

The Bereavement Authority of Ontario magazine

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Issue 11 – November 2024



About Beyond

Beyond is an all-digital, family focused magazine providing useful and interesting stories about the bereavement care industry and why it matters to you.

It is the magazine of the Bereavement Authority of Ontario, a government delegated administrative authority focused on protecting and informing families.

www.TheBAO.ca

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Staff and resources are in place for strategic focus on consumer protection

Registrar's Blog By Jim Cassimatis, CEO/Registrar, Bereavement Authority of Ontario

t's been a year of progress and foundation-setting at the Bereavement Authority of Ontario (BAO).

Staff and our BAO Board of Directors set a standard of accomplishment since last year's annual meeting (June 2023).

Board, management and staff have been putting together the key components required for a solid base for our future.



Those key components include:

- Consumer protection actions and public communication;
- A more than 90 per cent completion of the Auditor General's recommendations for the BAO;
- Implementation of our fee increase, which made it possible to implement those recommendations;

This in turn has led to the financial sustainability of the BAO with that fee increase for now and in the future;

 Modernization that came in the form of our new information system; Finally, I've been discussing and exploring options to address a funeral director shortage in the north and other parts of Ontario.
On behalf of the BAO, I've been actively listening and sharing possible solutions from our licensed professionals and associations, who want to better serve families across the province.

I'd like to elaborate a bit more on a few of these items.



Effective regulator

To be an effective regulator, an organization needs the right staff and resources. We've made significant strides in having appropriate resources and tools, including hiring additional inspectors and licensing officers.

My role as the CEO and Registrar of the BAO is to ensure we harness our team and technology toward greater effectiveness and modernization in the public interest.

The BAO had, for its first several years, been under-resourced in terms of staffing and technology.

So, we took to heart the value of the Auditor General of Ontario's recommendations by addressing the majority of its 51 action items.

Developing a new information system was a key component of serving the public better, in a more measurable way. It's been our largest investment in technology.

The Ontario Bereavement Information System – or OBIS as we call it – went live in April.

So, you might ask: What do our staff and new technology focus on? The answer is ultimately: Consumer protection.

Examples

Let me provide a few tangible examples of BAO consumer protection actions in the last year in the public interest.

Day-to-day, we have licensing and financial compliance staff who make sure that professionals in the bereavement sector are licensed, compliant with all requirements and that they renew those licences accordingly. We also have inspectors, who obviously inspect, but they also advise those not in compliance on what they need to do. When that doesn't work, which is fairly rare, there are consequential actions that I can consider.

As Registrar (of the Funeral, Burial and Cremation Services Act, 2002), I may impose actions to make sure outliers comply and act in a professional and ethical manner with grieving families, who are the consumers of those we license.

Examples of those actions in the last 12 months include:

- Suspending an individual's licence for a two-week period to enforce requirements, such as not following the law or unethical conduct;
- Requiring a cemetery to stop charging additional fees on interment rights, that had already been fully paid for by consumers;
- Ordering two cemeteries to cease operations; one as a result of not being licensed, and the other not establishing the legally required Care and Maintenance Fund.
 That fund, by the way, exists to make sure there's money to pay for the regular and long-term upkeep of a cemetery especially after it stops accepting new burials.
- In the last year, I've also placed conditions on individual licensees;



 In the most egregious case, I have revoked a licence.
 Thankfully, I can tell you that such actions are rare, and that our almost 10,000 licensed professionals and businesses continue to dutifully serve grieving families.

Engagement

And it's not just enforcement actions that we take. Our staff also make sure that volunteer-run small cemeteries have the information they need to maintain and preserve cemeteries.

We thank the volunteers for this unheralded and underappreciated work that they do.



The BAO also engages with the public in small and big presentations in community halls, conference centres, and online, where we reach more than 400,000 people in our quarterly consumer magazine, on social media, and our website, where we also had almost 400,000 pageviews.

Thanks

We thank the public for seeking and finding us online, by phone or in person to learn what they need to know in planning a funeral, filing a complaint, or asking us a question.

I thank our licensees and associations for engaging with us on the needs of the profession and the public. I thank our committed staff and our BAO Board of Directors for their leadership during my first year as CEO/Registrar.

A special thank you to Minister Todd McCarthy and the Ministry of Public and Business Service Delivery and Procurement, for continuing to work in collaboration with us.

We look forward to working with you all during the next 12 months.



Registrar takes consumer protection actions

he CEO/Registrar has taken actions in recent months to protect grieving families at a vulnerable time in their lives.

"The actions were taken to protect consumers. I don't often need to take these actions, but they are needed for the more egregious of matters when grieving families are concerned," says Jim Cassimatis, CEO/Registrar, Bereavement Authority of Ontario. As part of his role, he is the Registrar of the Funeral, Burial and Cremation Services Act, 2002.

"As I've said before, the vast majority of our licensees are ethical, caring and professional with the families they serve. As the regulator, we frequently must focus our resources on non-compliant licensees to protect consumers, while also demonstrating that this is a profession whose standards are upheld." The notices are available on the BAO's website at the links provided in these abbreviated web posts:

Licence of funeral director revoked following concerns with conduct

The Registrar, Funeral, Burial and Cremation Services Act, 2002, has carried out his Notice of Proposal to revoke the licence of a funeral director, effective Thursday, Sept. 19. Andrea H. Bryce, previously of Gatineau, Quebec, has not contested the Registrar's Notice of Proposal to revoke her Funeral Director – Class 1 licence.

Funeral home in Scarborough remains shutdown in tribunal decision

The Licence Appeal Tribunal (LAT) has ordered the Registrar, Funeral, Burial and Cremation Services Act, 2002 (FBCSA), to carry out his Notice of Proposal (NOP) to not renew the:



A cemetery in Ontario

- Operator licence of Covenant Funeral Homes Inc. operating at 2505 Eglinton Ave. E., Scarborough, and;
- Funeral Director Class-1 licence of Luann M.H. Jones.

The LAT's Decision and Order, made on Sept. 16, 2024, means that Luann M.H. Jones may not act in the capacity of a licensed funeral director and the funeral establishment is no longer in business.

Registrar orders a Toronto cemetery to cease operations for not establishing a required trust fund

In June, the Registrar ordered a cemetery operator in Toronto to immediately cease sales.

The order was issued as a result of the cemetery operator's noncompliance with the law to establish a care and maintenance trust fund and financial reporting requirements. This order relates to new burials and sales only — and not to prepaid arrangements. Burials will continue for anyone who had interment rights or a reservation.

The Registrar ordered that the operator of Husiatner Klaus Beth Israel Cemetery cease the following activities:

- Selling or offering to sell interment rights, and licensed supplies and/or services as described in the FBCSA
- Providing licensed supplies and/ or services as described in the FBCSA, including arranging for and/ or providing burial services for the public/consumers through licensed funeral establishment operators

A Care and Maintenance Fund/ Account is a trust fund that helps ensure the long-term upkeep of a cemetery. Interest generated from the fund pays for the maintenance costs of a cemetery, whether it's active or inactive. A cemetery operator is required to make contributions to the fund from the sale of in-ground graves, crypts, tombs, niches and scattering rights. The law, the FBCSA, outlines how much is required to contribute from the sale of each of these items. This will be either a percentage of the item's price (for example, 40 per cent of the price) or a set dollar amount – whichever is greater.

The order will remain in place until further notice.

Registrar orders a Niagara cemetery to stop selling burial services

The Anglican Diocese of Niagara has been ordered to immediately stop selling burial services at several cemeteries it operates.

Pursuant to subsection 109(7) Ontario Regulation 30/11, the Registrar, of the Funeral Burial and Cremation Services Act, 2002 (the Act), has ordered that the Anglican Diocese of Niagara immediately cease:

- Offering to sell licensed supplies and/or services as described in the Act and its Regulations thereunder;
- Selling licensed supplies as described in the Act;

This Registrar's Order to Cease and Desist includes selling burial services to licensed funeral establishment operators and their staff, licensed crematorium operators and their staff, and the public. This order relates to new burials and sales only – and not to prepaid arrangements.

Burials will continue for anyone who has interment rights or has previously prepaid for their interment.

The Registrar has determined that the diocese has its Care and Maintenance Funds invested with an ineligible depository and has mingled the trust fund with other investments. The diocese, which is licensed under the FBCSA, is holding funds improperly and therefore its cemeteries, that have a Care and Maintenance Fund/ Account associated with the diocese, are in violation of Ontario Regulation 30/11.

This cease order will remain in place until the diocese has satisfied the Registrar that it is in full compliance with the Act, with a specific focus on reporting requirements and the proper holding of the Care and Maintenance Fund/Account.

Actions

The BAO posts its regulatory actions and notices in these website sections:

Registrar's Actions;

Notice to the Consumer.

Is my prepaid funeral money safe? What is a green burial? Where can my mom or dad's ashes be scattered?

The BAO answers your most frequently asked questions (FAQs)

Part 1 of a series By David Brazeau Manager, Communications, BAO

e get a lot of questions from people about death care in Ontario.

Answering those questions is part of why we are here for families in the province.

The Bereavement Authority of Ontario (BAO) received 1,954 inquiries by email, phone plus at public presentations or events in the previous fiscal year.

BAO FAC

Included in the list of the most popular questions are:

- Is my prepaid funeral money safe?
- What is a green burial?
- Where can my mom or dad's ashes be scattered?

Let's answer those questions and a few follow-up questions that arise with each.

[*=Please note that 'provider' in this article refers to: The operator of a cemetery, crematorium, funeral establishment or transfer service.]

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Is my prepaid funeral money safe?

The answer to this is: Yes, your prepaid funeral money is safe. It's held in a trust fund for you when it becomes needed.

There are several important details that go with this general topic. Let's explore a few of those.

What is a prepaid funeral?

This question of course comes from those who already know what a prepaid funeral contract is. So firstly, for those who haven't yet considered this – and that would apply to most people – a prepaid funeral contract is precisely what it sounds like. Prepayment means your funeral is paid upfront for when it becomes needed. Prepaid funeral contracts for services and supplies that you select, with a funeral home or transfer service, are held in trust for when the time comes.

Tell your family about it

Keep a record of your prepaid contract, tell your family and share it with them. People have died without telling their families, leaving them with no knowledge of it or many questions when that time comes. You can learn more about prepaid funerals on pages 17 to 22 in <u>the</u> <u>BAO's free Consumer Information</u> <u>Guide.</u>

What do I need to know when a person with a prepaid funeral contract dies?

When a consumer enters into a prepaid contract with a funeral home or transfer service, the money is invested into a trust account or used to purchase an insurance policy which gains interest/growth over time. At the time of death, the amount of the principal payment plus the interest/growth will be used to fund the services and merchandise included in the original prepaid contract. If the total amount of the investment/ payout of the insurance policy exceeds the cost of delivering the services, the excess will be refunded by the provider* (or with consent be applied to items or services that are added). If the total amount doesn't cover the costs of the services and merchandise, the provider will not charge the difference. The prices charged must not exceed the prices on the provider's published price list. This doesn't apply to items or services added at the time of death or disbursements which may have been included in the original contract that have increased in cost.

The provider may ask you to sign a new contract for additional items/ services or disbursements added at the time of death.

Should you want to cancel all or part of the services included in the prepaid contract, you are urged to review the cancellation clause in the prepaid contract and discuss the potential ramifications to the reconciliation of the services, funds and potential refunds with the provider beforehand.

You can also opt to prearrange your funeral without paying upfront. Payment then occurs at the time of need.

Both prearrangement without payment and prepayment of a funeral reduce family anxiety about what the arrangements should be when the time comes.

What is a green burial?

Being in tune with nature needn't end with your death.

A green burial, also called a natural burial, is perhaps the most ancient and traditional burial in human history. There is no specific definition of a green burial in the law – the Funeral, Burial and Cremation Services Act, 2002 – as it fits perfectly well within it.

A green burial, as has been practiced since long before Ontario or Canada existed, includes an unembalmed deceased human body which may be buried:

- Wrapped in a shroud, at cemeteries which may accept this in their bylaws (A shroud may be a flexible piece of fabric used to enclose or wrap the body for burial. Cemeteries that accept shrouded bodies for burial may also require a rigid backing board to allow for the safe lowering of the body into the grave);
- Marked by natural grave markers such as stones with names chiseled without the use of machinery;
- In a biodegradable casket or container;
- In a regular part of a cemetery or a designated section of a cemetery, where grave markers and monuments are not used, and the ground is covered with native species of plants, such as wildflowers instead of grass.

On such cemetery grounds the land may also be restored to its more natural state with gravesites identified by ground markers, rather than headstones.

Where can my mom or dad's ashes be scattered?

You may scatter cremated remains, often referred to as ashes, on Crown land and other locations.

You don't have to ask anyone's permission to scatter cremated remains on Crown land or over water included in Crown land. Just don't erect any monuments or markers.

Tell your family members where the cremated remains are scattered so they can visit and peacefully reflect in nature on a path, in a canoe or boat over the area where the cremated remains were scattered.



St. Lawrence River near Lake Ontario

There's no shortage of Crown land, as 77 per cent of the province's land mass is made up of it, plus 10 per cent of Crown land is held as provincial parks and conservation reserves. (Crown land in Ontario – including shores, riverbeds and lakebeds – is managed by the Ministry of Natural Resources.)

Backyard

You may also scatter cremated remains in your own backyard or on a friend's property with that person's written permission.

Just don't bury the cremated remains in a container, such as an urn, in a yard or on Crown land. Discovery of such an object in a backyard by a future homeowner, or on Crown land, would lead to needless concern and investigations by authorities.

So just scatter them as the law provides.

For answers to other questions, or to reach us for your questions not already on our list, please visit <u>The</u> <u>BAO's FAQ for families.</u>

Change and progress highlighted in the BAO's Annual Report

he previous fiscal year at the Bereavement Authority of Ontario (BAO) has been a time of change, and more importantly, progress," says Leith Coghlin in his annual report message as Chair of the BAO Board of Directors.

"The BAO Board of Directors developed key determinants for regulatory improvement with the selection of a new CEO/Registrar, established a solid financial foundation, finalized technological modernization, reconstituted its advisory committees, and continued bereavement sector engagement," he states.

Coghlin adds, "The BAO's recent achievements were strengthened by the fact that they were not done alone. Indeed, we couldn't advance our goals in the public interest without the support of our partners. I thank the BAO Board, our new CEO/Registrar, all staff, licensees, our partners at the Ministry of Public and Business Service Delivery and Procurement, and Minister Todd McCarthy for making the BAO a better regulator for consumers and the professionals we license and regulate."

The BAO Annual Report for the 2023/24 fiscal year, **posted on the BAO's website**, provides a narrative and statistical overview of its achievements in consumer protection, and its government delegated role and actions to administer provisions of the Funeral, Burial and Cremation Services Act, 2002 (FBCSA).



Leith Coghlin, Chair, BAO Board

What is the significance of Kaddish, Kriah, Chevra Kadisha in Jewish mourning traditions?

Plus, are you a mensch?

The Bereavement Authority of Ontario (BAO) continues its series of religious traditions in death care.

Rabbi Samuel Kaye, Associate Rabbi of Holy Blossom Temple in Toronto, describes Jewish mourning and death traditions in a video interview with Beyond magazine.

Kaddish, Viddui, Kriah, Shomer, Chevra Kadisha – what do these important words mean to the Jewish community?

Find out in this informative and casual conversation with Rabbi Kaye, which took place by video call in July of 2024.

Watch our YouTube video here.



Rabbi Samuel Kaye

John Ross of Niagara: A Famous Casket Maker of Early Ontario

By Stuart Lyall Manson

asket-making, in times gone by, was carried out in solitude and with little fanfare. This is especially true in the early history of the Province of Ontario, when it was known as the colony of Upper Canada. John Ross of Niagara stood out among the early purveyors of his craft.



ISSAC BROCK – Popularly known as the Hero of Upper Canada, Brock was first buried in a casket made by John Ross, deposited in a bastion of Fort George. (Library and Archives Canada, Acc. 1991-30-1)

Ross came to the fore during the War of 1812. In the first pitched battle of that conflict, the Battle of Queenston Heights near Niagara Falls, Ross defended Upper Canada against an invading army from the United States. His fame lay not in his military prowess, but in his construction of the casket for Major-General Isaac Brock.

Brock was a popular and gallant British military officer, who to this day is "warmly remembered as a Canadian hero," according to the Dictionary of Canadian Biography. He was killed in action at the aforementioned Battle of Oueenston Heights, where he sacrificed his own safety by leading a counter-attack against the enemy, despite being the most senior military officer in Upper Canada and the head of the civil government of the colony. He had also been recently knighted for his previous achievements during the war.

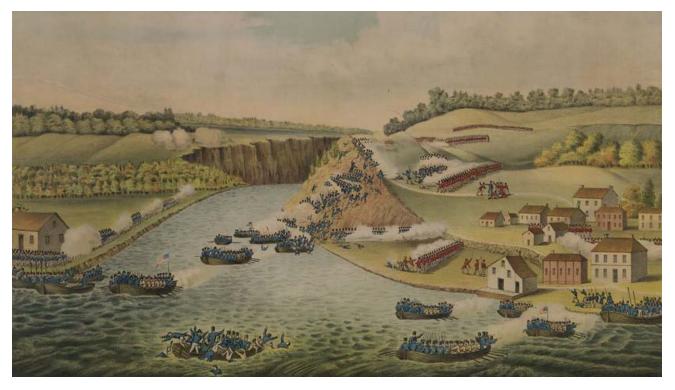
Early casket making

In the pioneer environment of Upper Canada, most settlers were farmers. They were also jack-of-all-trades and therefore many men possessed at least some rudimentary carpentry expertise. Certainly they had skills sufficient for building caskets for their departed family members because these constructions were fairly basic. After all, they were soon to be buried six feet underground.

By the time of the War of 1812, merely a generation after the colony was established, skilled trades were becoming more prominent. Men like John Ross were associated with the craft of casket making, although it has been said that Brock's casket was his first professional contract. It needed to be above average, not only because of its prominent occupant, but also due to Brock's highly-public funeral.

Brock's funeral

Historian Robert Malcomson, in his book Burying General Brock, described the funeral preparations as "lavish." Naturally it entailed a formal ceremony with plenty of military pageantry. It ended with a 21-gun salute as Brock's remains were buried in one of the bastions of Fort George, situated near the west bank of the Niagara River. A fellow officer described the funeral as "the grandest and most solemn I ever witnessed or that has been seen in Upper Canada."



BATTLE OF QUEENSTON HEIGHTS – American troops (in blue) pour over the Niagara River and scale Queenston Heights, Upper Canada, on October 13, 1812. The British and Canadian defenders (in red) as well as their Indigenous allies, attempt to repel the invaders. This early depiction of the battle is looking south towards the falls. (Library and Archives Canada, R-13133-387)

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Brock's casket had features that went beyond the ordinary. It was adorned with a special silver plaque that read: "Here lie the earthly remains of a brave and virtuous hero, Major General Sir Isaac Brock... who fell gloriously engaging the enemies of his country." His interment within the fort was also to be commemorated with a white marble slab, but this was never carved nor installed.

John Ross must have been flattered with the opportunity to honour Brock in this way. In addition to being present at the Battle of Queenston Heights, Ross had also been with Brock earlier in the war when an army of British, Canadian and Indigenous soldiers famously forced the surrender of an American army at Detroit. Moreover, Ross was a native of the Niagara region, although as a young man he had moved to York, now Toronto, where he lived most of his life.

Reburial and casket fragments

Unbeknownst to all at the time of Brock's funeral, this would not be the last time that eyes would be cast upon the casket made by John Ross. More than a decade later, in 1824, a new and grandiose monument was built to honour Brock and his sacrifice. His remains were exhumed from Fort George and deposited within this new monument.



CASKET FRAGMENT – One of the pieces of Brock's casket, distributed to worthy soldiers following Brock's reburial. It was owned by the Van Wyck family before becoming part of the collections of the Niagara Falls History Museum. (Courtesy of Niagara Falls Museum)

The original casket made by John Ross, however, was not used in this second burial. Nonetheless, there was evidence that the first casket was of exceptional quality: It was said, by those who performed the 1824 reinterment, that Brock's remains had "undergone little change" in the ensuing 12 years, "his features being nearly perfect, and easily recognized."

Despite the high quality of Ross' carpentry work, the casket that once contained the mortal remains of Issac Brock was demolished after the removal of its original and only occupant. Fragments of the casket were subsequently distributed to military officers and soldiers, as mementos of their service to the country. One of these was given to Gilbert Van Wyck, a militiaman from Lincoln County, who was also present at the Battle of Queenston Heights. With respect to his wartime experience, Van Wyck once asserted that he "did his duty faithfully in the defence of the country during the late war with the United States of America." He also dutifully kept this piece of Brock's casket. His descendant Jemima Van Wyck did the same and eventually donated the revered object to the Lundy's Lane Historical Society. It is now part of the collections of the Niagara Falls History Museum, a must-see attraction for history enthusiasts.

Van Wyck had prestigious relatives of his own. His grand-uncle was Samuel Seabury, a prominent bishop in New York City. Seabury was a Loyalist who supported the Crown during the American Revolutionary War (1775-1783). Seabury's anti-revolutionary perspective is featured – or ridiculed – in the Broadway musical hit "Hamilton."

John Ross later in life

Casket maker John Ross lived a long life, by 19th century standards. In 1860, when he was 70 years old, he was still living in Toronto. He was then known as one of the city's oldest inhabitants. In that year he met Benson Lossing, an early travel writer and artist from the United States who had an interest in military history. Lossing consulted Ross for the Toronto section of his book called The Pictorial Field Book of the War of 1812. "Mr. Ross gave me such minute and clear directions concerning the interesting places in and around Toronto," Lossing wrote, "that I experienced no difficulty in finding them."

The man who built the casket for Isaac Brock was still living in 1861, a widower who lived on Adelaide Street in Toronto. He died on April 8, 1869, at 78 years of age, and is buried in Toronto Necropolis Cemetery.

Stuart Lyall Manson (stuartmanson.wordpress.com) is an historian, heritage cemetery advocate, and author of the book series Sacred Ground: Loyalist Cemeteries of Eastern Ontario, published and distributed by Global Genealogy.

Ontario supporting grieving families of stillborn children

New commemorative document, elimination of fees and simplified application providing support during a difficult time

October 15, 2024 – Ministry of Public and Business Service Delivery and Procurement news release

ntario parents who have experienced a stillbirth now can receive a commemorative document in remembrance of their child. The Ontario government is also removing the associated cost and simplifying the process of obtaining a certified copy of stillbirth registration.

"A stillbirth is a heartbreaking experience for any family. Our government understands the importance of honouring the memory of a lost loved one, and we are proud to be the first jurisdiction in Canada to eliminate fees for stillbirth documents," said Todd McCarthy, Minister of Public and Business Service Delivery and Procurement. "We are standing by our grieving families by providing this commemorative document and easing administrative and financial burdens during what is already an extraordinarily difficult time."

In the past, the process for receiving a stillbirth certificate could be burdensome and costly for parents. A certified copy of a stillbirth registration, which is required for legal purposes, cost \$22, and there was a \$15 fee to search for a registration of a stillbirth. Ontario recognized these administrative and financial burdens and took steps to support grieving families.



Commemorative Document of Stillbirth

"This initiative marks an important step forward in acknowledging the deep pain that comes with the loss of a stillborn child," said Charmaine Williams, Associate Minister of Women's Social and Economic Opportunity. "It is critical that families have a way to remember their children that acknowledges their grief and honours their loved one's memory. It is my sincere hope that the changes introduced by the Ontario government will show that even in the most difficult times, families are not alone, and their heartbreak is recognized." The commemorative document and the process changes were developed in consultation with parents and families who have experienced the loss of a child due to stillbirth, as well as professionals providing support for impacted families. The document, along with resources and information to assist parents and families with the experience of stillbirth, is available at Ontario.ca/StillbirthPackage.

Quotes

"Today's announcement is an incredibly important step forward for Ontario parents who have experienced pregnancy and infant loss. It shows incredible care for bereaved parents and reminds them that their babies matter at a time of profound loss. PAIL (Pregnancy and Infant Loss Network) is proud to work closely with the Government of Ontario to transform care and support for families who experience the loss of their baby and commend the Ministry of Public and Business Service Delivery and Procurement for their commitment to this initiative." - Michelle LaFontaine, Regional **Program Manager, Pregnancy and** Infant Loss (PAIL) Network

"The provincial government's recognition of the need to provide support to grieving mothers, fathers and families whose child is stillborn speaks to our humanity. Demonstrating respect for lost future family members in this initiative is an honourable gesture and commemoration that will help families in their grief. I know the professionals in the bereavement sector will welcome this additional option for grieving families." – Jim Cassimatis, CEO/Registrar, Bereavement Authority of Ontario

Quick Facts

- Every year, approximately 1,400 stillbirths occur in Ontario.
- In addition to Ontario, three other jurisdictions in Canada offer provincial commemorative documents of stillbirth: British Columbia, Saskatchewan, Manitoba.
- Ontario is the first jurisdiction in Canada to eliminate fees for stillbirth documents.

Additional Resources

Pregnancy and Infant Loss (PAIL) Network offers peer-led support to any family in Ontario who has experienced a pregnancy loss or an infant death. Families can access this support at any time, and for as long as they wish. More information about PAIL Network can be found at <u>Pregnancy & Infant Loss (PAIL)</u> <u>Network.</u>



Plan now so your family doesn't have to do it for you.

Then rest easy.

You'll be glad you did and so will they. Read our free Consumer Information Guide describing death care options.

