

Revised May 25, 2022

The Cemetery of the Church of St. Matthew on-the-Plains

Ontario License # 3274286
Ontario Cemetery Site # CM-01168
Owned by Anglican Diocese of Niagara
operated by
The Church of St. Matthew-on-the-Plains
Burlington, Ontario
within The Synod of the Diocese of Niagara

Church Cemetery By-Laws

Under the authority of
The Funeral, Burial Cremation Services Act SO 2002 Chapter 33
And enacted on (date of approval by the BAO)
Ontario Regulation 30/11

The Cemetery of the Church of St. Matthew on-the-Plains
Burlington, Ontario

*Part of Lots 5 and 6
Broken Front Concession
Geographic Township of East Flamborough
City of Burlington
Regional Municipality of Halton
Province of Ontario*

*126 Plains Road East
Burlington, Ontario
L7T 2C3*

*Plan 20R – 14949
October 28, 2002
Land Registrar for the Land Division of Halton
Instrument Number 20.12*

PIN 07109-0002

Mission Statement

To maintain the Cemetery of the Church of St. Matthew on-the-Plains in a peaceful and park-like condition while serving the burial and interment needs of the community.

To work in cooperation with the local government, funeral homes, vault and memorial dealers to ensure that all by-laws and Provincial regulations are observed.

To be sensitive to the lot owners so that their needs and wishes may be realized while ensuring that all decisions are in the best long-term interests of the Church Cemetery.

The Cemetery of the Church of St. Matthew on-the Plains shall make available to all persons regardless of race or religion all services provided by the Cemetery in accordance with The Funeral, Burial and Cremation Services Act, SO 2002 Chapter 33. (FBCSA) and Ontario Regulation 30/11 (O. Reg. 30/11).

Preface

The Church of St. Matthew on-the-Plains was founded by the Anglican Church of Canada in 1849. The original church was built in 1861, was enlarged in 1954, razed and rebuilt in 1965. The church underwent an expansion in 2004 and was dedicated by The Rt Reverend D. Ralph Spence, Bishop of Niagara.

The Church of St. Matthew on-the-Plains in the discharge of its duties appeals to lot owners and the general public.

The By-Laws are adopted for the improvement and upkeep of the Church Cemetery to promote a respectful and peaceful place for the care of those departed.

Definitions

In accordance with the FBCSA and O. Reg. 30/11:

-Bereavement Authority of Ontario (BAO): The Bereavement Authority of Ontario (BAO) is a government delegated authority administering provisions of the Funeral, Burial and Cremation Services Act, 2002 (FBCSA) on behalf of the Ministry of Government and Consumer Services.

- Burial: The opening and closing of an in-ground lot or plot for the disposition of human remains or cremated human remains.

- By-Laws: The rules and regulations under which the Cemetery of the Church of St. Matthew-on-the-Plains operates.

-Care and Maintenance Fund: It is a requirement under the FBCSA and O. Reg. 30/11 & 184/12 that a prescribed amount or a percentage of the purchase price (excluding tax) of all interment rights sold, transferred, assigned or permitted; and prescribed amounts for monuments and markers, is contributed into the care and maintenance fund. Interest earned from this fund is used to provide care and maintenance of lots, plots, markers and monuments, columbariums and scattering gardens, and memorial walls at the cemetery.

-Care and Maintenance Fund Trustee: The person, persons or financial institution that manages the Care and Maintenance Fund.

-Cemetery: In accordance with the FBCSA and O. Reg. 30/11 a cemetery is defined as land that is known to contain human remains, was set aside to be used for the interment of human remains, was and continues to be set aside for the interment of human remains and, was and remains readily identifiable as land containing human remains.

-Church: The Church of St. Matthew on-the-Plains, Burlington, Ontario

- Church Cemetery: The Cemetery of the Church of St. Matthew on-the-Plains, Burlington, Ontario which is owned by the Diocese of Niagara and operated by the Church of St. Matthew on-the-Plains within The Synod of the Diocese of Niagara. The Cemetery of the Church of St. Matthew on-the-Plains is administered by the Church Cemetery Board. The Church Cemetery Board has responsibility for the operation of the Church Cemetery for the parish of the Church of St. Matthew on-the-Plains in accordance with provincial legislation and regulations pertaining to cemeteries. The Church Cemetery Board operates, controls and sets out the present and future plans for the cemetery of the Church of St. Matthew-on-the-Plains. The Church Cemetery Board shall consist of members of the Church of St. Matthew-on-the-Plains elected annually by members of the Church of St. Matthew on-the-Plains at the Church Vestry meeting. The Cemetery Board operates in cooperation with the Rector and Wardens of the Church of St. Matthew on-the-Plains.

-Columbarium: A structure that provides niches for the placement of cremated human remains, and the placement of memorial plaques on the outside of the structure.

-Contract: For purposes of these by-laws, all purchasers of interment rights, or other cemetery supplies and services must receive a copy of the contract they and the cemetery operator have signed detailing the obligations of both parties, and acknowledging receipt and acceptance of the cemetery by-laws, a copy of the consumer information Guide to Death Care in Ontario and the cemetery price list.

- Corner Posts: Shall mean any stone or other land markers set flush with the surface of the ground and used to indicate the location of a lot or plot.

- FBCSA: This refers to the Funeral, Burial and Cremation Services Act, 2002 SO Chapter 33.

- Grave: This means any in ground burial space intended for the interment of a child, adult or cremated human remains. This is also known as a lot.

- Interment: The placement of casketed or cremated human remains in a grave, or lot, columbarium niche or ossuary.

- Interment right: The right to require or direct the interment of human casket remains or cremated human remains in a grave, lot, columbarium niche or ossuary and direct the associated memorialization.

- Interment rights certificate: The document issued by the Church Cemetery to the purchaser once the interment rights have been paid in full, identifying ownership of the interment rights.

- Interment rights holder: Any person designated to hold the right to inter human remains in a specified lot, columbarium niche, or ossuary

- Inurnment: The interment of cremated human remains in a columbarium niche or ossuary

- Lot: For the purposes of these By-Laws a lot is a single grave space.
- Marker: A permanent memorial structure that is set flush and level with the ground and used to mark the location of a burial lot.
- Memorialization: The placement or erection of a memorial or structure including a monument, footstone, marker or a memorial of any description on a burial lot.
- Monument: Any permanent memorial projecting above the ground installed within the designated space to mark the location of a burial
- Niche: An individual compartment in a columbarium for the entombment of cremated human remains.
- Ossuary: An area inside a columbarium used for the placement of cremated human remains.
- Ossuary right: The right to require or direct the placement of cremated human remains in an ossuary and direct the associated memorialization
- Ossuary rights holder: The person who holds the right to place cremated human remains in a columbarium ossuary.
- Plot: For the purposes of these By-Laws a plot is a parcel of land, sold as a single unit, containing multiple lots.
- Scattering: Shall mean the act of spreading cremated human remains over a designated area with the permission of the cemetery operator and in keeping with the cemetery's by-laws.
- Scattering grounds or garden: A designated area within a licensed cemetery that is approved by the Registrar, Bereavement Authority of Ontario (BAO)
- Scattering rights holder: Any person designated to hold the right to scatter cremated human remains in a designated area in the cemetery.
- Transferee: The person or persons accepting a resale of interment rights.
- Trustee: In accordance with the Diocese of Niagara Canon 4.8 with regard to cemeteries, the Corporation of the Church of St. Matthew-on-the-Plains is the Trustee for the Church Cemetery on behalf of the Anglican Church Diocese of Niagara.

These Church Cemetery By-Laws repeal the Church of St. Matthew on-the-Plains Cemetery By-Laws approved by the Registrar, Funeral, Burial, and Cremation Services Act (FBSCA), 2002. Bereavement Authority of Ontario (BAO), November 9, 2021.

Section One Hours of Operation

Visitation hours for those with a loved one interred at the Church Cemetery shall be at the pleasure of the visitor.

Burial and interment inquiries by appointment through the Church office.

Burial hours are preferred between 8:00 am and 5:00 pm. The Church Cemetery will attempt to suit the interment needs of any family and will adjust within reason to suit those needs.

Burials will be conducted during the months of April through November. Exceptions will be considered, dependent on weather and temperature considerations. The final decision on any burial requests during the months of December through March rests with the Church Cemetery.

Columbarium interments can take place throughout the year.

Section Two General Conduct

The Church Cemetery reserves the right to full control over the Cemetery operations and management of land within the Church Cemetery grounds.

No person is allowed to damage, destroy, remove or deface any item or property within the Church Cemetery.

All visitors shall conduct themselves in a quiet manner that shall not disturb any service or committal taking place at the Church Cemetery, nor any other visitor on Church Cemetery grounds.

The cemetery shall be governed by these by-laws, and all procedures will comply with the FBCSA and O. Reg. 30/11 and 184/12, which may be amended periodically. All by-laws and by-law amendments are subject to the approval of the Registrar, FBCSA, BAO.

Section Three Liability

The Church Cemetery shall not be held liable for any loss or damage, without limitation (including damage by the elements, acts of God, or vandals), to any lot, plot, monument, marker, or other article that has been placed in relation to an interment right save and except for the direct loss or damage caused by gross negligence of the Church Cemetery.

The Church Cemetery is not responsible for loss or damage from any causes beyond its reasonable control to any article of remembrance.

Section Four Public Register

The Church Cemetery shall follow provincial legislation of O. Reg. 30/11, Section 110 which requires all cemeteries and crematoriums to maintain a public register that is available to members of the public by appointment.

Section Five Pets or Other Animals

The Church Cemetery will not allow pets or other animals, including cremated animal remains to be interred, inurned or scattered on Church Cemetery grounds.

Section Six Right to Re-Survey

The Church Cemetery reserves the right at any time to re-survey, enlarge, diminish, re-plot, change or remove plantings, grade, close pathways or roads, alter in shape or size, or otherwise change all or any part of the Church Cemetery, subject to approval of appropriate authorities.

Section Seven Notice of Sale of Interment Rights

Interment rights holders acquire the right to direct the burial of casketed human remains or cremated human remains, inurnment of cremated human remains and the installation of monuments, markers and inscriptions, subject to the following conditions:

1. In accordance with these by-laws, no burial, entombment, or installation of any monument, marker, inscription or memorialization is permitted until the interment and inurnment rights have been paid for in full.
2. An Interment Rights Certificate or Inurnment Rights Certificate shall be issued to the interment or inurnment right holder when payment is made in full.
3. The purchase of Interment Rights is not a purchase of real estate or real property.

The FBCSA Section 42 (1), (2) and (3) allows for a 30-day cooling off period for the consumer of any cemetery products. This is enacted as follows.

1. The purchaser has the right to cancel an interment rights contract within 30 days of signing the rights contract by providing written notice of the cancellation to the Church Cemetery. The Church Cemetery shall refund all monies paid by the purchaser within 30 days from the date of the request for cancellation.
2. With the cancellation of interment rights after the 30-day cooling off period the following shall take place:
 - a. Upon receiving written notice from the purchaser of the interment or inurnment rights the Church Cemetery will cancel the contract and issue a refund for the current price list less the Care and Maintenance contribution. This refund shall be made within 30 days of receiving said notice.
 - b. If the Interment Rights Certificate has been issued to the interment or inurnment rights holder(s), the certificate shall be returned to the Church Cemetery along with the written notice of cancellation.
 - c. If any portion of the interment rights have been exercised, such as if an interment has taken place, interment rights holder(s) are not entitled to cancel the contract.

Section Eight Care and Maintenance Fund Contribution

1. All Church Cemetery sales shall follow the following contribution levels in accordance with the FBCSA and O. Reg. 30/11, Section 166 and 168 in the Church Cemetery Care and Maintenance Fund.
 - a. In-ground grave 24 square feet / 2.23 square meters or greater: 40 % of price or \$290, whichever is greater.
 - b. In-ground grave less than 24 square feet / 2.23 square meters: 40 % of price or \$175, whichever is greater.
 - c. Interment of cremated human remains in a columbarium niche: 15 % of price or \$165.00, whichever is greater.

d. Placement of cremated human remains in a columbarium ossuary, scattering of ashes in a scattering garden, placement of memorialization plaque on the cemetery memorial wall: 15% of price or \$25 whichever is greater.

2. All Care and Maintenance contributions shall be refunded by the Church Cemetery within the 30-day cooling off period if the interment rights purchaser requests the contract to be cancelled. There are no refunds after 30 days.

3. Refunds from the 30-day cooling off period shall be paid within 30 days of the written request.

4. All Care and Maintenance Funds shall be transferred to the Care and Maintenance Fund Trustee within 60 days in accordance with the FBCSA and O. Reg. 30/11, Section 87 (2).

5. The Care and Maintenance Fund for the Church Cemetery is held by the Cemetery Board of the Church of St. Matthew on-the-Plains with the support of the Corporation of the Church of St. Matthew on-the-Plains located at 126 Plains Road East, Burlington, Ontario L7T 2C3 and hereby known as the Trustee.

Section Nine Resale of Interment Rights

The Church Cemetery will allow the resale of interment rights to the Church Cemetery as well as to a third party. Resale will be at current Church Cemetery rates.

In accordance with the FBCSA and Ontario Regulation 30/11 Section 115 and Section 116:

1. An interment rights holder who sells the rights shall provide the following information to the purchaser upon selling the rights:

a. The interment rights certificate endorsed, in accordance, by the rights holder selling the rights.

b. A written statement of the number of lots that have been used in the plot to which the rights relate and the number of lots that remain available.

c. A written statement, signed by the rights holder selling the rights, acknowledging the sale which includes the date on which the rights were sold, and the name and address of the purchaser, and a statement of any money owing to the cemetery operator in respect of the rights.

d. The interment or inurnment rights holder shall provide any other documentation in his or her possession relating to the rights.

2. The FBCSA, Section 47 (3) (3.1) prohibits an interment rights or inurnment rights holder from speculating on any lot, or plot, or columbarium niche. An interment or inurnment right may be resold for an amount no greater than the current price list.

3. If a rights holder transfers interment rights by any means other than by sale, the rights holder who transfers the rights shall disclose to the person acquiring the rights the same information, with necessary modifications, as an interment or inurnment rights holder is required to disclose upon selling the rights.

4. A rights holder who wishes is permitted to return the interment rights to the Church Cemetery as a gift at no cost to the Church Cemetery.

5. A rights holder who wishes to transfer interment rights to the Church Cemetery as a gift shall disclose the same information, with necessary modifications, as an interment rights holder is required to disclose upon selling the rights. The rights holder and a representative of St Matthew's Cemetery Board shall complete a Burial Plot Record of Return as a formal record of the transaction.

Section Ten Cemetery Lots

1. The Church Cemetery is comprised of rows of lots (numbered from one (1) to thirteen (13)). All rows run from east to west and are numbered accordingly. Row 1 starts at the northeastern corner of the church cemetery area.

2. The Church Cemetery has two rows of lots designated exclusively for the ground burial of human cremated remains. These are rows 5A and 6A. The ground cremation lots in Rows 5A and 6A are 2ft /0.6m x 2.5ft/0.75 m in size.

a. These lots are considered small-size plots.

b. Each of these lots allow for two human cremated remains.

c. These rows will only allow flat markers that shall not exceed the footprint of the lot.

d. All markers in these rows shall be made of granite, bronze or a composite material of equal strength.

e. All markers shall be placed in the ground with markings facing south unless permission is obtained from the Church Cemetery.

f. In recognition that such a plot may already have a marker that is facing in a different direction allowance will be given such that a subsequent marker can be placed in a similar direction.

3. The Church Cemetery has lots that are 3.5ft/1.05m x 8ft /2.44m. These include Rows 1A, 2A, 3A, 4A, as well as Row 2 (Plot 11), Row 7 (Plot 0 and Plot 5), Row 9 (Plot7) which are 3.5ft/1.05m in width x 8ft/2.44m in length. There are two plots in Row 3 (Plots 7 and Plot 8) and in Row 8 (Plot 6A and Plot 6B) which are 4ft/1.2m in width x 8ft/2.44m in length. There is a plot in Row 2 (Plot 8) with 3ft /0.91m in width.

a. These lots are considered mid-size plots.

b. It is expected that interment will be through cremation of human remains.

c. These plots are required to have flat markers. Above ground monuments shall require the permission of the Church Cemetery.

d. Casket burial may be authorized subject to permission from the Church Cemetery.

4. All other lots are a minimum of 8ft/2.44m in width x 8ft/2.44m in length. These plots are allowed to place monuments and with full casket burial. There are plots in Row 2 (Plot 1, Plot 2 Plot 6, Plot 7) that are 7.5ft /2.25m in width. There is a plot in Row 2 (Plot 14) that is 6ft /1.82m in width.

a. These plots are considered full-size lots.

- b. Casket burial as well as cremation is permitted.
- c. Plots registered as double depth will allow burial of two caskets.
- d. A monument can be placed at these plots.

Section Eleven
Interment of Cremated Human Remains

The Church Cemetery accepts and encourages the interment of cremated human remains. These duties shall be carried out in accordance with the FBCSA and O. Reg. 30/11, Section 121 (2) & (3) and the points listed below.

1. The interment rights holder(s) shall provide written authorization prior to a burial, or an entombment taking place. Should the interment holder be deceased, authorization must be provided in writing by the interment rights holder's Estate Trustee or designate.
2. A burial permit or equivalent documentation, issued by the Vital Statistics office of Ontario showing that the death has been registered with the Province of Ontario shall be provided to the Church Cemetery prior to a burial taking place. A certificate of cremation must be submitted to the Church Cemetery prior to the burial of cremated remains or scattering of cremated human remains taking place.
3. In accordance with the FBCSA the purchaser of interment rights must enter into a cemetery contract, providing such information as may be required by the Church Cemetery for the completion of the contract and the public registrar prior to each burial or entombment of human remains.
4. The Church Cemetery shall be given a minimum 15 days notice for each burial of cremated human remains.
5. The opening and closing of graves containing cremated human remains shall only be conducted by members of the Church Cemetery Board or staff and members of the Church designated to assist in the opening and closing of such graves on behalf of the Church Cemetery.
6. Cremated human remains may be disinterred from a ground lot provided that authorization has been received from the interment rights holder and provided to the Church Cemetery. Notification from the Halton Region Medical Officer of Health is not required for cremated human remains.
7. The ground interment of cremated human remains is allowed in a regular grave site provided there is written permission from the interment rights holder and all rights to interment have been paid in full.
8. In each full-sized lot, the Church Cemetery permits up to four cremated human remains providing all interments are cremated human remains. In small-sized lots, two cremated human remains are permitted.
9. A request for interment of cremated human remains of a person other than the interment rights holder (s) may be allowed, subject to permission of the Church Cemetery. Permission may be granted to a member of the holder(s) immediate family.
11. Cremated human remains are not permitted to be scattered on a grave.
12. All cremated human remains shall be identified with a metal tag provided by the crematorium.
13. All interments shall be below the frost line, at a minimum of 3ft /0.91m below ground.

14. All interments shall be subject to payment of the interment fee as per price list. Payment shall be made to the Church Cemetery before a burial or interment of cremated human remains can take place.

Section Twelve Interment of Casketed Human Remains

1. The Interment Rights Holder, Estate Trustee or designate shall provide written authorization prior to an interment of full casketed remains. Should the Interment Rights holder be deceased, authorization must be provided in writing by the Interment Rights holder's Estate Trustee.
2. The Interment Rights Holder, Estate Trustee or designate shall provide from the Registrar General a Burial Permit in accordance with the Vital Statistic Act RSO Chapter Four.
3. All interments shall be subject to payment of the interment fee as per price list. Payment shall be made to the Church Cemetery before a burial or interment of casketed human remains can take place.
4. In accordance with the FBCSA and O. Reg. 30/11, Section 121 (2) & (3) the purchaser of interment rights shall enter into a contract providing such information as may be required by the Church Cemetery for completion of the contract.
5. The Church Cemetery shall be given 15 days notice for the interment of a full casketed burial.
6. All casketed burials shall be placed below the frost line at a minimum of 3ft /0.91m below ground.
7. The opening and closing of graves containing human casketed remains shall be conducted solely by funeral service undertakers in coordination with the Church Cemetery.
8. The Church Cemetery allows for one full casket burial plus one cremation in a lot or two cremated remains. Cremated remains are not permitted to be scattered on a grave.
9. All casketed burials at the Church Cemetery shall have a wood casket. Non-collapsible containers may not be used.
10. A request for interment of casketed human remains of a family member or other person not named in the purchase of the right of interment will not be permitted. An interment of cremated human remains will be permitted, subject to approval of the Church Cemetery. Permission may be restricted to members of the immediate family of the holder(s).

Section Thirteen Memorialization

The FBCSA allows for memorialization in cemeteries. This memorialization shall be carried out as follows:

1. Memorialization refers to the placement of a monument, footstone, or marker on a burial lot, or plaque on a columbarium or memorial wall
2. No memorial or structure shall be erected, placed or permitted on a lot until all cemetery charges have been paid in full.

3. No monument, footstone, marker or memorial of any description shall be placed, moved, altered or removed without the permission of the Church Cemetery.
4. Minor scraping of the monument base of an upright monument due to grass/lawn maintenance is considered to be normal wear.
5. The Church Cemetery will take reasonable precautions to protect the monument, marker or other structure of interment rights holders.
 - a. The Church Cemetery assumes no liability for the loss of, or damage to, any monument, marker, or other structure or part thereof.
6. The Church Cemetery reserves the right to determine the maximum size of monuments, their number and their location on each lot or plot.
 - a. The width and depth shall leave room for the interment to take place.
 - b. The width and depth shall not exceed the perimeter of the lot or plot.
7. All foundations for monuments and markers shall be built by the monument company.
 - a. The foundation shall be at the cost to the interment rights holder.
 - b. The foundation footing shall be at a depth of at least 3 ft / 0.9m.
8. Should any monument or marker present a risk to public safety because it has become unstable, the Church Cemetery shall do whatever it deems necessary by way of repairing, resetting or laying down the monument or marker or any other remedy including removal so as to remove the risk.
9. The Church Cemetery reserves the right to remove at its sole discretion any marker, monument or inscription which is not in keeping with the dignity and decorum of the Church Cemetery as determined by the Church Cemetery.
10. In keeping with Church Cemetery By-laws and the FBCSA, memorialization is allowed subject to the following:
 - a. One monument shall be permitted for each lot.
 - b. Footstones shall be permitted provided room allows for this. The footstones shall be no larger than 12in/0.3m x 16in/0.4m
 - c. The lots in Row 5A and Row 6A will allow only for flat markers.
 - d. Interred cremated human remains shall be allowed a flat marker of a minimum size of 12in/0.3m x 12in/0.30m and a maximum size of 18in/0.45m x 24in/0.6m.
11. The minimum thickness for flat markers including footstones is 6in/0.15m.
12. All monuments and markers shall be constructed of granite or bronze. The use of other material of equivalent strength shall require the permission of the Church Cemetery.
13. A monument may not exceed 3ft/0.91m in length x 4ft/1.22m in height unless approval is obtained from the Church Cemetery.
14. The Church Cemetery will require that permission is obtained in advance of ordering and installing a monument.

15. The Church Cemetery will require 15 days' notice of the size of the monument in advance of the requisition of the monument.
16. The width of the base of the monument cannot be greater than 14in / 0.35m without the permission of the Church Cemetery.
17. Monuments shall be placed with principal engravings facing south unless permission is obtained from the Church Cemetery.
18. The Church Cemetery shall transfer into the Care and Maintenance Fund (Monument Trust Fund) as found in the FBCSA and O. Reg. 30/11, Section 166 as follows:

Effective January 1, 2022:

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|--|--------|
| a. Flat Marker (under 173 square inches / 0.11 square meters) | \$0.00 |
| b. Flat Marker (over 173 square inches/ 0.11 square meters) | \$100 |
| c. Upright Markers (under 4ft/ 1.22m in height x 4ft /1.22m in length) | \$200 |
| d. Upright Marker (over 4ft/ 1.22m in height x 4ft/1.22m in length) | \$400 |
- e. There shall be no transfer to the Care and Maintenance Fund if a marker is being replaced due to damage that cannot be repaired.

Section Fourteen Columbarium Interment

The holder of the rights to interment of cremated human remains in a niche of a columbarium recognizes the restrictive size of the niches and the restrictions relating to the niche plaques:

- a. The niche sizes available are 12.5"/ 31.75cm in height x 12.5"/ 31.75cm in width x 14"/ 35.56cm in depth, and 12.5"/31.75cm in height x 12.5"/31.75cm in width x 18"/ 45.72cm in depth.
 - b. Each niche allows for two urns provided both urns combined are of a size to fit the niche.
 - c. All niche plaques are uniform in size, shape and lettering style and font.
 - d. Different sized plaques, or plaques in different font, style or lettering are not permitted.
2. To ensure quality control, uniformity and standard of workmanship, St. Matthew's Cemetery controls lettering, font and size of font, and size of plaque of the columbarium niche plaques.
 3. All niche plaques are ordered by the Church Cemetery from the columbarium company.
 4. The niche price will include the niche plaque obtained by the Church Cemetery for the interment rights holder. The plaque will be affixed to the niche by the Church Cemetery.
 5. The inscription on the niche plaque will include the name of each person whose cremated remains are placed in the niche, the day, month, year of their birth and the day, month, year of their death.
 6. The price of the niche will be in accordance with the current price list.
 7. Full payment to the Church Cemetery shall take place prior to the inurnment.
 8. The Church Cemetery requires an opening and closing fee in accordance with the current price list.
 9. Only the Church Cemetery has the right to open and close the columbarium.

10. The holder of the interment rights shall sign off on the niche plaque style, size, and lettering at time of purchase of the niche.

11. An interment rights contract shall be completed, signed and the payment of the right of interment received by the Church Cemetery before the inurnment of cremated human remains can take place.

12. All cremated humans remains shall be identified with a metal tag provided by the crematorium.

13. Resale of columbarium niches is not permitted once inscription has been placed on the niche plaque.

14. The Church Cemetery shall refund the purchase of an unused columbarium niche, minus the 15 % care and maintenance fund contribution obtained at the initial purchase, and the current administration fee for the transfer of interment rights.

15. The purchaser of the resold niche is required to purchase a niche plaque through the Church Cemetery.

Section Fifteen Scattering of Cremated Human Remains

The Church Cemetery accepts and encourages the scattering of cremated human remains in the cemetery scattering garden. Duties associated with the scattering of ashes are carried out in accordance with the FBCSA 2002 SO Chapter 33 Regulation 121 (2) & (3) and the points listed below:

1. Scattering rights holders shall provide written authorization prior to a scattering taking place. Should the rights holder be deceased, authorization is to be provided in writing by the scattering rights holder's Estate Trustee or designate.

2. The scattering rights holder, estate trustee, or a designate, is required to sign a standard document which declares and acknowledges the following:

a. That with the scattering of the remains, the Estate Trustee recognizes that the remains are scattered and therefore no longer retrievable.

b. That the Estate Trustee acknowledges that the scattering took place on the date listed.

c. That the Church Cemetery does not allow any other memorialization within the scattering grounds footprint other than an inscription on the master monument provided by the Church Cemetery.

d. That scattering will only take place within the footprint of the Church Cemetery scattering grounds which has been approved by the Registrar of cemeteries.

3. A Burial Permit issued by the Registrar General or equivalent documentation showing that the death has been registered with the Province of Ontario shall be provided to the Church Cemetery prior to a scattering taking place. A Certificate of Cremation must be submitted to the Church Cemetery prior to the scattering of cremated remains taking place.

4. In accordance with the FBCSA 2002 SO Chapter 33 the purchaser of scattering rights must enter into a cemetery contract, providing such information as may be required by the Church Cemetery for the completion of the contract and the Public Registrar prior to each scattering of cremated human remains.

5. Payment is to be made to the Church Cemetery before a scattering of ashes can take place.
6. The Cemetery shall be given 15 days notice for each scattering of cremated human remains.
7. The scattering of cremated human remains shall be conducted by the scattering rights holder, the Estate Trustee, or designate, as the rights holder may be deceased.
8. The scattering shall be witnessed by the Church Cemetery or those designated to be present on behalf of the Church Cemetery.
9. Cremated human remains shall only be scattered within an area of the Church Cemetery that has been approved by the Bereavement Authority of Ontario and designated as the scattering garden.
10. Cremated human remains are not permitted to be scattered on a grave.
11. A Scattering Rights contract shall be completed and signed and the payment of the scattering rights fee shall be received by the Cemetery before the scattering of cremated human remains can take place.
12. The scattering rights holder, the estate trustee, or designate may wish to purchase a memorial plaque to be affixed to the Church Cemetery memorial wall. The inscription on the memorial plaque will include the name of the person whose ashes has been scattered, the year of their birth and year of their death. To ensure quality control, uniformity and standard of workmanship, St. Matthew's Cemetery controls lettering, font and size of font on the memorial plaque.
13. All memorial plaques are ordered by the Church Cemetery from the columbarium company
14. The price of the memorial plaque will be in accordance with the current price list.

Section Sixteen

Placement of Cremated Human Remains in a Columbarium Ossuary

The Church Cemetery accepts and encourages placement of cremated human remains in the cemetery columbarium ossuary. Duties associated with the placement of ashes are carried out in accordance with the FBCSA 2002 SO Chapter 33 Regulation 121 (2) & (3) and the points listed below:

1. Ossuary rights holders shall provide written authorization prior to a placement of ashes taking place. Should the rights holder be deceased, authorization is to be provided in writing by the ossuary rights holder's Estate Trustee or designate.
2. The ossuary rights holder, Estate Trustee, or a designate, is required to sign a standard document which declares and acknowledges the following:
 - a. That with the placement of the remains, the Estate Trustee recognizes that the remains are placed in the columbarium ossuary and are not retrievable.
 - b. That the Estate Trustee acknowledges that the placement took place on the date listed.
 - c. That the Church Cemetery does not allow any other memorialization other than through a memorial plaque placed on the memorial wall of the Church Cemetery.
3. A Certificate of Cremation must be submitted to the Church Cemetery prior to the placement of cremated remains taking place.

4. In accordance with the FBCSA 2002 SO Chapter 33 the purchaser of ossuary rights must enter into a cemetery contract, providing such information as may be required by the Church Cemetery for the completion of the contract and the Public Registrar prior to each placement of cremated human remains.
5. Payment is to be made to the Church Cemetery before a placement of ashes in the ossuary can take place.
6. The Cemetery shall be given 15 days notice for each placement of cremated human remains.
7. The placement of cremated remains shall be conducted by the ossuary rights holder and witnessed by the Church Cemetery or those designated to be present on behalf of the Church Cemetery.
8. The ossuary rights holder, the Estate Trustee, or designate may wish to purchase a memorial plaque to be affixed to the Church Cemetery memorial wall. The inscription on the memorial plaque will include the name of the person whose ashes has been placed in the columbarium ossuary, the year of their birth and year of their death. To ensure quality control, uniformity and standard of workmanship, St. Matthew's Cemetery controls lettering, font and size of font on the memorial plaque.
9. All memorial plaques are ordered by the Church Cemetery from the columbarium company
10. The price of the memorial plaque will be in accordance with the current price list.

Section Seventeen Disinterment

1. Full casketed human remains may be removed from the Church Cemetery provided the Church Cemetery receives written authorization from the interment rights holder, Estate Trustee or designate and a Disinterment Certificate from the Halton Region Medical Officer of Health.
 - a. The Disinterment Certificate shall only be requested after written permission has been received from the interment rights holder or designate.
 - b. The cost of the opening and closing with respect to a disinterment shall be paid for by the party that has requested the disinterment in writing. The cost shall be in accordance with the current price list.
 - c. In very special circumstances a disinterment may be ordered by Her Majesty the Queen in the Right of The Province of Ontario by a Judicial Order. In this case the interment rights holder has no further involvement as per FBCSA, Section 102.1.
 - d. The raising or lowering of remains from standard depth to extra depth is considered a disinterment.
 - e. During a disinterment the Church Cemetery shall be closed to the public and only those authorized by the Church Cemetery shall be allowed in the Church Cemetery.
 - f. Disinterment shall be completed at a time and day designated by the Church Cemetery.
 - g. The Church Cemetery shall not be responsible for any damages to a casket, liner, shroud or urn which may occur during the disinterment. A new container may be required to facilitate the disinterment and any additional financial responsibilities shall be covered by the interment rights holder or designate.

- h. The cost of transporting the deceased out of the Church Cemetery is the responsibility of the party organizing the disinterment.
 - i. The party organizing the disinterment shall provide written third-party documentation of the destination of the human remains.
 - j. All markers connected to the disinterred lot shall be removed at the expense of the Interment Rights Holder or designate.
2. In the case of full casketed remains the Church Cemetery shall be notified of the destination site including the address of this site.
 3. In the case of cremation urns no such notification is required.
 4. All cremated remains shall be identified with a medal tag provided by the crematorium.
 5. The refund mentioned in Section 8 and in accordance with FBSCA, 44 (4) will be less the 15% Care and Maintenance Fund contribution.

Section Eighteen Care and Maintenance

Under the FBSCA and O. Reg. 30/11, Section 166 & 168 requires that a portion of the proceeds from interment rights is trusted into the Care and Maintenance Fund. The income generated from this fund is used to maintain, secure and preserve the Church Cemetery grounds. Services that may be provided through this fund income include the following:

1. Cutting of the cemetery lawn.
2. Re-levelling and sodding or seeding of lots, plots and scattering grounds.
3. Maintenance of Church Cemetery walkways, perimeter walls and fences.
4. Maintenance of Church Cemetery landscaping and the beautification of the Church Cemetery.
5. Maintenance of the columbarium.
5. Repairs and general upkeep of church cemetery maintenance and storage buildings and equipment.
6. In providing for the care and beauty of the Church Cemetery the following shall apply:
 - a. No person other than cemetery staff shall remove any sod or in any way change the surface of a burial lot in the cemetery.
 - b. No person shall plant trees, flower beds or shrubs in the cemetery except with the approval of the Church Cemetery.
7. Flowers placed on a grave for a funeral shall be removed by the Church Cemetery after a reasonable time to protect the sod and maintain the tidy appearance of the Cemetery.

Section Nineteen By-Laws

The Church Cemetery shall be governed by these by-laws and all procedures will comply with the FBCSA and O. Reg. 30/11 and 184/12 which may be amended periodically.

The Church Cemetery By-Laws shall be reviewed by the Church Cemetery in consultation with the Church Rector and Wardens and in response to amendment requests from Church membership.

All amendments to the Church Cemetery By-Laws shall follow the FBCSA and will require the approval of the Registrar, FBCSA, BAO before the By-Laws can come into effect.

All by-law amendments shall be:

- a. Published once in a newspaper with general circulation in the locality in which the cemetery is located;
- b. Conspicuously posted on a sign at the entrance of the cemetery;
- c. Delivered to each supplier of markers who has delivered a marker to the cemetery during the previous year, if the by-law or by-law amendment pertains to markers or their installation.

In accordance with the FBCSA the Church Cemetery shall make available a copy of the Church Cemetery's By-Laws. A digital copy of the Church Cemetery By-Laws shall be available at no charge.

Section Twenty Cemetery Rates

The FBCSA and O. Reg. 30/11, Section 54 to 75 allows for a price list of cemetery services provided that the price list shall be reviewed annually at the pleasure of the cemetery. The price list shall list all services that are offered by the cemetery. The cemetery price list shall be available to any member of the public free of charge.

The Church Cemetery Rates is our price list document. It is a separate document. It is reviewed each year by the Church Cemetery in consultation with the Church Rector and Wardens. A digital copy of the Church Cemetery Rates is available at no charge.

These Cemetery By-Laws have been approved by the Registrar, Funeral, Burial and Cremation Services Act, 2002. Bereavement Authority of Ontario on (date)..... .