

Extensions**Article Type:** FAQ/Definition/Resources/Help**Applicable Act:** Funeral, Burial and Cremation Services Act, 2002 (the “FBCSA”)**Product/Service:** Care and Maintenance Fund reporting, report submissions, prepaid report submissions**Issue:** What options exist for cemetery operators who cannot meet their annual reporting requirements? How are extension requests submitted and assessed, and what are the potential consequences for non-compliance?**Overview:**

All operators licensed under the FBCSA holding money in trust, be it in a C&M fund or prepaid fund, are required to submit annual reports related to Care and Maintenance, and Prepaid Funds, including:

- Form 2 – Report on Care & Maintenance
- Report on Prepaid Funds
- Financial Institution Report/Statements
- Audit Report on Compliance
- Review Engagement Report

Timely submission is essential to ensure proper management of funds entrusted for perpetual care, maintain public confidence, and comply with regulatory requirements.

In exceptional circumstances, operators may request an extension to file one or more of these reports. Extensions are discretionary, granted on a case-by-case basis, and do not exempt operators from their ongoing obligations.

Extensions:

- Eligibility: Operators may request an extension when they are unable to submit any required C&M Fund or prepaid fund report document by the deadline due to documented circumstances beyond their control, such as:
 - Delays from external auditors or accountants;
 - Illness or absence of key personnel;
 - Administrative disruptions or organizational restructuring.

Request Requirements:

- Submit the request in writing using the [BAO-provided extension form](#) before the filing deadline;
- Provide a detailed explanation of the reason(s) for the delay;
- Propose a new, reasonable submission date;
- Include supporting documentation demonstrating the legitimacy of the request, and the reasonability of the new submission date (e.g., correspondence from auditors, proof of unforeseen circumstances).

Approval and Monitoring:

- Extensions have a defined deadline and are actively tracked by BAO staff to ensure reports are submitted on time and any follow-up actions are taken if deadlines are missed.
- The Registrar may approve, deny, or modify the requested extension based on the operator's circumstances, compliance history, and the type of report;
- Approval of one extension does not prevent the Registrar from granting additional extensions if further extraordinary circumstances arise.

Repeated or Unjustified Requests:

- Frequent or poorly justified extension requests may lead to denial of further extensions and trigger enforcement measures, including:
 - Compliance orders requiring immediate report submission;
 - Conditions on licence requiring timely submission;
 - Licence suspension or revocation for persistent non-compliance;
 - Any other actions deemed necessary to protect C&M and/or prepaid fund integrity and consumer interests.

Process for Extensions

1. Request Submission: Operators submit extension requests before the report's original deadline.
 - a. Requests must include:
 - i. Clear explanation of the circumstances requiring an extension;
 - ii. Proposed revised submission date;
 - iii. Supporting documentation validating the request and new date.
 - b. Incomplete or late requests may be rejected without review.
2. Review and Risk Assessment: BAO staff review the request for completeness, credibility, and risk to fund integrity.
 - a. Assessment includes:
 - i. Operator compliance and enforcement history;
 - ii. Severity of the reasons provided;
 - iii. Potential risks to C&M Fund or consumer protection.
 - b. Staff may request additional supporting documentation as needed.
 - c. A written recommendation is then prepared for the Registrar.
3. Registrar Decision: The Registrar reviews staff recommendations and exercises discretion to grant, modify, or deny the extension.
 - a. Conditions may be imposed, including:
 - i. Interim reporting with brief updates on fund balances and activity during the extension period;
 - ii. Shorter extension periods;
 - iii. Additional oversight or documentation requirements.
 - b. Decisions are documented and communicated in writing, including reasons for approval, denial, or modification and any imposed conditions.
 - c. The granting of one extension does not prevent additional extensions if further extraordinary circumstances arise.
 - d. Decisions are binding, subject to any rights of review or appeal under the FBCSA.

Enforcement Considerations:

- Failure to comply with C&M Fund reporting obligations or conditions attached to an extension may result in enforcement action, including:
 - Compliance Orders: Directing immediate submission of overdue reports.
 - Cease and Desist Orders: Suspension of interment or scattering rights sales until compliance is restored (general cemetery operations may continue).
 - Licence Suspension or Revocation: For severe or repeated non-compliance.

For more information on the repurchase of interment and scattering rights, visit the Bereavement Authority of Ontario website at www.thebao.ca or contact us directly at 647-483-2645 or 844-493-6356 or trust@thebao.ca

Keywords: C&M fund, annual reporting, audit extensions, prepaid fund reports, cemetery compliance, BAO extensions