



Policy Name: Repurchase or Transfer of Interment Rights Without Interment Rights Certificate	Policy No: S802-05
Committee approval date:	-
Council approval date:	-
Revision date(s):	-
Department/Division:	Public Works

1. Purpose

- 1.1 The purpose of this policy is to establish procedures to repurchase or transfer interment rights where the interment rights certificate cannot be located and is believed to have been lost, misplaced or destroyed.

2. Policy Statement

- 2.1 The Town of Pelham operates municipal cemeteries in accordance with the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c. 33 ("*FBCSA*") and the Cemeteries By-law. The Town is committed to providing cemetery services in a manner that supports the exercise of rights under the *FBCSA*.
- 2.2 The Town recognizes that interment rights may be purchased many years in advance and that the interment rights holders' needs may change over time. An interment rights holder may require the Town to repurchase interment rights or transfer interment rights to another person by gift or testamentary bequest, subject to conditions set out in the Cemeteries By-law.
- 2.3 One of the conditions to repurchase or transfer interment rights is the surrender of the interment rights certificate(s) issued by the Town for the lot. This policy applies where the interment rights holder cannot produce the interment rights certificate(s) and believes them to have been lost, misplaced or destroyed.

3. Definitions

- 3.1 The definitions in the Cemeteries By-law apply to all terms used in this policy.

4. General Provisions

- 4.1 Subsection 3.9 of the Cemeteries By-law states that the Town will repurchase Interment Rights for a Lot before they are used. The Interment Rights Holder must submit a written repurchase request to the Town and must surrender the Interment Rights Certificate(s) issued by the Town for the Lot.



- 4.2 Subsection 3.10 of the Cemeteries By-law permits an Interment Rights Holder to transfer those rights to another person. The Interment Rights Holder must submit written notice of the proposed transfer to the Town and must surrender the Interment Rights Certificate(s) issued by the Town for the Lot.
- 4.3 Where the Town receives a repurchase request or notice of proposed transfer, staff will review the submission to determine if it includes the Interment Rights Certificate(s) for the Lot. If not, the Town will direct the person(s) making the submission to provide the Interment Rights Certificate(s).
- 4.4 Upon receipt of the Interment Rights Certificate(s) requested under subsection 4.3 of this policy, the Town will repurchase the Interment Rights or approve the proposed transfer in accordance with the Cemeteries By-law. However, where the person making the submission is unable to produce the Interment Rights Certificate(s) and represents that it has been lost, misplaced or destroyed, the Town will proceed in accordance with subsections 4.5 to 4.13 of this policy.
- 4.5 The Town will search municipal records for the Interment Rights Certificate(s). If the Town finds the Interment Rights Certificate(s) and, upon reviewing same, the Director is satisfied that the person making the submission is the Interment Rights Holder, the Town will repurchase the Interment Rights or approve the proposed transfer in accordance with the Cemeteries By-law.
- 4.6 If the Town does not locate the Interment Rights Certificate(s) in its records, or if the Director is not satisfied for any other reason that the person making the submission is the Interment Rights Holder, the Director will require the person to provide a Declaration in the form attached to this policy, which must include the following:
 - i. name and contact information of the person making the submission;
 - ii. history and details of the purchase of the Interment Rights for the Lot;
 - iii. details of the person's claim to be an Interment Rights Holder for the Lot;
 - iv. names and contact information of all Interment Rights Holders for the Lot;
 - v. confirmation that there are no other Interment Rights Holders for the Lot;
 - vi. confirmation that no Interment Rights Holder objects to the repurchase or transfer request;
 - vii. confirmation that no Interment Rights Holder has the Interment Rights Certificate(s);
 - viii. reason(s) the Interment Rights Certificate(s) is/are not in the possession of the Interment Rights Holder(s);



- ix. effort(s) made by the Interment Rights Holder(s) to locate the Interment Rights Certificate(s); and
 - x. an undertaking to indemnify, hold harmless and release the Town for any claims or liability arising from the repurchase or transfer, as the case may be, of the Interment Rights.
- 4.7 The Declaration must be accompanied by supporting documents, which may include but are not limited to birth certificates, death certificates, obituaries, financial records, personal notes or correspondence, photographs, and any other materials relied on in support of the submission.
- 4.8 The Declaration, with all supporting documents appended, must be sworn or affirmed before a duly authorized commissioner of oaths or notary public.
- 4.9 The person making the submission is solely responsible for costs incurred to complete the Declaration and/or obtain supporting materials.
- 4.10 If, upon review of the Declaration and supporting materials and consultation with the Clerk and the Town Solicitor, the Director is satisfied that the Interment Rights Certificate(s) has/have been lost, misplaced or destroyed and that the person making the submission is the Interment Rights Holder, the Town will repurchase the Interment Rights or approve a transfer of the Interment Rights in accordance with the Cemeteries By-law.
- 4.11 If, upon review of the Declaration and supporting materials, and consultation with the Clerk and the Town Solicitor, the Director is not satisfied that the Interment Rights Certificate(s) has/have been lost, misplaced or destroyed or that the person making the submission is the Interment Rights Holder, the Director may decline the submission or specify additional information needed to satisfy the requirements of this policy, failing which the Director will deny the submission.
- 4.12 Where a submission is declined, the Director will provide written notice of the decision to the person making the submission and any other Interment Rights Holders identified in the Declaration.
- 4.13 Decisions of the Director under this policy are final and not subject to review.

5. Attachments

Declaration of Interment Rights: Repurchase Request

Declaration of Interment Rights: Transfer Request



DECLARATION OF INTERMENT RIGHTS
Repurchase of Interment Rights

Personal Information of Declarant

First Name:		Last Name:	
Address:			
City:	Province:	Postal Code:	
Telephone:		Cell Phone:	
Email Address:			

Personal Information of Additional Interment Rights Holders (attach additional page if required)

First Name:		Last Name:	
Cell Phone:		Email Address:	
First Name:		Last Name:	
Cell Phone:		Email Address:	
First Name:		Last Name:	
Cell Phone:		Email Address:	

Lot and Deed Information (attach additional page if required)

Cemetery:			
Lot Number:			
Interment Rights Purchase Date:			
Name(s) of Purchaser(s):			
Original Documentation Type:			
Interment Rights Transfer Date(s):			
Name(s) of Transferor(s):			
Name(s) of Transferee(s):			
Original Documentation Believed to Be:			
Lost	Misplaced	Destroyed	Other

Declaration

I, _____, of the _____, in the _____,
(name of declarant) (name of city, town, township, etc.) (name of province, state, etc.)

SOLEMNLY DECLARE:

1. I am an interment rights holder as defined in the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c. 33 with respect to the lot described above.
2. The details of when and how I became an interment rights holder for the lot are as follows:

3. All interment rights holders for the lot are listed in this Declaration. There are no additional interment rights holders other than those identified herein.
4. I have submitted a written request to the Town of Pelham to repurchase the interment rights in accordance with the Cemetery By-law and Town Policy No. S802-05.
5. No additional interment rights holder objects to the repurchase request.
6. I do not have the original documentation issued by the Town of Pelham to the interment rights holder(s) at the time of purchase and believe it to be _____ as set out above.
7. The reasons that the original documentation is not in my possession and that I believe it to be _____ are as follows:

8. I have made the following efforts to locate the original documentation:

9. The additional interment rights holder(s) do not have the original documentation.

10. To my knowledge, the reasons that the additional rights holder(s) do not have the original documentation are as follows:

11. To my knowledge, the additional interment rights holder(s) have made the following efforts to locate the original documentation:

12. The following supporting documents are appended to this Declaration:

- i. _____
- ii. _____
- iii. _____
- iv. _____
- v. _____

13. In consideration of the Town of Pelham repurchasing the interment rights for the lot, I hereby agree to indemnify, hold harmless and release the Corporation of the Town of Pelham and its elected officials, employees, agents and contractors from any claims or liability arising from the repurchase of interment rights for the lot.

14. I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED BEFORE ME at the _____ of _____ in the _____ of _____, this _____ day of _____, 20____.



Commissioner for Taking Affidavits
(or as may be)

Signature



DECLARATION OF INTERMENT RIGHTS
Transfer of Interment Rights

Personal Information of Declarant

First Name:		Last Name:	
Address:			
City:	Province:	Postal Code:	
Telephone:		Cell Phone:	
Email Address:			

Personal Information of Additional Interment Rights Holders (attach additional page if required)

First Name:		Last Name:	
Cell Phone:		Email Address:	
First Name:		Last Name:	
Cell Phone:		Email Address:	
First Name:		Last Name:	
Cell Phone:		Email Address:	

Lot and Deed Information (attach additional page if required)

Cemetery:									
Lot Number:									
Interment Rights Purchase Date:									
Name(s) of Purchaser(s):									
Original Documentation Type:									
Interment Rights Transfer Date(s):									
Name(s) of Transferor(s):									
Name(s) of Transferee(s):									
Original Documentation Believed to Be:									
<table border="1"> <tr> <td>Lost</td> <td></td> <td>Misplaced</td> <td></td> <td>Destroyed</td> <td></td> <td>Other</td> <td></td> </tr> </table>	Lost		Misplaced		Destroyed		Other		
Lost		Misplaced		Destroyed		Other			

Declaration

I, _____, of the _____, in the _____,
(name of declarant) (name of city, town, township, etc.) (name of province, state, etc.)

SOLEMNLY DECLARE:

1. I am an interment rights holder as defined in the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c. 33 with respect to the lot described above.
2. The details of when and how I became an interment rights holder for the lot are as follows:

3. All interment rights holders for the lot are listed in this Declaration. There are no additional interment rights holders other than those identified herein.
4. I have submitted a written notice to the Town of Pelham of a proposed transfer of the interment rights in accordance with the Cemetery By-law and Town Policy No. S802-05.
5. No additional interment rights holder objects to the proposed transfer.
6. I do not have the original documentation issued by the Town of Pelham to the interment rights holder(s) at the time of purchase and believe it to be _____ as set out above.
7. The reasons that the original documentation is not in my possession and that I believe it to be _____ are as follows:

8. I have made the following efforts to locate the original documentation:

9. The additional interment rights holder(s) do not have the original documentation.

10. To my knowledge, the reasons that the additional rights holder(s) do not have the original documentation are as follows:

11. To my knowledge, the additional interment rights holder(s) have made the following efforts to locate the original documentation:

12. The following supporting documents are appended to this Declaration:

- i. _____
- ii. _____
- iii. _____
- iv. _____
- v. _____

13. In consideration of the Town of Pelham approving the proposed transfer of the interment rights for the lot, I hereby agree to indemnify, hold harmless and release the Corporation of the Town of Pelham and its elected officials, employees, agents and contractors from any claims or liability arising from the transfer of interment rights for the lot.

14. I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED BEFORE ME at the _____ of _____ in the _____ of _____, this _____ day of _____, 20____.



Commissioner for Taking Affidavits
(or as may be)

Signature