

## Town of Pelham Council Report

Wednesday, March 05, 2025

**Subject:** Proposed Policy for Repurchase or Transfer of Interment Rights Without Interment Rights Certificate

**Prepared By:** Jennifer Stirton, Town Solicitor

**Department:** Office of the CAO

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### Recommendation:

**BE IT RESOLVED THAT Council receive report 2025-0070 “Proposed Interment Rights Repurchase Policy” for information;**

**AND THAT Council approves Policy No. S802-05, Repurchase or Transfer of Interment Rights Without Interment Rights Certificate.**

### Background:

The Cemeteries By-law approved by Council in December 2024 came into effect upon its approval by the Bereavement Authority of Ontario (BAO), which occurred in January 2025. The Cemeteries By-law prohibits the resale of interment rights; however, interment rights holders can transfer the rights by gift or bequest or require the Town to repurchase them where certain conditions are met.

One of the conditions for repurchase or transfer of interment rights is the surrender of all interment rights certificates issued by the Town for a lot. However, as interment rights are often purchased years in advance, interment rights certificates may be lost, misplaced or destroyed. This is problematic when an interment rights holder wants to dispose of these rights but cannot meet the requirements of the Cemeteries By-law. To address this issue, staff propose implementing a policy to permit interment rights to be repurchased by the Town or transferred where the interment rights certificates cannot be located.

### Analysis:

Draft Policy No. S802-05, Repurchase or Transfer of Interment Rights Without Interment Rights Certificate, is attached to this report. The proposed policy sets a framework for the Town to process requests to repurchase or transfer interment rights where the requestor cannot produce the interment rights certificate and represents that it has been lost, misplaced or destroyed. The process can be summarized as follows:

- Staff will search municipal records for the interment rights certificate.

- If the certificate is found, the Director of Public Works will determine if the requestor is the interment rights holder. If so, the request will be approved.
- If the certificate is not found, or if the Director of Public Works is not satisfied that the requestor is the interment rights holder, the requestor will be required to submit a declaration and supporting documentation to confirm that they are an interment rights holder, the reasons the interment rights certificate cannot be produced, and the efforts made to find it. The requestor also gives an undertaking to indemnify the Town in relation to claims or liability arising from the transfer or repurchase of interment rights.
- If the Director of Public Works, in consultation with the Clerk and Town Solicitor, is satisfied by the submission, the request will be approved. Otherwise, the Director of Public Works may request additional information or decline the submission.

The BAO supports the use of policies to address missing documentation; however, BAO approval of such policies is not required.

**Financial Considerations:**

There are no direct financial considerations associated with this report.

**Alternatives Reviewed:**

Council may opt not to implement the proposed policy or may direct revisions to same.

**Strategic Plan Relationship: Community Development and Growth**

The proposed policy recognizes that the needs of interment rights holders may change over time and provides a clear framework to address repurchase and transfer requests where original documentation cannot be located.

**Consultation:**

The Senior Leadership Team was consulted in developing the proposed policy.

**Other Pertinent Reports/Attachments:**

None.

**Prepared and Submitted by:**

Jennifer Stirton, BSc (Hons), LL.B  
Town Solicitor

**Approved by:**

David Cribbs, BA, MA, JD, MPA  
Chief Administrative Officer