

Background on the creation of the Cemetery Canon

Currently, within the Province of Ontario, governance of all cemetery-related issues is moving from the auspices of the Government of Ontario to a new entity, the Bereavement Authority of Ontario. Currently, the Cemeteries Regulation Unit of the Government of Ontario is the point of contact for all cemeteries, including church cemeteries.

Starting January 1, 2016, the Bereavement Authority of Ontario (BAO) is proposed to be in place as the single regulator for the bereavement sector. This new regulator will be responsible for the licensing, enforcement and other functions that are currently handled by the Board of Funeral Services (BOFS) and the ministry's Cemeteries Regulation Unit. This new body will be heavily influenced with representation for the BOFS, the bereavement services sector.

The industry has been changing over the years with many establishments offering multiple bereavement services, such as funeral establishments owning crematoria and cemeteries with onsite funeral homes. The BAO will create a one-window approach for both consumers and licensees. Consumers will have a single point of contact for any questions or complaints they may have about funeral and transfer services, and cemetery and crematorium services.

Ecclesial bodies within the Province of Ontario, in particular, those with cemeteries will need to comply with the regulations of the BAO, as they have tried to do with the Cemetery Regulations Unit. At this point in time, the Diocese of Niagara is seeking to support churches which have cemeteries by helping them to sort out the governance structure necessary within the parish for clear decision making and compliance with the law.

We extend thanks to Brian Culp, our Diocesan Cemeteries Consultant for initiating this endeavor.

Canon 4.8

Cemeteries

- 1.** Every parish of the Diocese with a cemetery, scattering garden or columbarium (hereafter referred to in this Canon as a cemetery) adjacent to or affiliated with such parish shall have a Cemetery Board, referred to in this Canon as “the Board”.
- 2.** Synod Council shall serve as the Board for any cemetery adjacent to or affiliated with a parish that has been disestablished, where such cemetery has not been conveyed to a third party.
- 3.** The Board (save and except for a Board serving pursuant to section 2 of this Canon) shall be elected annually at the vestry meeting of any parish to which this Canon applies.
- 4.** Should any parish to which this Canon applies fail to elect a Board, then the Corporation of such parish shall serve as the Board.
- 5.** Synod Council may approve policies and guidelines for the operation of cemeteries that are subject to the provisions of this Canon.
- 6.** The Board shall administer the cemetery in accordance with provincial legislation pertaining to cemeteries, any regulations promulgated in accordance with said legislation, this Canon and any guidelines and policies approved by Synod Council concerning the operations of cemeteries.
- 7.** In any conflict in interpretation between the provisions of this Canon, any and guidelines approved by Synod Council concerning the operations of cemeteries, and provincial legislation, the provisions of the legislation shall prevail.