

INTERMENT RIGHTS

PURSUANT TO the Funeral, Burial and Cremation Services Act, 2002 and Ontario Regulation 31/11 s.161(1) and all amendments thereto, no Cemetery Operator shall be permitted to inter human remains in a lot, other than the remains of the Rights Holder(s), without the written consent of the Rights Holder(s).

What Does This Mean for Family Plots ?

Loyalist Township, as the licensed cemetery operator for Glenwood, Pentland, Lutheran & Switzerville Cemeteries, must receive written permission from the Interment Rights Holder on record before any interment or memorialization.

The Interment Rights for a grave or plot give the Rights Holder the right to say who can be buried in the grave. Interment Rights also include the right to erect a memorial and direct inscriptions. If there is more than one Rights Holder, then ideally all parties must give their consent before any interments take place or a memorial is erected (except where one of the current owners is being buried).

The granting of Interment Rights to a grave does not actually mean you own the land itself but that you have the Right to direct burials and memorials in the assigned space, subject to the cemetery bylaws and government regulations. The land remains the property of the licensed cemetery operator.

The Interment Rights Holder of record is the person that is named on the official Deed/Certificate of Interment Rights. Usually, but not always, the Interment Rights Holder of record is/was the person who purchased the interment rights. This becomes an issue when the Interment Rights Holder is deceased.

What Happens When the Interment Rights Holder is Deceased ?

When the Interment Rights Holder dies, the Rights are considered an asset of the estate and as such are distributed to the beneficiaries of the deceased's estate. The Rights must then be registered in the new owner's name for the transfer to be completed.

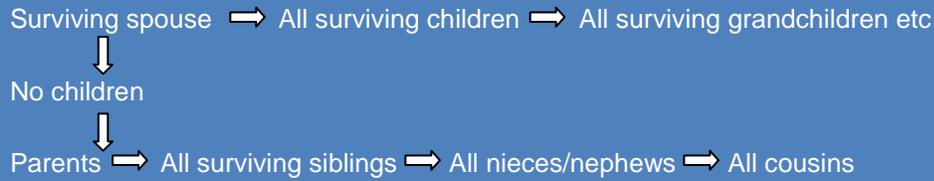
The Interment Rights do not automatically transfer to the "children or spouse etc". Interment Rights to a plot cannot be given or taken without first notifying the cemetery owner/operator.

Situations often arise where family members want to arrange for a further burial to take place or for an additional inscription to be placed on the memorial but the registered Rights Holder is deceased. As stated, a living Rights Holder is required to give permission for a burial to take place or a memorial to be erected or altered. In order for the burial or memorial request to proceed, the Interment Rights need to be transferred to the person(s) entitled to those Interment Rights.

Who is Entitled to the Burial Rights ?

If the Interment Rights Holder left a will, then the main beneficiary of the deceased's estate is entitled to the Interment Rights. If the estate is divided equally between a number of persons they are all entitled to the Interment Rights. If the Rights Holder did not leave a will, then the persons entitled to the Rights are the direct next of kin following their blood line.

Family Tree Flow Chart



How to Transfer or Confirm Interment Rights

Apply to the Administrative staff at the Odessa office for specific guidance and documents. Our staff are available to assist and explain what steps or documents are required. Tel: 613-386-7351 ext. 175 or 121. Every application is treated on an individual basis.

Any original documents confirming or supporting family ownership of a burial plot/grave or other satisfactory evidence of ownership will be required in addition to an application with supporting documents which may include a Statutory Declaration provided by the Township. This is a sworn statement explaining that the registered Rights Holder is deceased and names who is entitled to the Interment Rights and why. This statement must give names of all those persons entitled to the Rights, whether they wish to be owners or not. If persons entitled wish to “renounce their Rights”, a Renunciation Form is attached to the Statutory Declaration which would also need to be completed. In the event of a family dispute regarding entitlement or rights, a legal opinion should be sought from an Estates lawyer.

If you are the registered Rights Holder and would like another person to also be an owner, you can assign the Rights making you joint owners with the following benefits:

- In the future when an Rights Holder is deceased this leaves a remaining living Rights Holder and no further legal transfer is required
- Ensures there is a “living” Rights Holder to take care of any future burials/memorialization
- Where a “family” plot has sufficient space, it provides continuity through the generations

Upon the death of a sole Interment Rights Holder, families are encouraged to transfer the rights of remaining graves to a “living” Rights Holder.

Key Points of Loyalist Township Cemeteries Bylaw 2015-078

1. No person can be interred in a grave without written permission of the Interment Rights Holder.
2. The private sale of graves or Interment Rights to any other person(s) is not permitted. If you wish to surrender your Interment Rights, an application must be made to Loyalist Township to “buy back” the graves/ Interment Rights. The Township is not required to do this if any of the Interment Rights have been used.
3. All interments must comply with all laws, regulations and legislation and the following provided to the Township offices prior to interment (no grave can be opened by any person not authorized by the Township):
 - Burial permit or cremation certificate
 - Interment Order (obtain from Township) containing permission from Interment Rights Holder and providing a statement detailing all required personal information so that an accurate register can be kept
 - All applicable fees
4. No marker or monument can be erected without permission from the Township and full details of dimensions and particulars must be provided. Please note that for joint headstones monument companies should be advised of the correct burial positions to avoid any error.