability framework as laid out in the Agreement and the SCSAA.

In addition to the requirements specified directly in the Agreement, the BAO’s corporate planning and reporting documents shall include, at a minimum, the following:

1. BUSINESS PLAN

The BAO will draft a business plan annually that identifies a coordinated set of activities to achieve the 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 the BAO’s strategic objectives and successfully deliver its services. The business plan shall include, at a minimum, the following:

1.1 Corporate Overview

A general overview of the BAO, including its mandate, mission, vision and values. It will also describe the BAO’s structure, services, regulated sector and include a description of the nature of the relationships between the BAO the government and the Minister.

1.2 Business Planning Overview

An explanation of the connections between strategic planning, the business plan and

the annual report.

1.3 Objectives, Activities and Performance Measures

Details on the performance measures that link the BAO's objectives to the statistical outcomes that will be reported in the annual report, including, at a minimum, the following:

- (a) **Strategic Objectives** (priority outcomes that the BAO proposes to achieve to successfully administer the Designated Legislation, including those aimed at enhancing protections for consumers and the professionalism of licensees):
 - **Core strategic objectives** relate to the BAO's Statutory Mandate, focus on consumer protection objectives, and address high priority risks;
 - **Supporting strategic objectives** relate to other aspects of operations such as governance, financial objectives, communication, risk management or stakeholder relations;
 - Should the BAO's objectives change at any point during a given year, the BAO will notify the Minister prior to the start of the next fiscal year.
- (b) **Strategies** (the initiatives and approaches that will be employed to undertake activities in order to achieve objectives);
- (c) **Outcome measures** (details about how outcomes for the planning period will be measured or assessed);
- (d) **Outcome targets** (annual targets for the outcome measures):
 - Outcome measures and targets should enable year-to-year comparisons demonstrating the BAO's:
 - Effectiveness (primarily related to core strategic objectives),
 - Efficiency (could be related to supporting strategic objectives, including things such as overhead costs, administration to program delivery ratios), and
 - Performance based on customer and stakeholder satisfaction.
 - Where a year-to-year comparison is not possible because of a change in performance measures, the BAO shall provide a rationale regarding the change, and sufficient information to enable a comparison.

(e) **Activities** (planned annual actions that will support the execution of the strategies to achieve the objectives):

- The activities in the business plan usually reflect core strategic objectives;
- The business plan may also include activities that reflect supporting strategic objectives;
- The business plan must include descriptions of the BAO's means to:
 - manage and resolve complaints;
 - provide French language services to the public; and
 - undertake activities to ensure that the goods, services and facilities are accessible in accordance with the Accessibility for Ontarians with Disabilities Act, 2005 and any other relevant accessibility activities.

(f) **Activity measures** (details about how activities will be measured or assessed to evaluate performance):

- Measures can be quantitative or qualitative.

(g) **Activity targets** (measurable activity targets set for the fiscal year).

1.4 Resources Needed to Meet Objectives

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

2. ANNUAL REPORT

The BAO's annual report is the primary mechanism for reporting results for the previous year. The annual report shall include, at a minimum, the following:

2.1 Organizational Overview

This section of the annual report shall set out:

- Introduction
- Mandate, mission, vision and values
- Overview of the organization
- Message from the Chair

- Message from the CEO
- Message from the Registrar

2.2 Report on Performance

The BAO shall report results for each performance measure as set out in the business plan. If the target has not been met, the BAO shall explain why achievement was not possible in that fiscal year.

(a) Performance Statistics:

When possible, statistical reports should be in chart form to facilitate comparisons over time. The BAO may include any statistics it considers relevant to its administration of the Designated Legislation in this section. Performance statistics reported should, at a minimum, include:

- The activities completed over the prior year which reflect the activity measures in the business plan;
- The outcome results achieved in the previous year, which reflect performance against outcome measures and targets established in the business plan, in these areas:
 - Compliance and enforcement, such as licensing, complaint resolution, inspections, investigations, prosecutions;
 - Efficiency, such as turn-around times for licensing, complaints, inspections, discipline; and
 - Education and awareness initiatives, and handling of complaints;

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

Outline any changes made to the Act and regulations, the BAO by-laws or policies during the fiscal year.

(c) French Language Services:

Report on the provision of French language services pursuant to subsection 5.2(16) of this Agreement or section 13.8 of the SCSAA, as applicable, including how those services were provided, the total number of inquiries that were received in French during the reporting period, and any other statistics that the BAO considers relevant.

(d) Complaint Handling Process and Outcomes:

Review of the complaint handling and dispute resolution processes provided by the BAO including outcomes, appeal procedures and information to the public on how to register complaints against licensees and against the BAO.

(e) Accessible Goods, Services, or Facilities:

Report on the provision of accessible goods, services or facilities pursuant to the Accessibility for Ontarians with Disabilities Act, 2005, including how those goods, services or facilities were provided, the total number of inquiries that were received for accessible goods, services or facilities during the reporting period, and any other statistics that the BAO considers relevant.

2.3 Corporate Governance

This section shall provide a summary of how the BAO is governed by providing, at a minimum, the following information, which may alternatively be posted on its web site:

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

2.4 Financial Statements and Notes

The annual report shall include the audited financial statements, including any notes.

2.5 Management Discussion and Analysis

This section shall provide a discussion and analysis intended to assist with an understanding of the material financial changes in the 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, if applicable.

3. RISK MANAGEMENT FRAMEWORK AND RISK MANAGEMENT PLAN

Utilizing a risk-based approach to mandate fulfillment and service delivery, the BAO will

conduct a risk assessment to identify, assess and mitigate risks and develop a risk management plan that will include:

- (a) The BAO's objectives;
- (b) Risks to the achievement of those objectives
- (c) Risk mitigation strategies;
- (d) Maintenance of a system of internal controls to minimize risk; and
- (e) Documentation of policies and procedures to manage risk.

In order to facilitate informed and coordinated responses to any issues that emerge, twice annually the BAO will provide the Minister with reports on high and medium risks with corresponding mitigation strategies.

A summary of the risk management plan including a summary of key information that conveys how the BAO will ensure continuous delivery of critical business services in the event of an emergency (e.g., expansion of digital service delivery), shall be provided to the Minister annually for review at the same time as, or as a component of, the BAO's annual business plan. The occurrence of any risk(s) that required the use of any mitigations can be reported through the annual report.

4. ANNUAL BURDEN REDUCTION PLAN

Upon request from the Minister (or Ministry), the BAO must provide a burden reduction plan that identifies opportunities that the BAO could implement to respond to the government's commitment to cut red tape and reduce regulatory burden in Ontario. These opportunities could include legislative and regulatory proposals but should also consider how the BAO can operate more effectively and efficiently and provide improved or increased digital services to their regulated sectors and consumers.

Bereavement Authority of Ontario

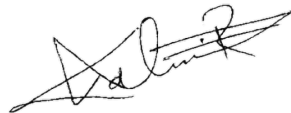
Glenda Brindle

[Glenda Brindle \(Dec 12, 2022 09:05 EST\)](#)

Chair of the Board

Date: **Dec 12, 2022**

His Majesty the King in right of Ontario



Minister of Public and Business Service Delivery

Date: **Dec 29, 2022**

SCHEDULE “G” – FEE SETTING PROCESS AND CRITERIA

BEREAVEMENT AUTHORITY OF ONTARIO

Application

This Schedule applies exclusively to fees, costs or other charges (“fees”) set in accordance with clause 12(1)(b) of the SCSAA by the Bereavement Authority of Ontario (BAO). This Schedule does not apply to administrative monetary penalties, or any fines imposed by a discipline or appeals committee.

Objectives

In setting fees, the BAO has the following objectives:

- To comply with clause 12(1)(b) of the SCSAA to set and collect fees relating to the administration of the Designated Legislation;
- To ensure the development of fees that are consistent with the BAO’s operating principles and obligations under the SCSAA, the Designated Legislation and this Agreement, including the obligation to ensure that the BAO has adequate resources to comply with the Agreement, the SCSAA and the Designated Legislation;
- To achieve full recovery of all delivery costs, consistent with the ongoing viability of the BAO as a not-for-profit corporation and at the same time provide service delivery value for stakeholders;
- To ensure that the Board 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 greater than of the cost of inflation, stakeholders have the opportunity to provide input into the fee setting process.

No new fee, or fee change, shall come into effect unless it has been approved by the Board and the relevant steps outlined in this Schedule have been completed. The Minister may waive the process, steps in the process, or the required notice timeframes if the Board provides evidence satisfactory to the Minister that the requirement to undertake any or all of these steps would result in the BAO not having the resources needed to comply with the Agreement, the Designated Legislation and the SCSAA.

Process for fee change reduction

Where the Board has approved a fee change that would temporarily or permanently

reduce the amount of, or eliminate, a fee, the BAO shall provide the Minister with at least 30 days advance written notice of the proposed fee change, following which at least 60 days written notice shall be provided to licensees. In this circumstance, the Fee Review Analysis including the Consultation and Criteria described below is not required. However, in the notice to the Minister, BAO must provide a rationale and an effective date for the reduced or eliminated fee, the timeframe over which the change would be in effect, and a summary of the BAO's forecasted revenue and expenditures during this effective period to ensure that the reduced revenue does not adversely impact its operations and financial sustainability.

Process for fee changes no greater than the cost of inflation

Where the Board has approved a fee increase that is no greater than the cost of inflation, BAO shall provide the Minister with at least 30 days advance written notice of the proposed fee change, following which at least 60 days written notice shall be provided to licensees. In this circumstance, the Fee Review Analysis including the Consultation and Criteria described below is not required.

The written notice to the Minister shall include:

- a list and a description of the fees to which the increase no greater than the cost of inflation applies;
- a rationale for the fee increase based on the BAO's historical, actual and projected revenues and expenses;
- an explanation of how it was determined that the increase is no greater than the cost of inflation, including a description of any inflation rate(s) and any calculations used in that determination; and,
- the date on which the fee increase is anticipated to take effect.

Process for new fees or fee changes greater than the cost of inflation

Every proposal to establish a new fee, or a fee increase greater than the cost of inflation, shall be subject to a Fee Review Analysis and consultation conducted by the BAO in accordance with the Fee Review Analysis, Consultation and Notice, and Criteria sections set out below.

Fee Review Analysis

The BAO shall prepare a Fee Review Analysis that shall be in the form of a business case consisting of a written analysis for the new fee or fee increase greater than the cost of inflation that shall include:

- a scan of trends that may be occurring in the regulated sector or otherwise that could impact the BAO;
- estimated costs for new, existing or expanded programs as outlined in the BAO's business plan;
- estimated costs associated with implementing new or amended legislation;
- a rationale based on the BAO'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
- a statement of compliance with the Criteria set out below.

The BAO shall provide the Minister with advance written notice of the new fee or fee change proposal and await the earlier of receiving written acknowledgment from the Minister to proceed, or 45 days, before soliciting comments from licensees and sector stakeholder groups, or the fee 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 BAO shall solicit comments from licensees and sector stakeholder groups on the proposed new fee or fee change greater than inflation for a period of at least 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 BAO shall also provide the Minister with a copy of the draft notice, informing licensees and sector stakeholders that a new fee or fee change greater than inflation will take effect, at this time.

Concurrent written notice shall be given to the Minister and licensees sector and stakeholder groups at least 60 days prior to the new fee or fee change greater than the cost of inflation taking effect.

Criteria

In developing a proposed new fee or fee change greater than the cost of inflation, the BAO shall give appropriate consideration to the BAO's business plan and to the potential impact of the fee or fee change on consumers and licensees. In addition, the following criteria shall be considered and addressed:

- Fees shall be set on a cost recovery basis and designed to cover all of the BAO's costs including those which cannot be directly attributable to the payees, including complaint handling, inspection, investigation, prosecution, public

awareness campaigns, website development and maintenance, governance programs, government oversight and reporting, and general administration.

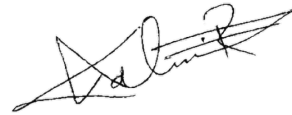
- The relative fees charged for different services and licensing types shall reflect:
 - the comparative costs to the BAO for processing applications or providing the services;
 - the period during which a licence shall be effective; and
 - uniformity of application regardless of geographic location.
- All fees shall be payable when an application is made or when a service is requested or provided. A partial refund may be made (after deducting the BAO's costs) for cancelled applications or requests for service. Notwithstanding the above, no refund shall be issued for cancellations received after an application has been processed or a service has been delivered.
- A reasonable late fee may be charged for applications, payments, filings, or other submissions that are received late. Where applicable, standard business practices shall be followed (e.g., interest charged on overdue accounts, etc.).
- In establishing or revising a fee, appropriate consideration shall be given to deterring breaches of the Act.

Bereavement Authority of Ontario

His Majesty the King in right of Ontario

Glenda Brindle

[Glenda Brindle \(Dec 12, 2022 09:05 EST\)](#)



Chair of the Board

Minister of Public and Business Service
Delivery

Date: Dec 12, 2022

Date: Dec 29, 2022

SCHEDULE “H” – PAYMENTS

BY THE BEREAVEMENT AUTHORITY OF ONTARIO

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) unless otherwise specified by the Minister 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 BAO is to recoup the government’s costs of the regulatory regime in its entirety. This includes the cost to government of oversight of the BAO, the development of legislation and regulations administered by the BAO, and advice to the Minister in the execution of their duties in respect of the consumer protection regulatory regime within their mandate. The Minister will share with the BAO the detailed information regarding the calculation of the cost of regulatory oversight upon request.
2. For the 2019-20 to 2022-23 fiscal years, the BAO agrees to pay to the Minister the following amounts:

2019/20	2020/21	2021/22	2022/23
\$100,000.00	\$0 ¹	\$178,074.15	\$217,111.23

For 2023/24 and subsequent fiscal years, the Minister shall determine the payment for each year and will notify the 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 the BAO, increase the payment amount accordingly.

3. The payment for each fiscal year ending March 31 will be remitted to the Minister by way of cheque payable to the Minister of Finance or an electronic funds transfer (EFT) payment within 30 days of the date of the invoice sent by the Minister each year.
4. 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

¹ The oversight fee for 2020/21, of \$139,037.08, was waived.

in accordance with subsection 10(4) of the *Financial Administration Act*.

Bereavement Authority of Ontario

His Majesty the King in right of Ontario

Glenda Brindle

[Glenda Brindle \(Dec 12, 2022 09:05 EST\)](#)



Chair of the Board

Minister of Public and Business Service
Delivery

Date: **Dec 12, 2022**

Date: Dec 29, 2022

SCHEDULE "I" – ACCESS AND PRIVACY CODE

BEREAVEMENT AUTHORITY OF ONTARIO

Access and Privacy Code to be completed and included here according to the implementation timeline set out in Schedule "L".

Bereavement Authority of Ontario

**His Majesty the King in right of
Ontario**

Glenda Brindle

[Glenda Brindle \(Dec 12, 2022 09:05 EST\)](#)

Chair of the Board



Minister of Public and Business Service
Delivery

Date: **Dec 12, 2022**

Date: **Dec 29, 2022**

SCHEDULE "J" – NON-REGULATORY BUSINESS POLICY

BEREAVEMENT AUTHORITY OF ONTARIO

Authority

The SCSAA authorizes the Bereavement Authority of Ontario (BAO) to carry out other activities in accordance with its objects except it cannot engage in commercial activity through an individual, corporation or other entity that is related to the BAO.

This Schedule authorizes the BAO to undertake non-regulatory business, that is, business in addition to its Statutory Mandate.

Policy

The BAO will only enter into non-regulatory business arrangements that promote and enhance consumer protection and are consistent with its objects, vision and mission. It will operate in compliance with the principles outlined in this policy. The BAO 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 BAO will at all times conduct itself in a manner that maintains its ability to effectively deliver its Statutory Mandate, with high standards of integrity and in a non-conflicted manner.
- Fair Business Practices: The BAO will not use its authority as a regulator to create an unfair business advantage.
- Fair Competition: The BAO shall ensure that all contracts, agreements or understandings are consistent with competition law.
- Financial Independence: The BAO will only 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 BAO will ensure independent financial reporting of non-regulatory business services.

Compliance

The BAO 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 a minimum of 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 BAO will communicate this policy to its stakeholders and licensees to ensure a broad base of understanding. The BAO will monitor its business development activities to ensure this policy is being consistently applied.

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

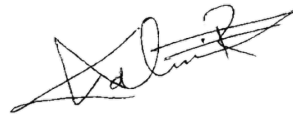
Upon request of the Minister, the BAO will engage a third-party to conduct a review of compliance with this policy. In addition, the BAO shall make a summary of findings of the review available to the public, including by posting on the BAO's website.

Bereavement Authority of Ontario

His Majesty the King in right of Ontario

Glenda Brindle

[Glenda Brindle \(Dec 12, 2022 09:05 EST\)](#)



Chair of the Board

Minister of Public and Business Service Delivery

Date: **Dec 12, 2022**

Date: Dec 29, 2022

SCHEDULE "K" – OPERATIONAL INFORMATION SHARING PROTOCOL

BEREAVEMENT AUTHORITY OF ONTARIO

This Schedule outlines protocols for the sharing of certain operational information about cemetery closures, cemetery abandonments, war graves and burial sites between the Bereavement Authority of Ontario (BAO) and the Consumer Services Operations Division (CSOD) of the Ministry of Public and Business Service Delivery (Ministry).

Ministry staff in CSOD administer provisions under the Act and its regulations respecting cemetery closures, cemetery abandonments, war graves and burial sites. The responsibility for these matters is not delegated to the BAO.

The BAO and CSOD shall each respond to all requests from the other party that are described in this Schedule in an expeditious manner.

This Schedule outlines information sharing protocols not already specified in the Agreement or other schedules to the Agreement.

Unless specifically outlined in this Schedule, when making information requests of each other, the BAO and CSOD shall inform each other of the timeframe in which the information is needed.

Prior to any information being shared, CSOD and the BAO will confirm that there is legal authority to share it. Prior to any personal information being shared, CSOD and the BAO will also confirm how it will be used, that any notice requirements have been addressed, as well as the method for sharing, securing and disposing of the personal information. For this purpose, "personal information" has the same meaning as in the Freedom of Information and Protection of Privacy Act.

To facilitate information sharing, the BAO and CSOD will seek to achieve a "one-window" policy with their respective registrars and deputy registrars, or directors and deputy directors, as appropriate, being the access points.

In addition, the BAO and CSOD shall make reasonable efforts to meet monthly to discuss current issues, needs and other matters necessary for the proper administration of this Schedule.

Description/Category	Responsibility	
	CSOD	BAO
Information requests made by CSOD to the BAO	CSOD shall make reasonable efforts to share with the BAO the context in which the request for information is being made.	The BAO shall respond in an expeditious manner to all requests made by CSOD. The provision of information by the BAO to CSOD shall be on request, unless otherwise agreed upon or pre-determined.
Information requests made by the BAO to CSOD	CSOD shall respond in an expeditious manner to all requests made by the BAO. The provision of information by CSOD to the BAO shall be on request, unless otherwise agreed upon or pre-determined.	The BAO shall make reasonable efforts to share with CSOD the context in which the request for information is being made.
Cemetery Closure Orders, Tribunal or Court Proceedings about Orders and Cemetery Closing Certificates	<p>CSOD will share with the BAO information about cemetery closure order applications, tribunal or court proceedings about orders and cemetery closing certificates in advance of their issuing or completion.</p> <p>CSOD will also share completed orders, closing certificates and adjudicative decisions with the BAO.</p>	The BAO will flag concerns, regulatory or otherwise, for CSOD to consider when contemplating cemetery closure order applications, dealing with appealed orders, or addressing closing certificates.
Cemetery Abandonments	<p>CSOD will share comments on cemetery abandonment applications, known to CSOD, made under s. 101.1 of the Act with the BAO.</p> <p>CSOD will also share with the BAO the application notice, application, court decision/order or application outcome, if any.</p>	<p>The BAO will share comments on cemetery abandonment applications with CSOD.</p> <p>The BAO will inform CSOD of any abandoned cemeteries it has identified, in its opinion, as being of potential interest to CSOD.</p>

Description/Category	Responsibility	
	CSOD	BAO
War Graves	CSOD will notify the BAO of any applications for direction, notices, submissions or directions concerning war graves made under s. 101(2)-(6) of the Act.	The BAO will share comments, as well as inform CSOD, on any war graves issues (or related matters) that are believed to be of potential interest to CSOD.
Burial Sites: Adjacent to Known or Former Cemeteries	CSOD will share information with the BAO relating to the application of burial site provisions in instances in which human remains may be located within the limits of formerly known or former cemeteries or parts of cemeteries.	The BAO will share with CSOD information the BAO obtains about human remains found in land outside the current limits of cemeteries known to the BAO.
Burial Sites: Cemetery Establishment	<p>CSOD will share information needed by the BAO to license operators of cemeteries that are to be established following the application of the burial site provisions by CSOD.</p> <p>CSOD will provide the BAO with relevant information on the burial site so that the BAO has a record of the cemetery's history and origin.</p>	<p>The BAO will share with CSOD information pertaining to the disposition of human remains within burial sites that are established as cemeteries or relocated within cemeteries. This may also include information about cases where it is uncertain whether the burial site has been established as a cemetery or remains from the site have been otherwise interred in a cemetery.</p> <p>The BAO will confirm the establishment of a cemetery arising from a burial site.</p>
Burial Sites: Other	CSOD will share information with the BAO relating to the application of burial site provisions to determine whether the human remains from a purported burial site are instead located in a cemetery.	The BAO will share information with CSOD in order to allow CSOD to confirm whether land is a cemetery, for the purpose of CSOD's administration of the burial site provisions.

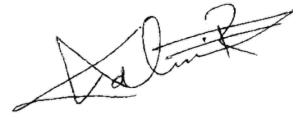
Description/Category	Responsibility	
	CSOD	BAO
Other	CSOD will notify the BAO of any other matters or information, as necessary or appropriate, in connection with CSOD's administration of the Act.	The BAO will notify CSOD of any other matters or information, as necessary or appropriate, in connection with the BAO's administration of the Designated Legislation.

Bereavement Authority of Ontario

His Majesty the King in right of Ontario

Glenda Brindle

[Glenda Brindle \(Dec 12, 2022 09:05 EST\)](#)



Chair of the Board

Minister of Public and Business Service Delivery

Date: Dec 12, 2022

Date: Dec 29, 2022

SCHEDULE “L” – EFFECTIVE DATES OF CERTAIN PROVISIONS OF THE ADMINISTRATIVE AGREEMENT

BEREAVEMENT AUTHORITY OF ONTARIO

The provisions of the Agreement specified in column A of the table below take effect on the date specified in column B of the table. For any provision listed below, if applicable, the equivalent provision of the most recent prior agreement (see Column C) continues in effect until the date listed in column B.

A. Provision	B. Effective Date	C. Equivalent Provision
Subsection 5.2(7) – Roles and Responsibilities of the Parties – The Administrative Authority	April 1, 2024. The BAO’s existing Procurement Policy is to remain in effect until this time. A copy of the BAO’s current Procurement Policy can be found on the BAO’s website: https://thebao.ca/wp-content/uploads/2021/03/BAO-Procurement-Policy-Revised-June-2018.pdf	Subsection 5(17) – Roles and Responsibilities of the Parties – The Administrative Authority
Corporate Reporting Requirements – Business Plan: <ul style="list-style-type: none"> • Clause 7(1)(a) • Clause 7(5)(a) • Section 1 – Business Plan of Schedule “F” 	April 1, 2024	Corporate Reporting Requirements – Business Plan: <ul style="list-style-type: none"> • Clause 6(1)(a) • Clause 6(1)(e) • Section 1 – Business Plan Requirements of Schedule “C”
Corporate Reporting Requirements – Annual Report: <ul style="list-style-type: none"> • Clause 7(1)(b) • Clause 7(5)(b) 	April 1, 2024	Corporate Reporting Requirements – Annual Report: <ul style="list-style-type: none"> • Clause 6(1)(b) • Clause 6(1)(e)

<ul style="list-style-type: none"> Section 2 – Annual Report of Schedule “F” 		<ul style="list-style-type: none"> Section 2 – Annual Report Requirements of Schedule “C”
<p>Corporate Reporting Requirements – Accessibility:</p> <ul style="list-style-type: none"> Subsection 7(2) 	April 1, 2024	<ul style="list-style-type: none"> Not applicable (new provision)
<p>Corporate Reporting Requirements – French Language Services:</p> <ul style="list-style-type: none"> Subsection 7(3) Clause 2.2(c) of Schedule “F” 	The date on which section 16 of Schedule 8 of the Rebuilding Consumer Confidence Act, 2020, SO 2020, c 14 is proclaimed into force by the Lieutenant Governor.	<p>Corporate Reporting Requirements – French Language Services:</p> <ul style="list-style-type: none"> Subsection 6(3) Subsection 2(c) (French Language Services) of Schedule “C”
<p>Corporate Reporting Requirements – Risk Management Framework and Risk Management Plan:</p> <ul style="list-style-type: none"> Subsection 7(7) Section 3 – Risk Management Framework and Risk Management Plan of Schedule “F” 	April 1, 2024	<p>Corporate Reporting Requirements – Risk Management Framework and Risk Management Plan:</p> <ul style="list-style-type: none"> Subsection 6(2) Section 3 – Risk Management Framework and Risk Management Plan Requirements of Schedule “C”
<p>Corporate Reporting Requirements – Performance Measures:</p> <ul style="list-style-type: none"> Subsection 7(9) 	April 1, 2024	<ul style="list-style-type: none"> Not applicable (new provision)
<p>Section 10 - Records, Privacy and Access</p> <p>Schedule “I” – Access and Privacy Code</p>	<p>April 1, 2024</p> <p>The BAO’s existing Access and Privacy Policy is to remain in effect until this time. A copy of the BAO’s current Access and Privacy</p>	<p>Records, Access, and Other Transition Matters – Records</p> <ul style="list-style-type: none"> Subsections 11(2) to 11(6)

	<p>Policy can be found on the BAO's website:</p> <p>https://thebao.ca/wp-content/uploads/2020/08/BAO-Access-and-Privacy-Policy-Final.pdf</p>	<p>Schedule "G" – Model Access and Privacy Code</p>
--	---	---

Bereavement Authority of Ontario

His Majesty the King in right of Ontario

Glenda Brindle

Glenda Brindle (Dec 12, 2022 09:05 EST)

Chair of the Board



Minister of Public and Business Service Delivery

Date: Dec 12, 2022

Date: Dec 29, 2022