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Ontario Highway Transport Board

Periodically, temporary applications are filed with the Board. Details of these applications can be made available at anytime to any interested parties by calling (416) 326-6732.

The following are applications for extra-provincial and public vehicle operating licenses filed under the Motor Vehicle Transport Act, 1987, and the Public Vehicles Act. All information pertaining to the applicant i.e. business plan, supporting evidence, etc. is on file at the Board and is available upon request.

Any interested person who has an economic interest in the outcome of these applications may serve and file an objection within 29 days of this publication. The objector shall:

1. complete a Notice of Objection Form,
2. serve the applicant with the objection,
3. file a copy of the objection and provide proof of service of the objection on the applicant with the Board,
4. pay the appropriate fee.

Serving and filing an objection may be effected by hand delivery, mail, courier or facsimile. Serving means the date received by a party and filing means the date received by the Board.

LES LIBELLÉS DES DEMANDES PUBLIÉES CI-DESSOUS SONT AUSSI DISPONIBLES EN FRANÇAIS SUR DEMANDE.

Government Notices Respecting Corporations Avis du gouvernement relatifs aux compagnies

Notice of Default in Complying with the Corporations Tax Act Avis de non-observation de la Loi sur l'imposition des sociétés

The Director has been notified by the Minister of Finance that the following corporations are in default in complying with the *Corporations Tax Act*.

NOTICE IS HEREBY GIVEN under subsection 241(1) of the *Business Corporations Act*, that unless the corporations listed hereunder comply with the requirements of the *Corporations Tax Act* within 90 days of this notice, orders will be made dissolving the defaulting corporations. All enquiries concerning this notice are to be directed to Ministry of Finance, Corporations Tax, 33 King Street West, Oshawa, Ontario L1H 8H6.

Le ministre des Finances a informé le directeur que les sociétés suivantes n'avaient pas respecté la *Loi sur l'imposition des sociétés*.

Pour obtenir de l'information en français, veuillez communiquer avec la Commission des transports routiers au 416-326-6732.

Les Autobus Brunet Inc.

45295-A

986 Des Lacs, St-Jerome, Quebec J5L 1T4

Applies for an extension to extra provincial operating licence X-1936 as follows:

ADD:

3. to points in Ontario on a one way chartered trip without pick up of passengers in Ontario.

SO THAT WITH THE NEW EXTENSION, THE EXTRA PROVINCIAL OPERATING LICENCE X-1936 WILL READ AS FOLLOWS:

For the transportation of passengers on a chartered trip from points in the Province of Quebec as authorized by the Province of Quebec from the Ontario/Quebec and Ontario/USA border crossings:

1. to points in Ontario;
2. in transit through Ontario to the Ontario/Quebec, Ontario/Manitoba, Ontario/USA border crossings for furtherance and for the return of the same passengers on the same chartered trip to point of origin;
3. to points in Ontario on a one way chartered trip without pick up of passengers in Ontario.

(144-G090) FELIX D'MELLO
Board Secretary/Secrétaire de la Commission

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément au paragraphe 241(1) de la *Loi sur les sociétés par actions*, si les sociétés citées ci-dessous ne se conforment pas aux prescriptions énoncées par la *Loi sur l'imposition des sociétés* dans un délai de 90 jours suivant la réception du présent avis, lesdites sociétés se verront dissoutes par décision. Pour tout renseignement relatif au présent avis, veuillez vous adresser à l'Imposition des sociétés, ministère des Finances, 33, rue King ouest, Oshawa ON L1H 8H6.

Name of Corporation: Dénomination sociale de la société	Ontario Corporation Number Numéro de la société en Ontario
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2011-02-26

A & L METAL PRODUCTS LIMITED	000272881
A.J.D. INVESTMENTS LIMITED	000576092
AAA TRUCKING INC.	001667274
AG-TUFF LTD.	001099084



Name of Corporation: Dénomination sociale de la société	Ontario Corporation Number Numéro de la société en Ontario
ALTERKNIT INC.	001704976
BALL AND ASSOCIATES, INC.	000952845
BARRIER INSULATORS LTD.	001288346
BEANIES CAFE INC.	002104232
BETTER BUILT TOOLING LTD.	001275980
BLUEPRO INC.	001441883
CALLMARKSS INC.	001156243
CANADIAN AIR AND HYDRAULIC EQUIPMENT LIMITED CANADIAN AIR AND HYDRAULIC EQUIPMENT LIMITEE	000652942
CANADIAN GREEN LANKA INC.	001634941
CANE ENGINEERING INC.	001104981
CARE SUPPORT INC.	001684173
CLIENTNET INC.	001149351
CONNIE & WESLEY CHINESE ARTS & CRAFTS LIMITED	001063833
D. L. GENNER INC.	001042012
DATABASE MARKETING SOLUTIONS INC.	001482548
DELOS-GLOBAL ENTERPRISES INC.	000775837
DISSENT CLUBS INC.	002071473
DORAN'S BEVERAGES INC.	000331760
EMBRYONIC SOLUTIONS INC.	002008698
ENVIROCARE INVESTMENTS INC.	000918664
EVERCORP INC.	001647274
FONG TSUI COMPANY LIMITED	001049341
FREGONESE CONSTRUCTION INC.	000481933
G.A. HEGGARTY MFG. LIMITED	000571373
HALF PRICE VIDEO DISTRIBUTORS INC.	001321383
HDL INC.	002091522
INDUSTAIR ENVIRONMENTAL SOLUTIONS INCORPORATED	001662006
INDUSTRIAL DEVELOPMENT & MANUFACTURING INC.	000649821
INTERIOR MODULAR SYSTEMS LIMITED	001584025
INTERNATIONAL SAUDI-CANADIAN COMPANY INC.	002079468
JAMM ENTERTAINMENT INC.	001599453
JEFF MARSHALL & ASSOCIATES CASTING INC.	000755468
JKL ADVERTISING INC.	001209834
JOHN F. SANTOS REAL ESTATE LIMITED	000265212
JOHNMAR ELECTRIC INC.	001418085
K.A.M.P. INC.	001163966
K-ART SUPER CERAMICS INC.	000757384
KABODOXA INC.	001121829
KANV INTERNATIONAL INC.	001675350
KENDATA ELECTRONICS LIMITED	000300608
KEVIN J CARPENTRY LTD.	001695896
LEAL MASONRY LTD.	001576904
LITTLE FOLKS CHILDREN'S CENTRE INC.	001651374
M & R TIMBER LIMITED	001333564
MAGIC CARPET MEDIA INC. (BESSAT-ERREEH)	001125105
MARQUARDSON HOLDINGS LTD.	000603541
MEADOWVALE FINANCIAL SERVICES INC.	000797793
MY WAY R.X. LTD.	001650256
NIAGARA HOME & TOOL DEPOT INC.	002103352
NICE CARS (CHATHAM) LIMITED	001571699
NORTHERN NEBULA PRODUCTIONS INC.	000969856
OLD FORT MALL INC.	000903233
PARS SERVICE TECHNOLOGY INC.	001212235
PAUL DICK CUSTOM BUILDING INC.	000838373
POINT TO POINT EXPRESS LTD.	001651921
REALEX BACKHOE RENTAL LIMITED	002110844
REGIONAL DRIVER SERVICES INC.	001675886
RHINO DEVELOPMENTS INC.	000828988
ROSS CLYDESDALE HOLDINGS INC.	000718444
SAVVAS TRANSPORT INC.	001198683
SEMCOAT TECHNOLOGIES INC.	001032781

Name of Corporation: Dénomination sociale de la société	Ontario Corporation Number Numéro de la société en Ontario
SGA TECHNOLOGIES INC.	001430671
SHARP FLOORS INC.	002058267
SHEKINAH CONSTRUCTION LTD.	001668491
SIMMAM INC.	001131801
SLY'S CONTRACTING LIMITED	002100928
SMAC SUPERMARKET LTD.	001685881
SOCRATES ENTERPRISES INC.	000557316
SOFTBIZ CONSULTING LTD.	000708842
SOUFRA DAIMEH INC.	001668999
SOUTH CENTRAL TRANSPORT LTD.	001121301
STANCO PROPERTIES LIMITED	000269857
TAJPUR EXPRESS INC.	002097307
THE RAINBOW RAGZ CO. LTD.	001034549
THE REHABILITATION TRAINING GROUP INC.	000983189
THUNDER MUG INC.	002091066
V&V MARKETING INC.	001556741
VELTRONIX INCORPORATED	000580909
VINOR MANUFACTURING INC.	000918365
WATCH-ART IMPORTS INC.	000419044
XYBX INC.	000824655
1028856 ONTARIO INC.	001028856
1066268 ONTARIO INC.	001066268
1075632 ONTARIO INC.	001075632
1107624 ONTARIO LIMITED	001107624
1112524 ONTARIO LIMITED	001112524
1126539 ONTARIO LIMITED	001126539
1160430 ONTARIO INC.	001160430
1165671 ONTARIO LTD.	001165671
1236237 ONTARIO INC.	001236237
1268446 ONTARIO INC.	001268446
1296744 ONTARIO LTD.	001296744
1313379 ONTARIO INC.	001313379
1323892 ONTARIO INC.	001323892
1468146 ONTARIO LTD.	001468146
1473504 ONTARIO INC.	001473504
1499635 ONTARIO INC.	001499635
1510824 ONTARIO LTD.	001510824
1564709 ONTARIO INC.	001564709
1576287 ONTARIO INCORPORATED	001576287
1578115 ONTARIO INC.	001578115
1611482 ONTARIO LIMITED	001611482
1639879 ONTARIO INC.	001639879
1685693 ONTARIO LIMITED	001685693
2003307 ONTARIO INC.	002003307
2042726 ONTARIO INC.	002042726
2069209 ONTARIO INC.	002069209
2074613 ONTARIO INC.	002074613
2079375 ONTARIO INC.	002079375
2086542 ONTARIO INC.	002086542
2090875 ONTARIO LIMITED	002090875
338853 ONTARIO INCORPORATED	000338853
833397 ONTARIO INC.	000833397
926649 ONTARIO INC.	000926649
985977 ONTARIO INC.	000985977
989801 ONTARIO INC.	000989801

KATHERINE M. MURRAY
Director, Ministry of Government Services
Directrice, Ministère des Services
gouvernementaux

(144-G091)

**Cancellation of Certificate of Incorporation
(Corporations Tax Act Defaulters)
Annulation de certificat de constitution
(Non-observation de la Loi sur
l'imposition des sociétés)**

NOTICE IS HEREBY GIVEN that, under subsection 241(4) of the *Business Corporations Act*, the Certificate of Incorporation of the corporations named hereunder have been cancelled by an Order for default in complying with the provisions of the *Corporations Tax Act*, and the said corporations have been dissolved on that date.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément au paragraphe 241(4) de la *Loi sur les sociétés par actions*, le certificat de constitution de la société sous-nommé a été annulée par Ordre pour non-observation des dispositions de la *Loi sur l'imposition des sociétés* et que la dissolution de la société concernée prend effet à la date susmentionnée.

Name of Corporation: Dénomination sociale de la société	Ontario Corporation Number Numéro de la société en Ontario
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2011-01-31

ACCESS CONTROL TECHNOLOGIES LTD.	001055329
ALLAN D. RAE ARCHITECT INC.	000707225
AMPEX INC.	002063806
AUSTIN & ASSOCIATES INSURANCE ADJUSTERS LIMITED	000340149
AWESOME NAILS INC.	001542581
BARRYDOWNE FURNITURE & LIGHTING STUDIO LTD.	000676437
BROTHERS INDUSTRIAL SALES & SERVICE LTD.	000937504
CAPRI FLORIST INC.	001123897
CARIBBEAN BARBERS INC.	001001821
CHAR-DEB ENTERPRISES INC.	000862817
CHARLOTTE YARMON INVESTMENTS INC.	000914518
CHOPPING BLOCK BUTCHERY LTD.	001471046
CONCORDE DRYWALL CO. LTD.	001127117
COUNTINGHOUSE PRODUCTIONS LIMITED	002050928
CRYSTAL PALACE INC.	000990449
CUMBERLAND CAPITAL LIMITED	001080524
DELUXE WINDOWS & DOORS OF BARRIE INC.	002026034
DERMOCARE CLINIC INC.	001362111
E. ROBINSON HOLDINGS LTD.	001439720
ELDEN COMPUTING SERVICES INC.	001133341
FABRIC ARTS LTD.	000264768
FAMILY FINE CARS INC.	002031980
GEORGE SMITH & ASSOCIATES CONSULTING LTD.	001349158
GYROSPIN INC.	000440401
INTERWEALTH FINANCIAL CORPORATION LIMITED	000640145
JIALAUR INVESTMENTS INC.	000619716
JUAN GARCIA AND SON WELDING LIMITED	000738293
JULIAR HOLDINGS LTD.	001006145
KIRKPATRICK & KIRKPATRICK LTD.	000827008
LERODEB INVESTMENTS LTD.	000726544
LIVING BENEFITS INSURANCE SERVICES INC.	000655794
LUPIS & ASSOCIATES INC.	001166565
M.H. POLELINE CONSTRUCTION LTD	000849081
NATIONAL COATING & PAINTING INC.	001374060
NEW EQUACORP LIMITED	000601253
NOBLE TRADING CO. INC.	001004733
OLD VILLAGE CHARM INCORPORATED	000895557
PALACE INTERIOR INC.	001673864
PLAYCLEAN SPORTS INC.	001298800
POWER PACK SEMINARS INC.	001022661
RIGHT HAND MAN LIMITED	001492894
ROSE'S HOME CARE INC.	001450814
SAAN OIL CORPORATION	002043597
SAIAMIA PETRO-MINERAL TRADING CORP.	001608912
SHOPWAY LIMITED	001080369
SKYTRAX TRUCK LINE INC.	002054837

Name of Corporation: Dénomination sociale de la société	Ontario Corporation Number Numéro de la société en Ontario
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STEUDEL MACHINERY INC.	000740185
STEVENSON RESTAURANT EQUIPMENT SERVICE LTD	000791701
SUNSHINE HAIR SUPPLY CORPORATION	001689903
T.H.E. PAINTWORKS INC.	002014068
TAI WAH RESTAURANT LTD.	000554597
TAOOS TRADERS INC.	001419831
THORNHILL EXPORTS INC.	002010505
TMP INC.	002041730
TRAVEL PARADIGM INC.	001185550
ULTRASKIN BIOLOGICAL SKIN CARE (CANADA) INC.	001046637
UPTOWN MUFFLER AND CUSTOM EXHAUST INC.	001331277
WINDSOR HOLDINGS INC.	002022085
WORLD FAMOUS EASTOWN PIZZA UNIVERSITY INC.	001295082
1005296 ONTARIO INC.	001005296
1069270 ONTARIO INC.	001069270
1073081 ONTARIO INC.	001073081
1073283 ONTARIO INC.	001073283
1142483 ONTARIO INC.	001142483
1142802 ONTARIO INC.	001142802
1143074 ONTARIO LIMITED	001143074
1174585 ONTARIO INC.	001174585
1204503 ONTARIO LIMITED	001204503
1266487 ONTARIO LIMITED	001266487
1276079 ONTARIO INC.	001276079
1287425 ONTARIO LIMITED	001287425
1288999 ONTARIO INC.	001288999
1302734 ONTARIO INC.	001302734
1341436 ONTARIO INC.	001341436
1359647 ONTARIO LIMITED	001359647
1364018 ONTARIO LTD.	001364018
1372147 ONTARIO LTD.	001372147
1375791 ONTARIO LTD.	001375791
1387035 ONTARIO INC.	001387035
1396565 ONTARIO INC.	001396565
1409409 ONTARIO INC.	001409409
1428850 ONTARIO LTD.	001428850
1447300 ONTARIO LIMITED	001447300
1463016 ONTARIO LIMITED	001463016
1509385 ONTARIO INC.	001509385
1511688 ONTARIO INC.	001511688
1520794 ONTARIO INC.	001520794
1545971 ONTARIO LIMITED	001545971
1556184 ONTARIO INC.	001556184
1557196 ONTARIO INC.	001557196
1565360 ONTARIO LIMITED	001565360
1568088 ONTARIO LIMITED	001568088
1586430 ONTARIO INC.	001586430
1595084 ONTARIO INC.	001595084
1599698 ONTARIO LTD.	001599698
1606731 ONTARIO INC.	001606731
1628870 ONTARIO INC.	001628870
1637017 ONTARIO INC.	001637017
1689006 ONTARIO INC.	001689006
2007699 ONTARIO INC.	002007699
2051761 ONTARIO CORP.	002051761
2065361 ONTARIO LTD.	002065361
2066193 ONTARIO LIMITED	002066193
2073082 ONTARIO LIMITED	002073082
2095196 ONTARIO INC.	002095196
2108228 ONTARIO INC.	002108228
2117130 ONTARIO INC.	002117130
360 CROYDON AVE. HOLDINGS LTD.	000990925
401021 ONTARIO LIMITED	000401021
481673 ONTARIO LIMITED	000481673
604704 ONTARIO INC.	000604704
675517 ONTARIO INC.	000675517
689369 ONTARIO LTD.	000689369
757513 ONTARIO INC.	000757513

Name of Corporation: Dénomination sociale de la société	Ontario Corporation Number Numéro de la société en Ontario
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818420 ONTARIO INC.	000818420
901261 ONTARIO LIMITED	000901261
910174 ONTARIO INC.	000910174
942501 ONTARIO INC.	000942501

KATHERINE M. MURRAY
Director, Ministry of Government Services
Directrice, Ministère des Services
gouvernementaux

(144-G092)

Certificate of Dissolution Certificat de dissolution

NOTICE IS HEREBY GIVEN that a certificate of dissolution under the Business Corporations Act has been endorsed. The effective date of dissolution precedes the corporation listings.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément à la Loi sur les sociétés par actions, un certificat de dissolution a été inscrit pour les compagnies suivantes. La date d'entrée en vigueur précède la liste des compagnies visées.

Name of Corporation: Dénomination sociale de la société	Ontario Corporation Number Numéro de la société en Ontario
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2011-01-07

JIHAN AUTO SALES INC.	001794617
WINGKIT CONSULTANCY LTD.	001195006
YUMMY VIETNAMESE CUISINE CO. LTD.	001777584
1598045 ONTARIO INC.	001598045
2147450 ONTARIO INC.	002147450

2011-01-10

D.H. KNOWLES & SONS GENERAL CONTRACTING INC.	000637501
LOVE YOUR PLUMBER LTD.	000651306
THE LAND LIGHT CORPORATION	000798333

2011-01-11

B.S. PANDHER LTD.	002005517
BANAWAY INC.	001437109
C & T HEALTH INC.	001717017
CONLETH CORPORATION	000797699
FORREST COMPUTER CONSULTANTS INC.	001277208
IRENDON LIMITED	000317177
LEONARD A. HEALEY REALTY LIMITED	000262665
PANADOR INC.	000730258
PREMIA CORPORATION	000841561
PROFESSIONAL COLOR LABS LIMITED	000129160
ROS CORP.	002196152
S & S QUALITY FRAMING & RENOVATION LTD.	001332616
STRAIGHT LINE RACING INC.	000717462
THE 31ST FRAME INC.	001176589
VANGUARD COLLISION CENTRE INC.	000572977
1034957 ONTARIO CORPORATION	001034957
1199518 ONTARIO LIMITED	001199518

2011-01-12

BLUEDEL & ASSOCIATES INC.	001091357
DBH PROFESSIONAL CORPORATION	002164249
DUTCH ENGINEERING LTD.	000652716
ELITE CULINARY CUISINE INC.	002191374
KLR INVESTMENTS INC.	001316317
MALHI ROADLINES INC.	002199340
MEL BERRY HEATING & AIR CONDITIONING INC.	001112050
T.I. POLY BAG CONVERTERS LTD.	000778559
2141921 ONTARIO INC.	002141921
2177238 ONTARIO INC.	002177238

Name of Corporation: Dénomination sociale de la société	Ontario Corporation Number Numéro de la société en Ontario
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472901 ONTARIO INC.	000472901
2011-01-13	
BLACKMAPLE WORKS INC.	001006204
KEEPER INVESTMENTS LIMITED	000317228
LAKE CITY ENTERTAINMENT INC.	001651746
NDURANZ CONSULTANCY SERVICES INC.	002134217
NELSON-FRENCH & ASSOCIATES LTD.	001048101
SELECT SALES & DISTRIBUTION INC.	002068883
SWASTHIKA IMPORTS & WHOLESALERS INC.	002195411
THOMAS HUGHES CONSULTING (CORUNNA) LTD.	000834086
WICC - WOOD PRODUCTS LTD.	001042430
WONDERLAND GARDEN CENTRE & BUILDING SUPPLIES LTD.	000570650
1601784 ONTARIO INC.	001601784
1666890 ONTARIO INC.	001666890
799669 ONTARIO LIMITED	000799669

2011-01-14

ALEE MANAGEMENT LTD.	000317208
DROFTNOM HOLDINGS INC.	001371953
H. & L. DECLOET FARMS LIMITED	000934800
HAMRA REAL ESTATE LIMITED	000315313
IMPEXALL ENTERPRISES INC.	001166973
LAWRENCE GLADUE & ASSOCIATES INC.	001374788
LLOYD INDUSTRIES INC.	001386868
LOUIS CUSTOM TAILOR LTD.	000607463
S&T INVESTMENT HOLDINGS INC.	001759643
SUNRISE HOME FURNISHINGS LTD.	002129014
THE OCTAGON CHALET'S INC.	001385911
WEBER'S ART STORE INC.	001568335
WEST LINK INVESTMENT CONSULTING CO., LTD.	001478075
1094406 ONTARIO INC.	001094406
1097735 ONTARIO INC.	001097735
1125808 ONTARIO LIMITED	001125808
1168564 ONTARIO INC.	001168564
1382359 ONTARIO LTD.	001382359
2059084 ONTARIO INC.	002059084
2116293 ONTARIO INC.	002116293
2168116 ONTARIO INC.	002168116
2238786 ONTARIO INC.	002238786
423319 ONTARIO LIMITED	000423319
587789 ONTARIO LIMITED	000587789

2011-01-17

ACTION ELECTRICAL & MECHANICAL LTD.	002107968
BAIRRADA FOODS LTD.	001332244
BLESSINGS IMPORT & EXPORT LTD.	002125605
BRENTWELL CONSTRUCTION & MANAGEMENT LTD.	001192183
CARD ENTERPRISES INC.	001238466
CINEMOX LIGHTING SERVICES INC.	000738686
CORPORATE LIQUIDATION SALES INC.	002208639
DONEX ENTERPRISES INC.	000908523
EAST FIELD PROPERTIES INC.	001199357
EXIT GOLDEN TRIANGLE INC.	001252199
FIRST ARTISANS LONDON CORPORATION	001140069
GLOBE-TROTTER TRADING CO. INC.	001713837
HATHAWAY FUELS LTD	000814026
JVP FABRICATION AND DESIGN LTD.	002033989
KABEK DENTAL LTD.	001650094
KEVIN POWER AUTO INC.	001709536
MENDONCA CONSTRUCTION (OTTAWA) LTD.	000746685
MULTIMEDIA INSTALLATIONS INC.	001480968
PLAZA REHAB SERVICES LTD.	001027451
PUMISTONE PRODUCTS LTD.	001086973
QUEENSWAY HEATING & SHEET METAL INC.	000815665
RICHMAR CONSTRUCTION MANAGEMENT LTD.	001501515
WORK DESCRIPTION SERVICES INC.	001364587
Y & O INTERNATIONAL GROUP LTD.	001662183
ZIRCONYX, INC.	001701892

Name of Corporation: Dénomination sociale de la société	Ontario Corporation Number Numéro de la société en Ontario	Name of Corporation: Dénomination sociale de la société	Ontario Corporation Number Numéro de la société en Ontario
1062185 ONTARIO LTD.	001062185	845542 ONTARIO LTD.	000845542
1186061 ONTARIO INC.	001186061	2011-02-03	
1331964 ONTARIO LIMITED	001331964	AFFILIATED REALTY CAPITAL	
1477104 ONTARIO LIMITED	001477104	CORPORATION	001459339
1596740 ONTARIO INC.	001596740	BENDER, GOODMAN & SHEAR FURS	
1655053 ONTARIO INC.	001655053	LIMITED	000267294
2089515 ONTARIO INC.	002089515	ELMVALE DRIVE-IN 1983 INC.	000546421
2116958 ONTARIO LTD.	002116958	FRATSCHKO ENTERPRISES INC.	001060174
2130926 ONTARIO INC.	002130926	FUEL CELL TECHNOLOGIES LTD.	001652579
2139583 ONTARIO INCORPORATED	002139583	HARMONY DESIGNS INC.	000400909
2208636 ONTARIO INC.	002208636	INTERNATIONAL AIR SEA CARGO FREIGHT	
2215598 ONTARIO LIMITED	002215598	COURIER WHOLESALERS INC.	002111513
2225544 ONTARIO INC.	002225544	K & K KOSTRONIK INC.	000513353
342006 ONTARIO LTD.	000342006	MEYERS CORP.	001368372
445138 ONTARIO INC.	000445138	TIDD'S HOME INSPECTION LTD.	001425443
728264 ONTARIO INC.	000728264	VENUS NET MARKETING INC.	002065758
2011-01-18		1365762 ONTARIO LIMITED	001365762
DARNINGS INVESTMENTS LIMITED	000266805	2184865 ONTARIO INC.	002184865
DATA TEMP (1989) INC.	000871620	364 RICHMOND ST. PROPERTIES INC.	001483178
DAVID V. MACDONALD & ASSOCIATES INC.	001672741	516033 ONTARIO INC.	000516033
J.H. CRANE ENTERPRISES LIMITED	001176618	519416 ONTARIO INC.	000519416
JAY G. MERCER & ASSOCIATES INC.	002009507	2011-02-04	
LEA STEEL LIMITED	000155802	CANADIAN HARDWOODS (1983) LIMITED	000215421
MILLENNIUM ASSESSMENT & DIAGNOSTIC		CLIENTBIN.COM INC.	001438716
CENTRE LTD.	001792947	DALBY HOLDINGS INC.	000880694
SUNDIAL HOMES (WENTWORTH) LIMITED	001446824	DDIA JOB SERVICES INC.	001530421
SUNDIAL HOMES (9TH LINE) LIMITED	001012916	HALLIHAN COMPUTER CONSULTING INC.	001092496
WINNELL REALTY LIMITED	000128983	HOBSON ALARM & SECURITY INC.	001649058
1269653 ONTARIO LIMITED	001269653	INNOVATIVE STORE FIXTURES INC.	002034384
1324688 ONTARIO LTD.	001324688	LASHCOURT HOLDINGS INC.	001186655
2034595 ONTARIO INC.	002034595	MIWY CO. LTD.	000292113
2194279 ONTARIO INC.	002194279	R L T PROPERTIES LIMITED	000226814
2214212 ONTARIO INC.	002214212	STRATUS COMPUTER CORPORATION	000650773
2217550 ONTARIO LTD.	002217550	VII HOLDINGS (MUSKOKA) LTD.	000352633
2011-01-19		1326671 ONTARIO INC.	001326671
ALLARD CONSTRUCTION OF ONTARIO		1410937 ONTARIO LIMITED	001410937
LIMITED	000213838	1685579 ONTARIO LTD.	001685579
BORMON CORPORATION	002049193	1808215 ONTARIO INC.	001808215
NICK KAFES CONSTRUCTION LTD.	000458862	2067126 ONTARIO INC.	002067126
NSP TRANSPORT INC.	002138635	747948 ONTARIO LIMITED	000747948
1604313 ONTARIO INC.	001604313	881615 ONTARIO INC.	000881615
679501 ONTARIO LIMITED	000679501	2011-02-07	
717205 ONTARIO LIMITED	000717205	BINBIN CORPORATION	001613264
2011-01-21		HC TRADEMARK HOLDINGS LTD.	001599818
CANADIAN REHAB CENTER INC.	002221558	KAPPLER CANADA LIMITED	000939183
2011-01-22		LAMBTON CONCESSIONS LTD.	001192365
YONAT ORTHOPEDIC AND MEDICAL SUPPLY		LIBERTY TIRE RECYCLING CANADA I LTD.	002214268
LTD.	002061307	M R TRANSFER CORP.	001529352
2011-01-24		MCCORMICK RANKIN MANAGEMENT INC.	002089411
QUEEN'S COURT (1500 DON MILLS) LTD.	001655000	SEVEN STARS TRADING INC.	002003970
SHANTZ INVESTMENTS INC.	001011216	SMARTEL INTERNATIONAL LTD.	001311638
2011-01-27		U & FUTURE INC.	002149840
2001138 ONTARIO INC.	002001138	WIN LINK INTERNATIONAL INC.	001140161
2011-01-29		1412037 ONTARIO INC.	001412037
GOLDSPIN CHINESE CANADIAN GROUP		1498583 ONTARIO INC.	001498583
INC.	001216302	1609712 ONTARIO INC.	001609712
2011-01-31		1665751 ONTARIO LIMITED	001665751
ADORANTI HOLDINGS LIMITED	001277484	55 HOCKEY PRODUCTS INC.	002030847
CUSTOM HEIRLOOMS LIMITED	000997270	921803 ONTARIO INC.	000921803
DOMAIN REGISTRY GROUP INC.	002158013	2011-02-08	
TADD FINANCIAL INC.	002122020	DURHOLD INC.	001606903
1157203 ONTARIO INC.	001157203	HAZARD CONSULTANTS INC.	001467378
1687421 ONTARIO INC.	001687421	KAMDORBO ENTERPRISE INC.	001363689
2217275 ONTARIO INC.	002217275	LCV CANADA LIMITED	000898765
2011-02-02		PENMORE MONEY SOLUTIONS INC.	002037503
COUNTRY HOMES CONSULTING LTD.	001531341	RIKNOR LTD.	000355798
676441 ONTARIO INC.	000676441	RYLANIK CONSULTANTS INC.	001312203

Name of Corporation: Dénomination sociale de la société	Ontario Corporation Number Numéro de la société en Ontario
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SHANKS BATH & KITCHENS LTD.	001638182
VENDOR BROS. INC.	002144462
1031659 ONTARIO LIMITED	001031659
1037273 ONTARIO INC.	001037273
1061048 ONTARIO LIMITED	001061048
1343295 ONTARIO INC.	001343295
1413172 ONTARIO INC.	001413172
1439462 ONTARIO INC.	001439462
1666143 ONTARIO INC.	001666143
2076479 ONTARIO LIMITED	002076479
2124442 ONTARIO INC.	002124442
2181096 ONTARIO INC.	002181096
2183803 ONTARIO INC.	002183803
988003 ONTARIO INC.	000988003
997708 ONTARIO INC.	000997708

2011-02-09

BAINS CARRIER INC.	001619962
CLIFFCO LIMITED	000090888
CVC ARDELLINI HOLDINGS INC.	002208140
GOLDEN ARROW PRODUCTIONS LTD.	000897640
GORDON ROGERS ASSOCIATES INC.	000787280
GRIFFITHS MCBURNEY & PARTNERS (ASIA) INC.	001368831
HCC SYSTEM CONSULTING INC.	001300270
MANY HOLDINGS LIMITED	000939852
NORFOLK DRIVING ACADEMY INC.	001099672
OLIVER DENTAL LABORATORY INC.	001114170
PHARAON LEGAL TRANSLATION LTD.	002214795
QUINQUE-PARTITE HOLDINGS LIMITED	000147100
ROGER UNWIN MARKETING SERVICES INC.	000993552
T.P. AIR LTD.	001000225
UNIVAN PRECISION PROCESSING LTD.	000264604
2034394 ONTARIO LIMITED	002034394
2045783 ONTARIO INC.	002045783
2081709 ONTARIO LIMITED	002081709
2226100 ONTARIO INC.	002226100
629851 ONTARIO INC.	000629851
821111 ONTARIO LTD.	000821111

2011-02-10

MAPLEVIEW CARPENTRY 2003 LIMITED	001587965
MINTWOOD SERVICES INC.	002114708
MITHA TRANSPORT INC.	002056697
SHINER INVESTMENTS LIMITED	000089111
1483955 ONTARIO INC.	001483955
1524619 ONTARIO INC.	001524619
2109239 ONTARIO INC.	002109239
2135069 ONTARIO INC.	002135069
432917 ONTARIO INC.	000432917

KATHERINE M. MURRAY
Director, Ministry of Government Services
Directrice, Ministère des Services
gouvernementaux

(144-G093)

Marriage Act Loi sur le mariage

CERTIFICATE OF PERMANENT REGISTRATION as a person authorized to solemnize marriage in Ontario have been issued to the following:

LES CERTIFICATS D'ENREGISTREMENT PERMANENT autorisant à célébrer des mariages en Ontario ont été délivrés aux suivants:

February 7 - February 11

NAME	LOCATION	EFFECTIVE DATE
SALLMEN, WENDA	ST CATHARINES, ON	7-Feb-11

NAME	LOCATION	EFFECTIVE DATE
PRICE, LARRY	WINDSOR, ON	7-Feb-11
GANSBURG, MENACHEM M	TORONTO, ON	7-Feb-11
Crouse, Marlene	Cumberland Beach, ON	9-Feb-11
Crouse, Ronald	Cumberland Beach, ON	9-Feb-11
Hanson, Clayton	Georgetown, ON	9-Feb-11
Lim, Adrian Kok Hua	Mississauga, ON	9-Feb-11
Morris, Roy	Sioux Lookout, ON	9-Feb-11
Cheung, John Kam Chun	Markham, ON	9-Feb-11
Lee, David Kin-Kwok	Scarborough, ON	9-Feb-11
Laird, Devon	Pickering, ON	9-Feb-11
Hamilton, Glen W.	Oakville, ON	9-Feb-11
Henrich, Ruth	Red Bay, ON	9-Feb-11
Hinds, Donna	Scarborough, ON	9-Feb-11
Hill, Christopher	Petawawa, ON	9-Feb-11
Collins, Adrian	Hilton Beach, ON	9-Feb-11

CERTIFICATE OF CANCELLATION OF REGISTRATION as a person authorized to solemnize marriage in Ontario have been issued to the following:

LES AVIS DE RADIATION de personnes autorisées à célébrer des mariages en Ontario ont été envoyés à:

NAME	LOCATION	EFFECTIVE DATE
SCHUST, EDWARD	BARRIE, ON	FEB 8/11
WYATT, SAMUEL PETER	BRANTFORD, ON	FEB 8/11
MATHESON, SELKIRK HUGH	KENORA, ON	FEB 8/11

(144-G094) JUDITH M. HARTMAN,
Deputy Registrar General/
Registraire générale adjointe de l'état civil

Change of Name Act Loi sur le changement de nom

NOTICE IS HEREBY GIVEN that the following changes of name were granted during the period from February 07, 2011 to February 13, 2011 under the authority of the *Change of Name Act*, R.S.O. 1990, c.c. 7 and the following Regulation RRO 1990, Reg 68. The listing below shows the previous name followed by the new name.

AVIS EST PAR LA PRÉSENTE donné que les changements de noms mentionnés ci-après ont été accordés au cours de la période du 07 février 2011 au 13 février 2011, en vertu de la *Loi sur le changement de nom*, L.R.O. 1990, chap. C.7, et du Règlement 68, R.R.O. 1990, s'y rapportant. La liste indique l'ancien nom suivi du nouveau nom.

PREVIOUS NAME	NEW NAME
AGOZZINO, CATERINA.ANNA.	MODAFFERI, CATERINA.ANNA.
AHMED, IBTISAM.	AMIR, ADAM.
AHMED, LUL.MOHAMED.	GILAO, LULAY.MOHAMED.
GILAO.	AHMED.
ALBAN, EDITH..	ALBAN, EVELYN.
ALIEV, MICHAEL.	ALIEN, MICHAEL.
ANDERSON, JAMIE.URCINA.	ANDERSON, MAEGAN.LIANNA.
ANDRUCHOVICI, ANGEL.	ANDRUCHOVICI, ANGELO.
ARANDARA BADALGE,	HERMAN, SHRIYANI.
SHRIYANI.KUMUDI.	KUMUDINI.
ARMOGAN,	ARMOGAN, VILMA.
VILMA.	ELIZABETH.
ASGHAR ZADEH SALMASI,	SALMASI,
SALEH.	SALEH.
ASGHARZADEHSALMASI,	SALMASI,
AYSA.	AYSA.

PREVIOUS NAME	NEW NAME	PREVIOUS NAME	NEW NAME
ASKAR, KHALID.H.	MOUSA, FAISAL.ABD.ALI.	KARL, DAWIT.PETER.	CHRISTIANSEN, ERIC.DAWIT.
ASKAR, NERJIS.FAYSEL.	MOUSA, NERJIS.FAISAL.	KAUR, RAMANDEEP.	DEOL, RAMANDEEP.KAUR.
ASKAR, RIDA.FAYSEL.	MOUSA, RIDA.FAISAL.	KAWADOI COTRINA DE	SALLAY, MARY.
AWAN, MOHAMMAD.QASIM.	AHMAD, QASIM.	S, MARIA.ENITH.	ENITH.
BASHARAT, KOSSAR.PARVEEN.	BUSSOTTI, SOPHIA.KAUSER.	KEARNS, SAMANTHA.	EPSTEIN, SAMANTHA-LEE.
BELL, LORI.LYNN.	EVANS, LORI.LYNN.	LEE.	MARIANNE.PELLETIER.
BHARUCHI, ASEFABANU.	PIR, ASEFABANU.	KHAN, FAWAD.HABIB.	HABIB, FAWAD.
MOHAM.	ABDULSAMAD.	KIM, JI.SU.	KIM, NICOLE.JISU.
BOUDJENANE, ZHOR.	BOUDJENANE, MELANIA.	KOVAC, MARA.	POPOVICH, MARA.
BOURGEOIS, SYLVIA.	ALEXANDER, CLEOPATRA.	KRENGEL, SARAH.MIRIAM.	KOHL, SARAH.MIRIAM.
MARGUERITE.LUCIE.	IZZABEIIA.SOFIA.	KUMAR, TAHMINA.	SADIGZADE, TAHMINA.
BOYD, HELEN.	LAMARCHE, HELLAN.	KUO, CHU.HSUAN.	KUO, KEVIN.
BRENNAN, SARAH.	BRENNAN-NEWELL, SARAH.	LAMARCHE, JOSEPH.BLAINE.	BRAZEAU, RICHARD.
ELIZABETH.BRIDGET.	ELIZABETH.BRIDGET.	SHAWN.	SHAWN.
BULMER, CYNTHIA.	BULMER-JARNELL, CYNTHIA.	LEE, CHUN.SAN.	LEE, SIMON.CHUN.SAN.
ANN.	ANN.	LEE, SHERON.	WEDDERBURN, SHERON.
BURR, RYAN.ELLIOT.MARR.	HOWEY, RYAN.	ELAINE.	ELAINE.
KYLE.	KYLE.	LES AU, OLGA.	LES AU, VICTORIA.
CAPPADOCIA-MANICCIA,	MANICCIA,	LIM, JEHUN.	LIM, JUSTIN.JEHUN.
JESSICA.	JESSICA.	LIU, YU-FUNG.	LIE, VINCENT.YU-FUNG.
CHARLIEBOY, RUBI.RAE.	JEFF, KATIE.ISEBELLA.	LOCHHEAD, ASHLEY.	LYONS, ASHLEY.
RAMONA.	CHARLEYBOY.	MICHELLE.	MICHELLE.
CHEADLE, MEGAN.	SWAN, MEGAN.CAROLINE.	MALOWANY, MATTHEW.	FORBES, MATTHEW.PATRICE.
CAROLINE.	ANN.	PATRICE.	MALOWANY.
CHEN, XING.YU.	CHEN, DANIEL.	MASCIANGELO BONAVENTURA,	BONAVENTURA,
CHIU, SUNG.HONG.	CHIU, SAM.SUNG.HONG.	SONNY.ROBERT.	SONNY.
CLISSOLD, MICHELLE.	PYPER, MICHELLE.BRANDY.	MATTALO, PETER.JOHN.	JOHN, PETER.
BRANDY.	CLISSOLD.	MILNES, CHRISTOPHER.	MILNES, KIT.
COCOZZOLI, MELISSA.GINA.	IAFRATE, MELISSA.GINA.	THOMAS.	THOMAS.
DALTON, JUSTINE.MARY.	CHEVALIER, JUSTINE.MARY.	MOHAMAD, MOFAK.	FAHRY.
DANQUAH, JESSICA.AKOSUA.	DANQUAH, JESSICA.AKOSUA.	FAKHRADDIN.	MOFA.
ABRAFI.	GRACE.	MORTEZAE, ABDOL.	MORTEZAE,
DILLON, KIRSTYN.AMANDA.	GILLOTT, KIRSTYN.AMANDA.	MASOUD.	MASOUD.
LYNN.	LYNN.	NAFAA, KHALED.	DANIAN, ALLAN.
DIVJAK, SNEZANA.	KRIVOKUCA, SNEZANA.	NGUYEN, KIM.LOAN.	DELA CRUZ, KIM.LOAN.
DOJCAKOVA, ZUZANA.	DOJCAK, ZUZANA.	NGUYEN, THI.BACH.	NGUYEN, NATALYE.NGA.
DOMINGO, MAYANNA.KAYL.	JEROME, MAYANNA.KAYL.	NGA.	THI.
DONG, CSILLA.	NAZIM, CSILLA.	NURYANI,	TRI WAHYUNINGSIH,
DONG, KAYLA.	NAZIM, KAYLA.	NURYANI.	NURYANI.
DRUSKA, BRYNE.NICHOLAS.	DRUSKA, BRYEN.NICHOLAS.	PALMIERI, LINDA.	PALMIERI-SERGE, LINDA.
DUAN, MING.HAO.	DUAN, SYDNEY.MING.HAO.	PAN, PEI.JI.	PAN, PEGGY.PEIJ.
DUAN, ZHENG.	DUAN, JONATHAN.ZHENG.	PAN, YUAN.YUAN.	PAN, WENDY.YUANYUAN.
FAROOQ, AHMED.	ORWELL, SOL.	PINCHUK, ZHANNA.	TIMOFFEEV, JANE.
FATIMA, SYEDA.AROUSH.	SYED, AROUSH.	PLYLER, JENNIFER.	DANCH, JENNIFER.ELIZABETH.
FAZEKAS, CHRISTIAN.	BRESSETTE, CHRISTIAN.	ELIZABETH.	PLYLER.
ALEXANDER.IMRE.	ALEXANDER.	POLANIA DA SILVEIRA,	POLANIA, MONICA.
FERREIRA, ANDREIA.	SCHNELL, ANDREIA.	MONICA.MARIA..	MARIA.
MANUELA.GONCALVES.	MANUELA.GONCALVES.	POUIED, LEYLA.HEYDAR.	POUIED, LEYLA.
FERREIRA, MELISSA.ANNE.	BENTLEY, MELISSA-ANNE.	QURAIISHI, UZMA.	KORI, EMMA.UZMA.
ELIZABETH.	ELIZABETH.	RAMARAJ, SANGARESWARE.	THIRUSELVAM, SANKARI.
FISHER, DONALDASH.GAIL.	FISHER, DONALDAH.GAIL.	RASHID,	ABUGHAZALEH, NAJWA.
FOSTER-BOWEN, SHEMARA.	BOWEN, SHEMARA.	NAJWA.	WAJJIH.
OLIVIA.	OLIVIA.	RAVAL, MANISHABEN.	PANDYA, MANISHA.
GANDHI, CHHAYABEN.DHANS.	PASTAGIA, CHHAYA.GANDHI.	KIRI.	NIMESHKUMAR.
GHONCHEH ARGHAVAN,	ARGHAVAN,	REU, HEATHER.ELAINE.	HANSON, HEATHER.ELAINE.
HASAN.	NIK.	ROMANIUK, MICHELLE.	ROMANIUK, MICHAEL.
GIBSON, ZOFIA.	WARENIK, ZOFIA.	ANNA.	ANDREW.CONOR.
GILPIN, WILLIAM.GRYPHON.	GILPIN-BECK, WILLIAM.	RUBIANO, JESUS.ALBERTO.	RUBIANO, ALBERTO.
DE.GYLPYN.	CHARLES.	SALMON, BROOKE.	VAN DYKE, BROOKE.
GOW, ADAM.JOSEPH.	REILLY, ADAM.JOSEPH.	CASSANDRA.	CASSIDY.
GRANGER, GILBERT.WILLIAM.	GRANGER, WILLIAM.ROBERT.	SALMON, ERIN.RUTH.ANN.	VAN DYKE, ERIN.RUTH.
GRAY, CRAIG.EVON.	SANG, CRAIG.EVON.ONEIL.	SALMON, LINDA.ELLEN.	VAN DYKE, LINDA.ELLEN.
GRIMMER, JANICE.LYNN.	SCHULZ, JANICE.LYNN.	SALMON, TAYLOR.LIN.	VAN DYKE, TAYLOR.LIN.
GU, SHUGIN.	LIU, SUSANA.	SANDS, DYLAN.RICHARD.	RADCLIFFE, DYLAN.WESLEY.
HAN, DONG.LEI.	HAN, ROSA.	SAUVÉ, PIERRE.	POIRIER, PIERRE.RICHARD.
HARVEY, MARILENE.	HARVEY, MARILYNN.	SCHWARTZMAN, JACLYN.	KRANE, JACLYN.
FERNANDE.	JOELLE.	DEBRA.	DEBRA.
HASSAN, AHMED.	KOTAR, AHMED.HASSAN.	SHAHABISIRJANI, RAMTIN.	SIRJANI, RAMTIN.
HEWETT, STEPHEN.	HEWETT-CONANT, STEPHEN.	SHAIN, JETLEY.WILLIAM.	MOLITOR-SHAIN, JETLEY.
DOUGLAS.	DOUGLAS.	ROBERT.	WILLIAM.ROBERT.
HOWSON, CHLOE.NICOLE.	CHAPMAN, CHLOE.NICOLE.	SHANNIK, AMY-LYNN.	ACKER, AMY-LYNN.
HUONG, TRAN.THI.	MCCLARE, NELL.MIYUNA.	CHRISTINA.	CHRISTINA.
ISMAIL, KHALID.SALAH.KH.	KHALAF, KHALID.SALAH.	SHEIKH, ADAM.	SHEIKH, ADAM.MOHAMMAD.
JABBAR, YOUSIF.	Z Aidan, YOUSIF.HAIDER.	MOHAMMAD.	CZEWOJA.
KARAKAS, DOGAN.	KARAKAS, DOGAN.	SHI, TIAN.FENG.	SHI, MICHAEL.TIANFENG.

PREVIOUS NAME

NEW NAME

SHYRYAYEV, OLEG.V.	SHYRIEV, OLEG.
SINGH, GURJIT.	DHANOYA, GURJIT.SINGH.
SINGH, KIRPAL.	BAATH, KIRPAL.SINGH.
SINGH, TAJINDER..	FLORA, TAJINDER.SINGH.
SOTTO, ROSEMARIE.	DE LEON, ROSEMARIE.
SRIKANTHARASA, KANDAIAH.	RASA,
VALLIPURAM.	RAYAN.
TASNEEM, TASNEEM.	TARIQ, TASNEEM.
TRAN, VIET.HOANG.STEVEN.	NGO, VIET.HOANG.STEVEN.
VAILLANCOURT, LORAINÉ.	VAILLANCOURT, LORRAINE.
ANN.MARIE.	ANN.MARIE.
VASU, SMITHA.	VIJIT, SMITHA.
VENCATAGADOO, ASHWIN.	BALMRI, ASHWIN.
VIGNESWARA RAJAH,	RAJAH, MAARAN.
MAARAN.	MICHAEL.
VIGNESWARARAJAH,	RAJAH, MAASELEN.
MAASELEN.	DAVID.
VITERI, JAVIER.OSWALDO.	VITERI, JAVIER.
WALLINGFORD, HEATHER.	FORTIN, HEATHER.DAWN.
DAWN.ELIZABETH.	ELIZABETH.
WANG, WEN.JIA.	POITRAS, WEN.JIA.
WARD, MATHEW.JOSHUA.	HEON, MATHEW.JOSHUA.
WATERMAN, STEPHANIE.	WATERMAN, TAYLOR.
GRACE.	JOSHUA.
WIGLE, DONNA.STACEY.	FOISY, DONNA.STACEY.
WOODRUFF, BRANDI.LYNN.	BROWN, BRANDI.LYNN.
XU, GUANG.YUAN.	XU, GEORGE.GUANGYUAN.
XU, ZIPENG.PETER.	XU, PETER.ZIPENG.
YACOB, NADA.NOMROD.	ICHO, NADA.NOMROD.
YALDA, YALDA.	NUSRAT, YALDA.
YEAHER, PATIENCE.CYNTHIA.	ROBERTS, JARDENA.NIKKI.
YU, SIYAO.	YU, CLAIRE.
YUAN, QIZHENG.	YUAN, ALAN.QIZHENG.
ZHAI, JING.	ZHAI, JIM.JING.
ZHAO, YE.	ZHAO, JULIA.YE.

JUDITH M. HARTMAN,
Deputy Registrar General/

(144-G095) Registrare générale adjointe de l'état civi

Applications to Provincial Parliament — Private Bills Demandes au Parlement provincial — Projets de loi d'intérêt privé

PUBLIC NOTICE

The rules of procedure and the fees and costs related to applications for Private Bills are set out in the Standing Orders of the Legislative Assembly. Copies of the Standing Orders, and the guide "Procedures for Applying for Private Legislation", may be obtained from the Legislative Assembly's Internet site at <http://www.ontla.on.ca> or from:

Committees Branch
Room 1405, Whitney Block, Queen's Park
Toronto, Ontario M7A 1A2
Telephone: 416/325-3500 (Collect calls will be accepted)

Applicants should note that consideration of applications for Private Bills that are received after the first day of September in any calendar year may be postponed until the first regular Session in the next following calendar year.

(8699) T.F.N. DEBORAH DELLER,
Clerk of the Legislative Assembly.

Applications to Provincial Parliament

NOTICE

QUEEN'S UNIVERSITY AT KINGSTON

Notice is hereby given that the Board of Trustees of Queen's University at Kingston, in the province of Ontario, originally incorporated and established in 1841 by Royal Charter, under the name Queen's College at Kingston, will present to the Parliament of Canada, at the present or at either of the two following sessions, a petition for a private Act to amend the constitution of the corporation of the University in order to effect certain changes in the composition and powers of the Board of Trustees and of the University Council and the mode of election of their respective members, and to effect other technical or incidental changes as may be appropriate.

Kingston, January 25, 2011

Robert A. Little, Q.C.

Solicitor for the Petitioner

Cunningham, Swan, Carty, Little & Bonham LLP
1473 John Counter Blvd, Suite 201
Kingston, ON K7M 8Z6

(144-P041E) 6, 7, 8, 9

AVIS

UNIVERSITÉ QUEEN'S À KINGSTON

Avis est donné que le Bureau des syndics de l'Université Queen's à Kingston (ci-après appelée « l'Université »), dans la province d'Ontario, constituée en personne morale et établie en 1841 par charte royale sous le nom de Queen's College à Kingston, présentera au Parlement du Canada, au cours de la session actuelle ou de l'une des deux sessions suivantes, une pétition pour qu'un projet de loi d'intérêt privé modifie l'acte constitutif de l'Université afin d'apporter certains changements à la composition et aux pouvoirs du Bureau des syndics et du conseil de l'Université de même qu'au mode d'élection de leurs membres respectifs, et d'apporter les autres changements techniques ou corrélatifs nécessaires.

Kingston, le 25 janvier 2011

Robert A. Little, c.r.
L'avocat du pétitionnaire

Cunningham, Swan, Carty, Little & Bonham LLP
1473, blvd. John Counter, Bureau 201
Kingston (Ontario)
K7M 8Z6

(144-P042F) 6, 7, 8, 9

NOTICE

NOTICE IS HEREBY GIVEN that on behalf of Vincent Lombardi, Joseph Lombardi and Anna Lombardi application will be made to the Legislative Assembly of the Province of Ontario for an Act to revive 917866 Ontario Inc. The corporation was voluntarily dissolved under the Business Corporations Act on November 14, 2005 pursuant to articles of dissolution. The applicants represent that they were the President, Secretary and Treasurer respectively and the only directors of the corporation when it was dissolved and that the purpose of the revival is to deal with certain property that was held in the corporation's name at the time of the dissolution.

The application will be considered by the Standing Committee on Regulations and Private Bills. Any person who has an interest in the application and who wishes to make submissions, for or against the application, to the Standing

Committee on Regulations and Private Bills should notify, in writing, the Clerk of the Legislative Assembly, Legislative Building, Queen's Park, Toronto, Ontario M7A 1A2.

Dated at Oshawa, this 26th day of February, 2011.

EDWARD R. MARKS
Marks & Marks
Barristers and Solicitors
1393 Clearbrook Street
Oshawa, Ontario L1K 0G8

Solicitor on behalf of Joseph Lombardi,
Vincent Lombardi and Anna Lombardi

(144-P071) 9, 10, 11, 12

Corporation Notices Avis relatifs aux compagnies

RWCA INVESTMENTS INC.

TAKE NOTICE that the shareholder of RWCA Investments Inc. passed a Special Resolution on January 31, 2011 requiring the said Corporation to be wound up voluntarily under the provisions of the *Business Corporations Act* (Ontario).

DATED January 31, 2011.

Nancy Lougheed, President

(144-P072)

RWCA INVESTMENTS INC.

TAKE NOTICE that a final meeting of the Shareholder of the above Corporation was held on January 31, 2011, at which time the Liquidator of the above Corporation presented her account and explanation of the voluntary winding up of RWCA Investments Inc.

DATED January 31, 2011.

Nancy Lougheed, Liquidator

(144-P073)

NOTICE OF INTENTION TO DISSOLVE

Notice is hereby given that Elgin Co-operative Services intends to dissolve pursuant to the *Co-operative Corporations Act*, R.S.O 1990, c. C.35, as amended.

DATED at St. Thomas, Ontario this 15th day of February, 2011

Duncan McCallum, President

(144-P074)

Sheriff's Sale of Lands Ventes de terrains par le shérif

UNDER AND BY VIRTUE OF a Writ of Seizure and Sale, numbered 62575SR issued out of the Superior Court of Justice at London, Ontario to me directed, against the real and personal property of Ikram Mohammed aka Ikram Ullah Mohammed Defendant, at the suit of The Toronto Dominion Bank, Plaintiff, I have seized and taken in execution all the right, title, interest and equity of redemption of Ikram Mohammed aka Ikram Ullah Mohammed, in and to:

4311 Mastwoods Rd.
RR#3
Port Hope, Ontario

All of which said right, title, interest and equity of redemption of Ikram Mohammed aka Ikram Ullah Mohammed, defendants in the said lands and tenements described above, I shall offer for sale by Public Auction subject to the conditions set out below at, 1:30pm Wednesday March 30th, 2011 at the Courthouse, 860 William St. Cobourg, Ontario. K9A-3A9

CONDITIONS:

The purchaser to assume responsibility for all mortgages, charges, liens, outstanding taxes, and other encumbrances. No representation is made regarding the title of the land or any other matter relating to the interest to be sold. Responsibility for ascertaining these matters rests with the potential purchaser(s).

TERMS: **Deposit** 10% of bid price or \$1,000.00, whichever is greater Payable at time of sale by successful bidder
To be applied to purchase price
Non-refundable
Ten business days from date of sale to arrange financing and pay balance in full at the Court Enforcement Office, 860 William St. Cobourg, Ontario K9A-3A9
All payments in cash or by certified cheque made payable to the Minister of Finance.
Deed Poll provided by Sheriff only upon satisfactory payment in full of purchase price.
Other conditions as announced.

THIS SALE IS SUBJECT TO CANCELLATION BY THE SHERIFF WITHOUT FURTHER NOTICE UP TO THE TIME OF SALE.

Note: No employee of the Ministry of the Attorney General may purchase any goods or chattels, lands or tenements exposed for sale by a Sheriff under legal process, either directly or indirectly.

Date: 9 February 2011 at Cobourg, ON)

John Mage
Court Enforcement Officer
Court Enforcement Office
Cobourg, ON
(144-P075) K9A-3A9 905-372-3751 ext 113

UNDER AND BY VIRTUE OF a Writ of Seizure and Sale issued out of the Superior Court of Justice at Brantford, dated February 17, 2010, Court File Number SC 10-17, to me directed, against the real and personal property of Larry C. Woods, Defendant, at the suit of Citi Cards Canada Inc., Plaintiff, I have seized and taken in execution all the right, title, interest and equity of redemption of Larry C. Woods, Defendant in and to:

THE WESTERLY 21 FEET FROM FRONT TO REAR OF LOT 164 AND ALL OF LOT 165, PLAN 356, CITY OF BRANTFORD, COUNTY OF BRANT; TOGETHER WITH THE SOUTHERLY 6 FEET OF A LANEWAY AT THE REAR OF THE LOTS HEREBY DESCRIBED & WHICH LANEWAY IS CLOSED ACCORDING TO BYLAW A4142, BEING THE SAME LANDS AS DESCRIBED IN INSTRUMENT NO. A454295 AND

IS MUNICIPALLY KNOWN AS 123 SIXTH AVENUE, BRANTFORD, ONTARIO N3S 1B1, (PIN 32099-0095(LT)).

All of which said right, title, interest and equity of redemption of Larry C. Woods, Defendant in the said lands and tenements described above, I shall offer for sale by Public Auction subject to the conditions set out below at, Superior Court of Justice, 70 Wellington Street, Brantford, Ontario N3T 2L9 on Wednesday March 30, 2011 at 11:00 a.m.

CONDITIONS:

The purchaser to assume responsibility for all mortgages, charges, liens, outstanding taxes, and other encumbrances. No representation is made regarding the title of the land or any other matter relating to the interest to be sold. Responsibility for ascertaining these matters rests with the potential purchaser(s).

TERMS: **Deposit** 10% of bid price or \$1,000.00, whichever is greater Payable at time of sale by successful bidder To be applied to purchase price Non-refundable.
Ten business days from date of sale to arrange financing and pay balance in full at Superior Court of Justice, 70 Wellington Street, Brantford, Ontario N3T 2L9.
All payments in cash or by certified cheque made payable to the Minister of Finance.
Deed Poll provided by Sheriff only upon satisfactory payment in full of purchase price.
Other conditions as announced.

THIS SALE IS SUBJECT TO CANCELLATION BY THE SHERIFF WITHOUT FURTHER NOTICE UP TO THE TIME OF SALE.

Note: No employee of the Ministry of the Attorney General may purchase any goods or chattels, lands or tenements exposed for sale by a Sheriff under legal process, either directly or indirectly.

Date:02/14/2011 Month/Day/Year

Barbara Dawson
For Sheriff's Office, County of Brant
70 Wellington Street, Brantford, Ontario
N3T 2L9 ENF. # 2010-185

(144-P076)

**Sale of Lands for Tax Arrears
by Public Tender
Ventes de terrains par appel d'offres
pour arriéré d'impôt**

MUNICIPAL ACT, 2001

SALE OF LAND BY PUBLIC TENDER

THE CORPORATION OF THE TOWN OF MIDLAND

Take Notice that tenders are invited for the purchase of the land described below and will be received until 3:00 p.m. local time on 24 March 2011, at the Municipal Office, 575 Dominion Avenue, Midland, Ontario L4R 1R2.

The tenders will then be opened in public on the same day as soon as possible after 3:00 p.m. at the Municipal Office, 575 Dominion Avenue, Midland.

Description of Lands:

Roll No. 43 74 020 015 41000 0000, 279 Whitfield Cres. Midland; PIN 58513-0234(LT) Part Lot 100 Concession 2 Tay designated Parts 1 & 2, 51R23327; Tay. File 09-10

Minimum Tender Amount: \$ 42,212.86

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank or trust corporation payable to the municipality and representing at least 20 per cent of the tender amount.

Except as follows, the municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Act, 2001* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

Note: HST may be payable by successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender visit www.OntarioTaxSales.ca, or if no internet available contact:

Pamela Wayne
Manager of Revenue and Taxation
The Corporation of the Town of Midland
575 Dominion Avenue
Midland, Ontario L4R 1R2
705-526-4275 Ext. 2224
www.midland.ca
treasury@midland.ca

(144-P077)

MUNICIPAL ACT, 2001

SALE OF LAND BY PUBLIC TENDER

THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON

Take Notice that tenders are invited for the purchase of the lands described below and will be received until 3:00 p.m. local time on 24 March 2011 at the Municipal Office, Purchasing Office, 40 Temperance Street, Bowmanville, Ontario L1C 3A6.

The tenders will then be opened in public on the same day as soon as possible after 3:00 p.m. at the Municipal Office, Purchasing Office, 40 Temperance Street, Bowmanville.

Description of Lands:

Roll No. 18 17 030 100 10100 0000, 22 Mill St Orono, PIN 26684-0042(LT); Southerly Lot 3 Block 14 (Lot 28 Concession 5 Clarke) Plan of the Village of Orono, Clarke; Clarington. File 08-33.

Minimum Tender Amount: \$ 59,556.67

Roll No. 18 17 010 050 10400 0000; 1912 Highway 2, Bowmanville; PIN 26608-0054(LT); Part Lot 25 Concession 2 Darlington Part 5 10R823 S/T execution 97-03389 if enforceable; Clarington. File 09-01

Minimum Tender Amount: \$ 127,505.00

Roll No. 18 17 010 010 18500 0000; 4601 Bethesda Rd., Bowmanville; PIN 26690-0081(LT); Part Lot 6 Concession 4 Darlington as in N106146 S&E Part 1 Plan 40R25627, Subject to easement as in DR693195 partially released by DR780662; Clarington. File 09-02

Minimum Tender Amount: \$ 80,957.07

Roll No. 18 17 010 020 11716 0000; PIN 26606-0048(LT); Lot 10 Plan 97 Darlington; Clarington. File 09-03

Minimum Tender Amount: \$ 16,183.23

Roll No. 18 17 010 100 03984 0000; 61 Broadlands Cres., Courtice; PIN 26702-0059(LT); Parcel 8-2 Section 10M783; Part Lot 8 Plan 10M783; Part 16 10R2647; S/T right as in NL9975; Clarington. File 09-08

Minimum Tender Amount: \$ 28,752.34

Roll No. 18 17 010 100 17650 0000; Lawson Rd., Courtice; PIN 26707-0060(LT); *Parcel 16 Block 5 N1/2 of S1/2 of 35 Concession 3 Darlington Parts *2* & 3, 40R15743, S/T N54762 & N97546; S/T D442206; *Part Parcel 14 & 15 Block 5 N1/2 of S1/2 Lot 35 Concession 3 Darlington Part 1 40R15743 & Part 1 40R15880 except N97546*; Clarington. * Amended 2000 07 06 by T.Cutler subject to an easement as in DN21782. File 09-09

Minimum Tender Amount: \$ 20,053.79

Roll No. 18 17 010 110 07550 0000; Concession Rd. 7 S/S, Bowmanville; PIN 26720-0039(LT); Part Lot 9 Concession 6 Darlington as in DN16908 except Parts 1 to 4, 10R3089 S/T DN15197; Clarington. File 09-10

Minimum Tender Amount: \$ 12,536.60

Roll No. 18 17 020 040 07535 0000; 72 Martin Rd. 35, Bowmanville; PIN 26902-0035(LT); Unit 35 Level 1, Newcastle Condominium Plan No. 2; Block A Plan 700 (formerly Town Bowmanville), Part 1 10R718, more fully described in Schedule "A" of Declaration NL312; Newcastle; Clarington. File 09-14

Minimum Tender Amount: \$ 16,282.92

Roll No. 18 17 030 120 07101 0000; 141 Baldwin St., Newcastle; PIN 26659-0338(LT); Lot 10 Block 5 Plan Village of Newcastle Hannings Plan Undated Newcastle; Part Lot 11 Block 5 Plan Village of Newcastle Hannings Plan Undated Newcastle Parts 1 & 2, 10R3587, except Part 1, 10R3981; Clarington. File 09-32

Minimum Tender Amount: \$ 48,428.18

Roll No. 18 17 030 120 09295 0000; Lillian Cres., Newcastle; PIN 26659-0160(LT); Parcel Block 46-1 Section 10M811; Block 46 Plan 10M811, In the Town of Newcastle , In the Regional Municipality of Durham, formerly in the Village of Newcastle ; S/T NL14708; Clarington. File 09-33

Minimum Tender Amount: \$ 14,637.71

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank or trust corporation payable to the municipality and representing at least 20 per cent of the tender amount.

Except as follows, the municipality makes no representation regarding the title to, crown interests, contamination or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Act, 2001* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

Note: H.S.T. may be payable by successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender visit www.OntarioTaxSales.ca or if no internet available contact:

Jerry Barber
 Manager, Purchasing Services
 The Corporation of the Municipality of Clarington
 40 Temperance Street
 Bowmanville, Ontario L1C 3A6
 (905)623-3379 Ext 2209
www.clarington.net
jbarber@clarington.net

(144-P078)

**Publications under Part III (Regulations) of the Legislation Act, 2006
Règlements publiés en application de la partie III (Règlements) de la Loi de 2006
sur la législation**

2011—02—26

ONTARIO REGULATION 27/11

made under the

FARM PRODUCTS GRADES AND SALES ACT

Made: February 9, 2011

Filed: February 9, 2011

Published on e-Laws: February 10, 2011

Printed in *The Ontario Gazette*: February 26, 2011

Revoking Reg. 379 of R.R.O. 1990

(Grades — Hog Carcasses)

Note: Regulation 379 has previously been amended. For the legislative history of the Regulation, see the Table of Consolidated Regulations – Detailed Legislative History at www.e-Laws.gov.on.ca.

- 1. Regulation 379 of the Revised Regulations of Ontario, 1990 is revoked.**
- 2. This Regulation comes into force on the day it is filed.**

Made by:

CAROL MITCHELL
Minister of Agriculture, Food and Rural Affairs

Date made: February 9, 2011.

9/11

ONTARIO REGULATION 28/11

made under the

FARM PRODUCTS MARKETING ACT

Made: January 25, 2011

Approved: February 9, 2011

Filed: February 9, 2011

Published on e-Laws: February 11, 2011

Printed in *The Ontario Gazette*: February 26, 2011

Amending Reg. 411 of R.R.O. 1990

(Fresh Grapes — Plan)

Note: Regulation 411 has previously been amended. For the legislative history of the Regulation, see the Table of Consolidated Regulations – Detailed Legislative History at www.e-Laws.gov.on.ca.

- 1. Sections 1, 2 and 3 of Regulation 411 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:**

Definitions**1.** In this Regulation,

“district” means a fresh grape growing district established under section 5; (“district”)

“fresh grapes” means all grapes that are produced in Ontario but does not include grapes used for processing or for the production of late harvest juice to which Regulation 415 of the Revised Regulations of Ontario, 1990 (Grapes for Processing — Plan) applies; (“raisin frais”)

“producer” means a person engaged in the production of fresh grapes. (“producteur”)

Plan

2. This Regulation sets out the plan for the control and regulation of the producing and marketing of fresh grapes in Ontario.

Local board

3. (1) The local board known as “The Ontario Fresh Grape Growers’ Marketing Board” is continued.

(2) The local board has the authority, and shall exercise the powers and perform the duties,

- (a) that the Commission delegates to it under the Act; and
- (b) that are given or assigned to it by this Regulation and by any other applicable regulation.

(3) The local board has the following powers:

- 1. The local board has such powers of a natural person as are necessary for the local board to exercise its other powers and perform its duties under the Act or any other Act of Ontario or Canada, subject to any limitations set out in this Regulation or any other regulation that applies to the local board.
- 2. The local board may accept extra-provincial powers and rights.
- 3. Where authorized by by-law, and subject to Regulation 400 of the Revised Regulations of Ontario, 1990 (By-laws for Local Boards) made under the Act, the local board may,
 - i. borrow money on the credit of the local board,
 - ii. issue, sell or pledge debt obligations of the local board, or
 - iii. charge, mortgage, hypothecate or pledge all or any currently owned or subsequently acquired real or personal movable or immovable property of the local board, including book debts, rights, powers, franchises and undertakings, to secure any debt obligations or any money borrowed or other debt or liability of the local board.

(4) The local board shall not,

- (a) establish or acquire a controlling interest in a corporation or other entity;
- (b) exercise its powers and perform its duties, or purport to do so, through a corporation or other entity; or
- (c) indemnify or agree to indemnify any person in relation to any action or other proceeding except as permitted by Regulation 400 of the Revised Regulations of Ontario, 1990.

Local board composition

4. (1) The local board shall be composed of seven members, all of whom shall be producers.

(2) The local board members shall be elected in accordance with section 7 from among the producers who sit on the district fresh grape growers’ committees for the districts established under section 5.

Fresh grape growing districts

5. For the purposes of the elections to the local board and to the district fresh grape growers’ committees, the following fresh grape growing districts are established:

- 1. District 1, consisting of the Town of Niagara-on-the-Lake.
- 2. District 2, consisting of the City of St. Catharines, City of Niagara Falls, City of Welland, City of Thorold, City of Port Colborne and the Town of Fort Erie and the Town of Pelham.
- 3. District 3, consisting of that part of the Town of Lincoln lying to the east of Road number 24 in The Regional Municipality of Niagara.
- 4. District 4, consisting of that part of the Town of Lincoln lying to the west of Road number 24 in The Regional Municipality of Niagara.

5. District 5, consisting of the Town of Grimsby, the Township of West Lincoln and The Regional Municipality of Hamilton-Wentworth and those parts of Ontario that are not included in Districts 1 to 4.

District fresh grape growers' committees

6. (1) There shall be a fresh grape growers' committee for each district, all the members of which shall be producers who produce fresh grapes in the district.

(2) The number of members of a district fresh grape growers' committee shall be based on the number of producers who produce fresh grapes in the district, there being one member of the committee for every 10 producers, or fraction thereof, who produce fresh grapes in the district.

(3) The producers who produce fresh grapes in a district shall elect the members of the district fresh grape growers' committee annually from among themselves.

(4) A producer who produces fresh grapes in more than one district shall not be elected to the district fresh grape growers' committee for more than one district.

(5) The election of all of the district fresh grape growers' committees shall take place at the local board's annual general meeting, to be held on or before March 15 of each year.

(6) The members of a district fresh grape growers' committee shall be elected for a term which shall begin on the day of their election and end on the day before the election of the committee the following year.

Election of local board

7. (1) At a meeting of the members of all of the district fresh grape growers' committees elected in accordance with section 6 to be held on a day to be determined under subsection (2), the newly elected committee members shall elect the local board members in accordance with the following rules:

1. The members of the district fresh grape growers' committee for District 1 shall elect two local board members from among themselves.
2. With respect to Districts 2, 3, 4 and 5, the members of each district fresh grape growers' committee shall elect one local board member from among themselves.
3. The members of all five district fresh grape growers' committees shall elect one local board member, as member-at-large, from among the members of all five committees.

(2) The day on which the election of local board members shall be held shall be on or before March 31 of any year, as may be determined by the members of the district fresh grape growers committees elected under section 6.

(3) If at a meeting referred to in subsection (1), the members of a particular district fresh grape growers' committee fail to elect a member to the local board in accordance with paragraph 1 or 2 of subsection (1), the members of all five district fresh grape growers' committees may, later at the meeting, elect a member to the local board from among the members of all five committees.

(4) No person elected to the local board under this section or appointed to the local board under section 8 shall hold more than one seat on the local board.

(5) The members of a local board shall be elected for a term which shall begin on the day of their election and end on the day before the election of the local board the following year.

Vacancies

8. (1) At its first meeting after an election under section 7, the elected members of a local board may appoint such members as are necessary to complete the local board in accordance with subsection (3) or (4).

(2) If a member of the local board dies, resigns or is unable to act for the remainder of his or her term of office, the other members of the local board,

- (a) shall promptly give the Commission written notice of the vacancy; and
- (b) may appoint a producer to fill the vacancy for the remainder of the term, in accordance with subsection (3) or (4).

(3) The following rules apply when the local board is filling a vacancy created by the failure to elect, or the death, resignation or inability to act of, a member representing a particular district:

1. Subject to paragraphs 2, 3 and 4, the person appointed shall be a producer who is a member of the district fresh grape growers' committee for the particular district.
2. If no member of the district fresh grape growers' committee for the particular district is eligible or willing to sit on the local board, any producer who is a member of any district fresh grape growers' committee may be appointed.
3. If no member of a district fresh grape growers' committee is eligible or willing to sit on the local board, any producer who produces fresh grapes in the particular district may be appointed.

4. If no producer who produces fresh grapes in the particular district is eligible or willing to sit on the local board, any producer may be appointed.
- (4) The following rules apply when the local board is filling a vacancy created by the failure to elect the member-at-large referred to in paragraph 3 of subsection 7 (1) or by the death, resignation or inability to act of, the member-at-large:
1. Subject to paragraph 2, the person appointed shall be a producer who is a member of a district fresh grape growers' committee.
 2. If no member of a district fresh grape growers' committee is eligible or willing to sit on the local board, any producer may be appointed.
- (5) The local board shall promptly give the Commission written notice of having filled a vacancy created by the failure to elect a member or by the death, resignation or inability to act of a member.
- (6) If the Commission does not receive notice of a vacancy having been filled under subsection (5) within 14 days of the vacancy occurring, the Commission may appoint any producer to fill the vacancy for the remainder of the term.

2. The Schedule to the Regulation is revoked.

3. This Regulation comes into force on the day it is filed.

RÈGLEMENT DE L'ONTARIO 28/11

pris en vertu de la

LOI SUR LA COMMERCIALISATION DES PRODUITS AGRICOLES

pris le 25 janvier 2011
 approuvé le 9 février 2011
 déposé le 9 février 2011
 publié sur le site Lois-en-ligne le 11 février 2011
 imprimé dans la *Gazette de l'Ontario* le 26 février 2011

modifiant le Règl. 411 des R.R.O. de 1990
 (Raisin frais — Plan)

Remarque : Le Règlement 411 a été modifié antérieurement. Ces modifications sont indiquées dans l'Historique législatif détaillé des règlements codifiés sur le site www.lois-en-ligne.gouv.on.ca.

1. Les articles 1, 2 et 3 du Règlement 411 des Règlements refondus de l'Ontario de 1990 sont abrogés et remplacés par ce qui suit :

Définitions

1. Les définitions qui suivent s'appliquent au présent règlement :

«district» District de production de raisin frais créé en application de l'article 5. («district»)

«producteur» Quiconque se livre à la production de raisin frais. («producer»)

«raisin frais» Tout le raisin produit en Ontario, à l'exception du raisin destiné à la transformation ou à la production de jus de vendange tardive, auquel s'applique le Règlement 415 des Règlements refondus de l'Ontario de 1990 (Raisin de transformation — Plan). («fresh grapes»)

Plan

2. Le présent règlement énonce le plan pour la régie et la réglementation de la production et de la commercialisation du raisin frais en Ontario.

Commission locale

3. (1) Est prorogée la commission locale appelée The Ontario Fresh Grape Growers' Marketing Board.

(2) La commission locale exerce les pouvoirs et les fonctions :

- a) que lui délègue la Commission en vertu de la Loi;
- b) que lui attribuent le présent règlement et tout autre règlement applicable.

(3) La commission locale est investie des pouvoirs suivants :

1. La commission locale a les pouvoirs d'une personne physique qui sont nécessaires pour qu'elle exerce les autres pouvoirs et fonctions qui lui sont attribués en vertu de la Loi ou de toute autre loi de l'Ontario ou du Canada, sous réserve des restrictions énoncées dans le présent règlement ou tout autre règlement qui s'applique à la commission locale.
 2. La commission locale peut accepter des pouvoirs et des droits extraprovinciaux.
 3. Lorsqu'un règlement administratif l'y autorise et sous réserve du Règlement 400 des Règlements refondus de l'Ontario de 1990 (Règlements administratifs des commissions locales) pris en vertu de la Loi, la commission locale peut :
 - i. contracter des emprunts sur son crédit,
 - ii. émettre, vendre ou mettre en gage ses titres de créance,
 - iii. afin de garantir un titre de créance qu'elle émet ou un emprunt, une dette ou une autre obligation qu'elle contracte, grever d'une charge, hypothéquer, nantir ou mettre en gage la totalité ou une partie de ses biens meubles ou immeubles présents ou futurs, y compris des comptes clients, des droits, des pouvoirs, des concessions et des engagements.
- (4) La commission locale ne doit pas :
- a) créer une personne morale ou une autre entité, ni acquérir des intérêts majoritaires dans l'une ou l'autre;
 - b) exercer ses pouvoirs et ses fonctions, ou prétendre le faire, par l'intermédiaire d'une personne morale ou d'une autre entité;
 - c) indemniser ou convenir d'indemniser quiconque relativement à une action ou à une autre instance, sauf si le Règlement 400 des Règlements refondus de l'Ontario de 1990 le permet.

Composition de la commission locale

4. (1) La commission locale se compose de sept membres qui sont tous des producteurs.

(2) Les membres de la commission locale sont élus conformément à l'article 7 parmi les producteurs qui siègent aux comités des producteurs de raisin frais des districts créés en application de l'article 5.

Districts de production de raisin frais

5. Pour les besoins des élections à la commission locale et aux comités des producteurs de raisin frais sont créés les districts de production de raisin frais suivants :

1. Le district 1, qui comprend la ville de Niagara-on-the-Lake.
2. Le district 2, qui comprend la cité de St. Catharines, la cité de Niagara Falls, la cité de Welland, la cité de Thorold, la cité de Port Colborne, la ville de Fort Erie et la ville de Pelham.
3. Le district 3, qui comprend la partie de la ville de Lincoln se situant à l'est du chemin numéro 24 dans la municipalité régionale de Niagara.
4. Le district 4, qui comprend la partie de la ville de Lincoln se situant à l'ouest du chemin numéro 24 dans la municipalité régionale de Niagara.
5. Le district 5, qui comprend la ville de Grimsby, le canton de West Lincoln et la municipalité régionale de Hamilton-Wentworth et les régions de l'Ontario qui ne font pas partie des districts 1 à 4.

Comités des producteurs de raisin frais

6. (1) Est constitué dans chaque district un comité des producteurs de raisin frais dont tous les membres sont des producteurs qui produisent du raisin frais dans le district.

(2) Le nombre de membres du comité est calculé selon le nombre de producteurs qui produisent du raisin frais dans le district, à raison d'un membre par groupe de 10 producteurs ou fraction de ce nombre.

(3) Chaque année, les producteurs qui produisent du raisin frais dans un district élisent parmi eux les membres de leur comité.

(4) Le producteur qui produit du raisin frais dans plus d'un district ne doit pas être élu à plus d'un comité des producteurs de raisin frais.

(5) L'élection de tous les comités a lieu à l'assemblée générale annuelle de la commission locale, qui doit se tenir au plus tard le 15 mars de chaque année.

(6) Le mandat des membres élus au comité commence le jour de leur élection et se termine la veille de l'élection du comité l'année suivante.

Élection des membres de la commission locale

7. (1) Lors d'une réunion des membres de tous les comités des producteurs de raisin frais élus conformément à l'article 6, qui doit se tenir à la date fixée conformément au paragraphe (2), les membres qui viennent d'être élus aux comités élisent les membres de la commission locale conformément aux règles suivantes :

1. Les membres du comité du district 1 élisent parmi eux deux membres à la commission locale.
2. Les membres de chacun des comités des districts 2, 3, 4 et 5 élisent parmi eux un membre à la commission locale.
3. L'ensemble des membres des comités des cinq districts élisent parmi eux un membre supplémentaire à la commission locale.

(2) L'élection des membres de la commission locale a lieu au plus tard le 31 mars d'une année donnée, à la date fixée par les membres des comités des producteurs de raisin frais élus conformément à l'article 6.

(3) Si, lors d'une réunion visée au paragraphe (1), les membres de l'un ou l'autre des comités des producteurs de raisin frais n'élisent pas de membre à la commission conformément à la disposition 1 ou 2 du paragraphe (1), l'ensemble des membres des cinq comités peuvent, plus tard au cours de la réunion, élire parmi eux un membre à la commission locale.

(4) La personne qui est élue à la commission locale en application du présent article ou qui y est nommée en application de l'article 8 ne doit pas y occuper plus d'un poste.

(5) Le mandat des membres élus à la commission locale commence le jour de leur élection et se termine la veille de l'élection de la commission locale l'année suivante.

Vacances

8. (1) Lors de leur première réunion suivant l'élection prévue à l'article 7, les membres élus à la commission locale peuvent nommer, conformément au paragraphe (3) ou (4), les membres nécessaires pour compléter la composition de la commission locale, le cas échéant.

(2) En cas de décès ou de démission d'un membre de la commission locale, ou si des circonstances empêchent un membre de mener son mandat à terme, les autres membres :

- a) d'une part, doivent aviser promptement la Commission, par écrit, de la vacance;
- b) d'autre part, peuvent nommer, conformément au paragraphe (3) ou (4), un producteur afin de combler la vacance jusqu'à l'expiration du mandat.

(3) Les règles suivantes s'appliquent lorsque la commission locale comble une vacance qui résulte du défaut d'élire un membre représentant un district en particulier ou du décès, de la démission ou de l'empêchement d'un tel membre :

1. Sous réserve des dispositions 2, 3 et 4, la personne nommée doit être un producteur qui est membre du comité des producteurs de raisin frais concerné.
2. Si le comité de district des producteurs de raisin frais concerné ne compte aucun membre admissible ou disposé à siéger à la commission locale, tout producteur qui est membre d'un comité peut y être nommé.
3. Si aucun comité des producteurs de raisin frais ne compte de membre admissible ou disposé à siéger à la commission locale, tout producteur qui produit du raisin frais dans le district concerné peut y être nommé.
4. Si le district concerné ne compte aucun producteur de raisin frais admissible ou disposé à siéger à la commission locale, tout producteur peut être y nommé.

(4) Les règles suivantes s'appliquent lorsque la commission locale comble une vacance qui résulte du défaut d'élire le membre supplémentaire visé à la disposition 3 du paragraphe 7 (1) ou du décès, de la démission ou de l'empêchement d'un tel membre :

1. Sous réserve de la disposition 2, la personne nommée doit être un producteur qui est membre d'un comité des producteurs de raisin frais.
2. Si aucun comité des producteurs de raisin frais ne compte de membre admissible ou disposé à siéger à la commission locale, tout producteur peut y être nommé.

(5) La commission locale avise promptement la Commission, par écrit, qu'elle a comblé une vacance qui résulte du défaut d'élire un membre ou du décès, de la démission ou de l'empêchement d'un membre.

(6) Si elle ne reçoit pas l'avis prévu au paragraphe (5) au plus tard 14 jours après que la vacance est survenue, la Commission peut nommer un producteur afin de la combler jusqu'à l'expiration du mandat.

2. L'annexe du Règlement est abrogée.

3. Le présent règlement entre en vigueur le jour de son dépôt.

Made by:
Pris par :

ONTARIO FARM PRODUCTS MARKETING COMMISSION:
COMMISSION DE COMMERCIALISATION DES PRODUITS AGRICOLES DE L'ONTARIO :

Le secrétaire,

GEORGE MCCAW
Secretary

Le président,

GERI KAMENZ
Chair

Date made: January 25, 2011.
Pris le : 25 janvier 2011.

I approve this Regulation.
J'approuve le présent règlement.

La ministre de l'Agriculture, de l'Alimentation et des Affaires rurales,

CAROL MITCHELL
Minister of Agriculture, Food and Rural Affairs

Date approved: February 9, 2011.
Approuvé le : 9 février 2011.

9/11

ONTARIO REGULATION 29/11

made under the

CEMETERIES ACT (REVISED)

Made: February 9, 2011
Filed: February 11, 2011
Published on e-Laws: February 14, 2011
Printed in *The Ontario Gazette*: February 26, 2011

REVOKING VARIOUS REGULATIONS

Note: Ontario Regulations 130/92 and 133/92 have not previously been amended.

Note: Ontario Regulations 131/92 and 132/92 have previously been amended. For the legislative history of the Regulations, see the Table of Consolidated Regulations – Detailed Legislative History at www.e-Laws.gov.on.ca.

- 1. Ontario Regulations 130/92, 131/92, 132/92 and 133/92 are revoked.**
- 2. This Regulation comes into force on the later of the day section 114 of the *Funeral, Burial and Cremation Services Act, 2002* comes into force and the day this Regulation is filed.**

9/11

ONTARIO REGULATION 30/11

made under the

FUNERAL, BURIAL AND CREMATION SERVICES ACT, 2002

Made: February 9, 2011

Filed: February 11, 2011

Published on e-Laws: February 15, 2011

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**PART I
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Definitions

1. (1) In this Part,

“business day” means a day that is not,

- (a) Saturday, or
- (b) a holiday within the meaning of section 87 of the *Legislation Act, 2006*;

“care and maintenance trust money” means money that section 53 of the Act requires be held in a care and maintenance fund or in a care and maintenance account;

“commercial cemetery” means a cemetery operated for the purpose of making a profit for the owner;

“eligible depository” means,

- (a) a bank or authorized foreign bank as both those terms are defined in section 2 of the *Bank Act (Canada)*,
- (b) a corporation registered under the *Loan and Trust Corporations Act*, or
- (c) a credit union within the meaning of the *Credit Unions and Caisses Populaires Act, 1994*;

“embalming room” means a room designated for arterially embalming or restoring dead human bodies;

“funeral director” means an individual licensed to provide or direct the provision of funeral services or to hold oneself out as available to do so;

“funeral preplanner” means an individual who, in respect of contracts made before the death of the intended recipient of supplies and services, is licensed to act under subsection 6 (1) on behalf of a person licensed as a Funeral Establishment Operator – Class 1 or Funeral Establishment Operator – Class 2 or who is licensed to hold oneself out as available to do so;

“group insurance” means group insurance as defined in subsection 171 (1) of the *Insurance Act*;

“holding room” means a room designated for holding dead human bodies, preparing them and placing them in caskets, but not for arterially embalming or restoring them;

“licence” means a licence issued under section 14 of the Act or deemed to be held under the Act by virtue of section 13 of the Act;

“operator licence” means a licence authorizing the licensee to operate a cemetery, crematorium, funeral establishment or transfer service;

“personal licence” means a licence authorizing a licensee who is an individual to act as a sales representative of an operator or as a funeral director or a funeral preplanner;

“personal representative” means a personal representative as defined in the *Succession Law Reform Act*;

“person in charge of the day-to-day operations”, with respect to the business of an operator, means an individual managing the business of the operator at a particular location;

“prepaid trust money” means,

- (a) money that is required under section 52 of the Act to be held in trust and paid out in accordance with the regulations that apply for the purposes of that section, and
- (b) unless the context indicates otherwise, income earned on the investment and reinvestment of the money described in clause (a) while it is held in trust in accordance with the regulations that apply for the purposes of section 52 of the Act,

but does not include money paid for the purchase of interment or scattering rights;

“sales representative” means an individual, other than a funeral preplanner, who is licensed to act under subsection 5 (1) on behalf of an operator other than a funeral establishment operator;

“temporarily held care and maintenance trust money” means money that is required to be held in trust under section 55 of the Act;

“trust money” means prepaid trust money;

“unclaimed trust money” means prepaid trust money,

- (a) that is held in trust with respect to the provision by an operator of licensed supplies or services, and
 - (b) that is payable or repayable to a purchaser whom the payer is unable to identify or locate.
- (2) In the French version of this Part,

“crématorium” has the same meaning as “crématoire” in the Act.

(3) The other prescribed services mentioned in the definition of “funeral services” in subsection 1 (1) of the Act include the co-ordination and provision of rites and ceremonies with respect to cremated human remains if the services are provided in close proximity to the time of death of the person whose remains they are and the remains are to be present, other than rites or ceremonies taking place at the time of interment or scattering.

DIVISION B ADDITIONAL PROHIBITED ACTIVITIES

Scattering of cremated remains

2. (1) No person, other than an operator, a person described in clause 6 (1) (c) or a funeral director, sales representative or funeral preplanner acting on behalf of an operator, shall offer to sell or sell the service of scattering of cremated human remains for consideration, whether the consideration is received directly or indirectly.

(2) No person, other than an operator, shall provide the service of scattering of cremated human remains for consideration, whether the consideration is received directly or indirectly.

Sales, etc., of insurance products

3. (1) Subject to the *Insurance Act*, no person, other than a licensee, shall sell or offer to sell, or enrol or offer to enrol anyone in, an annuity or insurance contract, including group insurance, that,

- (a) is used to fund, directly or indirectly, in whole or in part, the purchase of licensed supplies or services; and
- (b) names an operator as the beneficiary of the proceeds, assigns the beneficiary’s rights to proceeds to an operator or assigns to an operator the right to designate the beneficiary of the proceeds.

(2) Subsection (1) does not apply to a person acting under the authority of a licence issued under the *Insurance Act*.

DIVISION C LICENSING

REQUIREMENT FOR LICENCES

Embalming services

4. (1) Except as permitted by subsection 36 (4), no person shall embalm dead human bodies or hold oneself out as available to embalm dead human bodies, unless,

- (a) the person is licensed as a funeral director and is acting on behalf of a funeral establishment operator;
- (b) the person is enrolled in an approved education program and is working,
 - (i) under the supervision and in the presence of the course instructor, or
 - (ii) under the supervision of a person licensed as a Funeral Director – Class 1; or
- (c) the person is employed in a faculty of medicine or a school of anatomy designated under the *Anatomy Act*.

(2) A person licensed as a Transfer Service Operator – Class 1 is prescribed for the purposes of subsection 8 (2) of the Act as a person who is authorized to sell or offer to sell to the public or hold oneself out as available to sell to the public services described in subsection 36 (4).

Sales representative

5. (1) No person shall act as a sales representative on behalf of an operator, or hold oneself out as a sales representative of an operator, unless the person is licensed as a sales representative.

(2) The licence of a sales representative is a prescribed licence for the purposes of clauses 4 (2) (a), 6 (2) (a) and 12 (2) (b) of the Act.

(3) A sales representative of a person licensed as a Transfer Service Operator – Class 1 is prescribed for the purposes of clause 8 (2) (c) of the Act as a person who is authorized to sell or offer to sell to the public, or hold oneself out as available to sell to the public, funeral services that the operator on whose behalf the representative acts, is authorized to sell or offer to sell.

Funeral director or preplanner

6. (1) No person shall sell or offer to sell to the public funeral supplies and services on behalf of a funeral establishment operator, or hold oneself out as available to do so, unless,

- (a) the person holds a licence as a Funeral Director – Class 1 or Funeral Director – Class 2 licence;
- (b) the person is licensed as a funeral preplanner; or
- (c) the person is enrolled in a funeral director or funeral preplanner education program approved by the registrar and is,
 - (i) employed by and acting on the behalf of a person licensed as a Funeral Establishment Operator – Class 1 or a Funeral Establishment Operator – Class 2, and
 - (ii) working under the supervision of a person licensed as a Funeral Director – Class 1 or a Funeral Director – Class 2.

(2) The licence of a funeral director or a funeral preplanner is a prescribed licence for the purposes of clauses 8 (2) (a) and 12 (2) (b) of the Act.

(3) The class of persons described in clause (1) (c) is a prescribed class for purposes of clause 8 (2) (c) of the Act.

(4) The licence of a funeral director is a prescribed licence for the purposes of clause 6 (2) (a) of the Act if the funeral director has received written authorization to act as a sales representative on behalf of a crematorium operator.

Exemptions from licences

7. (1) A person is exempt from clause 4 (2) (a) of the Act if,

- (a) the person is acting on behalf of the operator of a cemetery other than a commercial cemetery;
- (b) selling licensed supplies or services is not the person's primary occupation; and
- (c) the person is not selling, or holding oneself out as available to sell, licensed supplies or services in circumstances in which,
 - (i) money is required to be held in trust under section 52 of the Act, or
 - (ii) payment is to be made by way of proceeds of an annuity or insurance contract, including group insurance.

(2) A family member of a deceased individual is exempt from subsection 8 (2) of the Act when the family member is, for no consideration, providing funeral services in respect of the deceased individual, other than arterial embalming.

GENERAL

Prescribed requirements for licence

8. (1) The following requirements are prescribed for the purposes of subsection 14 (1) of the Act in the case of an applicant who is an individual:

1. The applicant shall be at least 18 years old.
2. The applicant shall be legally entitled to work in Canada.

(2) In the case of an applicant for an operator licence, or a renewal of that licence, it is a prescribed requirement for the purposes of subsection 14 (1) of the Act that, if the applicant intends to carry on business from a dwelling, the applicant shall have made arrangements satisfactory to the registrar to give the registrar access to the operator's business records.

Application for licence

9. An application for a licence shall meet the following requirements:

1. The application shall be in a form and manner approved by the registrar.
2. The application shall include information for which a notice of change would be required under section 103 or 104.
3. The application shall contain the additional information that the registrar requires.
4. The application shall be accompanied by the fee established under section 108 of the Act.
5. In the case of a licence to operate a cemetery, crematorium, funeral establishment or transfer service, the application shall be accompanied by confirmation from the local municipality that the proposed use is a permitted use and is in accordance with applicable municipal by-laws and that the plans have been approved by the local municipality.
6. In the case of a licence to operate a cemetery, the application shall be accompanied by evidence that the deposit, if any, that was required to be paid into a care and maintenance fund under clause 86 (1) (c) of the Act has been paid.
7. In the case of a licence to operate a crematorium, the application shall be accompanied by,
 - i. a copy of the Director's certificate of approval required under section 9 of the *Environmental Protection Act*, and
 - ii. plans or drawings of the site, building, location of retorts, processing area, and body storage areas.
8. In the case of a licence to operate a funeral establishment, the application shall be accompanied by,
 - i. plans or drawings of all holding rooms and all embalming rooms that the operator proposes to use, containing sufficient detail to permit the registrar to assess whether the rooms comply with section 47 or 48, as applicable, and
 - ii. a certificate of inspection, in a form approved by the registrar, issued by a medical officer of health, a public health inspector or a person designated by the registrar, stating that all holding rooms and all embalming rooms the operator proposes to use have been inspected within 180 days before the date of the application and are suitable for the purpose for which they will be used.
9. In the case of a licence to operate a transfer service, the application shall be accompanied by,
 - i. plans or drawings of all holding rooms that the operator proposes to use, containing sufficient detail to permit the registrar to assess whether the rooms comply with section 47, and
 - ii. a certificate of inspection, in a form approved by the registrar, issued by a medical officer of health, a public health inspector or a person designated by the registrar, stating that a holding room that the operator proposes to use has been inspected within 180 days before the date of the application and is suitable for the purpose for which it will be used.

Expiry of licences

- 10.** Subject to section 22 of the Act, a licence expires on the expiry date shown on the licence.

Application for renewal of licence

- 11.** An application for renewal of a licence shall,
- (a) meet the requirements set out in paragraphs 1, 2, 3 and 4 of section 9, unless the registrar directs otherwise; and
 - (b) meet the requirements set out in paragraphs 5, 7, 8 and 9 of section 9, if the registrar so requires.

Separate licences

- 12.** Under subsection 16 (2) of the Act, the registrar may, as a condition of a licence, limit the number of different locations to which the licence applies.

Application after expiry

- 13.** If a licensee applies to renew a licence after the licence has expired, the application shall be treated as an application for a new licence.

Content of licence form

- 14.** (1) If the registrar issues or renews a licence, the registrar shall provide the applicant with a form of licence that sets out the class of licence and the expiry date, if any, of the licence.
- (2) The registrar may set out on the form of licence,
 - (a) the conditions to which the licence is subject under section 16 of the Act and that the registrar considers appropriate for inclusion on the licence; and
 - (b) the additional information that the registrar considers appropriate.
 - (3) If a person holds more than one licence, the registrar may combine the licences.

Name on operator licence

15. (1) An operator licence shall set out the name of the operator.

(2) If an operator, where permitted by law, carries on the business authorized by the licence under a name other than the name mentioned in subsection (1), the licence shall also set out the other name.

(3) An operator shall ensure that the registrar has current information about the operator's names described in subsections (1) and (2).

(4) An operator shall not carry on the business authorized by the licence under a name other than a name set out in the licence.

Time for reapplication

16. For the purposes of section 24 of the Act, a person who is refused a licence or a renewal of a licence or whose licence is revoked shall not reapply for a licence before the expiry of one year from the day of the refusal or revocation.

Continuation of operator's duties

17. If an operator licence expires without the operator having applied for renewal of the licence, if the registrar cancels an operator licence upon the request in writing of the operator under section 21 of the Act or if the licence is suspended, surrendered or revoked, the person who was licensed as the operator shall continue to be subject to the duties and obligations of an operator under the Act until all of the duties and obligations have been fulfilled.

CLASSES OF LICENCE

Classes of licence

18. The following classes of licence are prescribed:

1. Cemetery Operator.
2. Crematorium Operator.
3. Funeral Establishment Operator – Class 1.
4. Funeral Establishment Operator – Class 2.
5. Transfer Service Operator – Class 1.
6. Transfer Service Operator – Class 2.
7. Funeral Director – Class 1.
8. Funeral Director – Class 2.
9. Sales Representative.
10. Funeral Preplanner.

GENERAL CONDITIONS OF LICENCE

Conditions of every operator licence

19. Sections 20 to 29 prescribe the conditions of every licence of an operator.

Address for service

20. An operator shall maintain an address for service in Ontario and shall inform the registrar of that address.

Business location

21. (1) An operator shall not operate from a location other than a location identified on the licence.

(2) An operator shall not invite the public to enter into contracts at a location other than the business location identified on the licence.

(3) Subsection (2) does not prohibit an operator from entering into a contract with a purchaser at a location requested by the purchaser.

Person in charge

22. (1) An operator shall ensure that there is a person in charge of the day-to-day operations of each business location identified on the operator's licence and that the person has completed the education required as a result of section 42.

(2) In the case of a cemetery that is not a commercial cemetery, the person mentioned in subsection (1) is not required to complete the education required as a result of section 42 unless,

3. Whenever cremated human remains are received by the operator, the operator shall prepare a record setting out,
 - i. the name of the deceased person whose cremated remains were received,
 - ii. the date the operator received the cremated remains,
 - iii. the name and address of the person who authorized the scattering of the cremated remains, and
 - iv. the date, manner and place of scattering of the cremated remains.
 4. If the purchaser, personal representative or a family member of a deceased person requests disclosure of the record prepared under paragraph 3 with respect to the deceased person, the operator shall disclose the record free of charge to the person making the request.
 5. The operator shall ensure that cremated human remains are scattered only in areas to which no prohibition against the scattering of cremated human remains applies and shall comply with all rights and obligations of the scattering rights holder if the scattering is to take place in a cemetery.
 6. The operator shall maintain a record setting out the following current information:
 - i. The locations where the operator is storing cremated human remains if the operator is doing it directly.
 - ii. The name of each person storing cremated human remains under an arrangement with the operator under paragraph 1 of subsection (1), the address of the storage facility and the address of the person storing the cremated remains, if it is different from the address of the storage facility.
 - iii. For each storage facility listed under subparagraph i or ii, the position and telephone number of an individual at the storage facility who may be contacted for information about the stored cremated remains.
- (2) Subsection (1) does not apply to a cemetery operator in respect of human remains that the operator receives for scattering in the cemetery and who scatters the remains in the cemetery.
- (3) An operator who stores cremated human remains with another person shall enter into a contract with the other person that requires the other person to,
- (a) comply with the operator's duties under subsection (1); and
 - (b) make the facility at which the cremated human remains are stored available during regular business hours for inspection by the registrar or another person designated in writing by the registrar.

Maintaining a cemetery

- 29.** An operator that has an interest in a cemetery shall maintain the cemetery if the registrar is of the opinion that,
- (a) the cemetery appears to be abandoned or neglected; and
 - (b) the interest of the operator is significant enough to warrant requiring the operator to maintain the cemetery.

CONDITIONS OF SPECIFIC LICENCES

Cemetery Operator licence

- 30.** (1) This section sets out conditions of a Cemetery Operator licence.
- (2) The cemetery operator shall ensure that the cemetery has an entrance that is accessible to the public directly from a public thoroughfare or from another publicly accessible area.
- (3) Subsection (2) does not apply to,
- (a) a cemetery that did not have the access described in subsection (2) on the day immediately before the day on which paragraph 6 of subsection 113 (1) of the Act came into force; or
 - (b) a cemetery established as a result of a burial site declaration under section 98 of the Act.
- (4) When an interment or a scattering rights holder resells the rights to a third party purchaser under section 47 of the Act or transfers the rights to a transferee, the cemetery operator shall issue a new certificate of interment rights or certificate of scattering rights to the third party purchaser or transferee, as the case may be, if,
- (a) the operator has been paid in full for the rights;
 - (b) the fee, if any, that the operator charges for issuing the new certificate has been paid; and
 - (c) the third party purchaser or transferee, as the case may be, has given the operator, as required by section 115 or 116, as the case may be, the endorsed interment or scattering rights certificate that the rights holder provided to the third party purchaser or transferee under the applicable section and all other information that the cemetery operator requires in order to issue a new certificate.

Crematorium Operator licence

- 31.** (1) This section sets out conditions of a Crematorium Operator licence.
- (2) The crematorium operator shall not permit the cremation of a dead human body if,
- (a) the operator has not received a certificate issued by the coroner authorizing the cremation; or
 - (b) the body has a pacemaker or radioactive implant, is in a casket that consists of or has on or in it material made of or containing non-flammable or hazardous material or chlorinated or fibre-reinforced plastic, other than incidental metal used in the construction of the casket or accompanying material.
- (3) The crematorium operator may contract out or arrange for the removal of a pacemaker or radioactive implant from a dead human body if the person carrying out the removal is a person described in section 52.

All Funeral Establishment Operator licences

- 32.** (1) This section sets out the conditions of every Funeral Establishment Operator licence.
- (2) A burial permit under the *Vital Statistics Act* is not required for the provision of funeral services with respect to products of conception that do not constitute a still-birth under that Act and for which no burial permit under that Act is therefore required to be issued.
- (3) The funeral establishment operator shall ensure that, if a contract is negotiated by someone who is enrolled in a funeral director or funeral preplanner education program and who is not a licensed funeral director or licensed funeral preplanner, the contract is reviewed and signed by a licensed funeral director.

Funeral Establishment Operator – Class 1 licence

- 33.** (1) This section sets out conditions of every Funeral Establishment Operator – Class 1 licence.
- (2) The funeral establishment operator shall ensure that there is a holding room on the funeral establishment premises that meets the requirements of section 47.
- (3) Subject to subsection (4), the funeral establishment operator shall ensure that the day-to-day operations of the funeral establishment are managed by a person licensed as a Funeral Director – Class 1 or a Funeral Director – Class 2.
- (4) If the funeral establishment provides the services of arterially embalming or restoring dead human bodies, the funeral establishment operator,
- (a) shall ensure that the day-to-day operations of the funeral establishment are managed by a person licensed as a Funeral Director – Class 1; and
 - (b) shall have immediate access to an embalming room that the registrar has approved and that meets the requirements of section 48.
- (5) The funeral establishment operator shall have immediate access to a vehicle for transporting dead human bodies that meets the requirements of section 51.
- (6) The funeral establishment operator shall make available an inexpensive transfer service.
- (7) The funeral establishment operator may contract out or arrange for the removal of a pacemaker or radioactive implant from a dead human body if the person carrying out the removal is a person described in section 52.

Funeral Establishment Operator – Class 2 licence

- 34.** (1) This section sets out conditions of every Funeral Establishment Operator – Class 2 licence.
- (2) The funeral establishment operator shall ensure that the day-to-day operations of the funeral establishment are managed by a person licensed as a Funeral Director – Class 1 or a Funeral Director – Class 2.
- (3) The funeral establishment operator shall not offer to sell, sell or provide a transfer service or any funeral services other than maintaining premises to be used for the purpose of temporarily placing human remains so that persons may attend and pay their respects.
- (4) The premises mentioned in subsection (3) do not include,
- (a) premises whose primary functions do not include being used for the purpose of temporarily placing human remains so that persons may attend and pay their respects, but which are occasionally used for that purpose; or
 - (b) premises that are identified as premises of a person licensed as a Funeral Establishment Operator – Class 1.
- (5) The following is prescribed as a service included in the definition of “funeral services” in subsection 1 (1) of the Act: maintaining premises to be used for the purpose of temporarily placing human remains so that persons may attend and pay their respects.

Transfer Service Operator licences

35. (1) This section sets out conditions of every Transfer Service Operator licence.

(2) The transfer service operator shall have immediate access to a vehicle for transporting dead human bodies that meets the requirements of section 51 and immediate access to a holding room that the registrar has approved and that meets the requirements of section 47.

(3) The transfer service operator may contract out or arrange for the removal of a pacemaker or radioactive implant from a dead human body if the person carrying out the removal is a person described in section 52.

(4) The transfer service operator shall not transport a dead human body that has not been arterially embalmed, later than 72 hours after the death or the removal of the body from refrigeration.

(5) A burial permit under the *Vital Statistics Act* is not required for the provision of transfer services with respect to products of conception that do not constitute a still-birth under that Act and for which no burial permit under that Act is therefore required to be issued.

Transfer Service Operator – Class 1 licence

36. (1) This section sets out conditions of every Transfer Service Operator – Class 1 licence.

(2) The transfer service operator shall ensure that the day-to-day operations of the transfer service are managed by a person licensed as a Funeral Director – Class 1.

(3) The transfer service operator shall make available an inexpensive transfer service.

(4) The transfer service operator shall not offer to sell, sell or provide the services of arterially embalming or restoring dead human bodies except to offer to sell, sell and provide the services of placing dead human bodies in caskets or caring for or preparing them, including by,

- (a) washing them, including by applying a disinfectant externally to them; and
- (b) setting the features.

(5) If the transfer service operator provides services permitted under subsection (4), the transfer service operator shall ensure that a funeral director provides the services.

(6) The transfer service operator shall not arrange, co-ordinate, conduct or participate in a visitation, funeral or other rite or ceremony at which human remains are present, except to transport the remains to or from a holding room or the location of a visitation, cremation, funeral or other rite or ceremony or except for the purpose of scattering human remains as authorized under section 2.

Transfer Service Operator – Class 2 licence

37. (1) This section sets out conditions of every Transfer Service Operator – Class 2 licence.

(2) The transfer service operator shall ensure that no employee has contact with the dead human body except to remove personal effects, place the body in a casket and transport the body.

(3) The transfer service operator shall not arrange, co-ordinate, conduct, participate in or be present at a visitation, funeral, or other rite or ceremony at which human remains are present except for the purpose of scattering human remains as authorized under section 2.

(4) The transfer service operator shall not transport the dead human body except from the place from which removal was first requested directly to a cemetery or crematorium or to a holding room that meets the requirements of section 47 and then to a cemetery or crematorium.

Personal licences

38. (1) This section sets out conditions of every personal licence.

(2) The licensee shall ensure that the registrar is given a current address for the licensee's place of residence and the name and address of the primary operator that employs the licensee.

(3) The licensee shall successfully complete the continuing education required as a result of section 42.

(4) The licensee shall not offer to sell, sell or provide any licensed supplies or services that the operator by whom the licensee is employed is not authorized to offer to sell, sell and provide.

Funeral Director – Class 1 licence

39. It is a condition of every Funeral Director – Class 1 licence that the funeral director shall not offer to sell, sell or provide the services of arterially embalming or restoring dead human bodies except when acting on behalf of an operator holding a Funeral Establishment Operator – Class 1 licence.

Funeral Director – Class 2 licence

- 40.** It is a condition of every Funeral Director – Class 2 licence that the funeral director shall not,
- (a) offer to sell or sell the services of arterially embalming or restoring dead human bodies except when acting on behalf of an operator holding a Funeral Establishment Operator – Class 1 licence; or
 - (b) provide the services of arterially embalming or restoring dead human bodies.

EDUCATION**Prescribed persons**

41. (1) Each person who is in charge of the day-to-day operations of an operator's business is prescribed for the purposes of clause 14 (1) (g) of the Act.

(2) Every sole proprietor operator and every partner of an operator that is a partnership who intends to sell or offer to sell licensed supplies or services to the public is prescribed for the purposes of clause 14 (1) (g) of the Act.

Educational requirements

42. (1) For the purposes of clause 14 (1) (g) of the Act, the prescribed educational requirements for applicants for a licence, licensees and prescribed persons under clause 14 (1) (g) of the Act are, subject to subsection (6), the educational requirements that the registrar sets or imposes under this section.

(2) The registrar may set educational requirements for applicants for a licence, licensees and prescribed persons under clause 14 (1) (g) of the Act.

(3) The educational requirements may be different for different classes of persons and, within those classes, for persons employed by different classes of operators.

(4) In setting the educational requirements, the registrar may require particular programs of study, training programs, internship programs, apprenticeship programs, courses, seminars, lectures, tutorials or other educational resources, may require that persons take them from particular providers and may require that persons take particular examinations or tests.

(5) The registrar shall make a description of the educational requirements and the providers of them available to members of the public free of charge on request.

(6) If an applicant for a licence or a licensee holds or held an equivalent licence, registration or certification in a jurisdiction outside Ontario, the registrar may exempt the applicant or licensee from any of the educational requirements set by the registrar and may impose conditions on the exemption.

(7) The registrar may require an applicant for a licence or a licensee to complete again any of the educational requirements set by the registrar or to complete the other educational requirements that the registrar specifies, if the applicant completed the original requirements for the purposes of a licence under this Act or a predecessor Act and subsequently there has been a period during which the applicant did not carry on the activities authorized by the licence.

(8) The registrar may require a prescribed person under clause 14 (1) (g) of the Act to complete again any of the educational requirements set by the registrar or to complete the other educational requirements that the registrar specifies if, since the time at which the person completed the original requirements, there has been a period during which the person did not carry on the activities for which the education was required.

**DIVISION D
STANDARDS OF OPERATION**

SALE AND DISPLAY OF CASKETS AND MARKERS

Duty to offer less expensive caskets

43. At any location at which an operator offers to sell or sells ornamented caskets or caskets with fixed interior linings, the operator shall offer for sale,

- (a) from among the least expensive available on the market, at least two types of caskets with either or both of fixed interior linings and ornamentation; and
- (b) at least one type of inexpensive casket that is neither ornamented nor with a fixed interior lining, other than a lining to prevent leakage.

Casket information

44. (1) At any location at which an operator sells or offers to sell caskets, the operator shall provide information about each casket generally sold or offered for sale by the operator, including the caskets that section 43 requires the operator to offer for sale.

- (2) The information provided under subsection (1) shall, at a minimum,

- (a) include the price of the casket;
- (b) include a colour image of the casket; and
- (c) be sufficient to allow a purchaser to identify,
 - (i) the size of the casket,
 - (ii) the material and colour of the casket interior,
 - (iii) the material, colour, finish and thickness of the casket exterior, and
 - (iv) the brand name and model name and number, if any, of the casket.

(3) If the information provided under subsection (1) about any casket includes a display model, full-size or otherwise, the operator shall include a similar display model for each type of casket that section 43 requires the operator to offer for sale.

Marker information

45. (1) At any location at which an operator sells or offers to sell markers, the operator shall provide information about each marker generally sold or offered for sale by the operator.

(2) The information provided under subsection (1) shall, at a minimum,

- (a) include the price of the marker;
- (b) include a colour image of the marker; and
- (c) be sufficient to allow a purchaser to identify the size, colour, material and finish of the marker, the geographic origin of the material used for the marker if it is natural stone and the brand name and model name and number, if any, of the marker.

PREMISES AND VEHICLES

Private area

46. If an operator maintains premises in which a member of the public may enter into a contract with the operator for the purchase of licensed supplies or services, the operator shall have available an area that affords privacy for discussing, making arrangements for, and entering into contracts for, the purchase of licensed supplies and services.

Holding room

47. A Funeral Establishment Operator – Class 1, a Transfer Service Operator – Class 1 or a Transfer Service Operator – Class 2 who makes use of, or offers for use, a holding room for dead human bodies shall ensure that the holding room meets the following requirements:

1. The interior of the holding room shall not be visible from a public area when the doors to the room are closed.
2. The holding room, including all of its surfaces, and the equipment used in the room shall be capable of being easily cleaned, sanitized and disinfected.
3. The holding room shall be equipped with the following:
 - i. The materials and equipment necessary to clean, sanitize and disinfect the room and the equipment used in the room.
 - ii. The materials and equipment necessary to prepare dead human bodies, including cleaning, sanitizing and disinfecting them, but not including arterially embalming or restoring them.
 - iii. A supply of running water with a device to prevent back-flow of water.
 - iv. A sufficient supply of personal protective equipment and clothing for each person in the room handling a dead human body.
 - v. Mechanical ventilation directly to the outside of the building.
4. The holding room shall be used only as a holding room unless it is also an embalming room, in which case it shall be used only as a holding room and an embalming room.

Embalming room

48. A Funeral Establishment Operator – Class 1 who makes use of, or offers for use, an embalming room for dead human bodies shall ensure that the embalming room meets the following requirements:

1. The embalming room shall be located in premises that a Funeral Establishment Operator – Class 1 licence indicates are business premises of the funeral establishment.
2. The interior of the embalming room shall not be visible from a public area when the doors to the room are closed.

3. The embalming room, including all of its surfaces, and the equipment used in the room shall be capable of being easily cleaned, sanitized and disinfected.
4. The embalming room shall be equipped with the following:
 - i. The materials and equipment necessary to clean, sanitize and disinfect the room and the equipment used in the room.
 - ii. The materials and equipment necessary to prepare dead human bodies, including cleaning, sanitizing and disinfecting them, arterially embalming or restoring them.
 - iii. A supply of running water with a device to prevent back-flow of water.
 - iv. A sufficient supply of personal protective equipment and clothing for each person in the room handling a dead human body.
 - v. Facilities to dispose of bodily fluids and waste appropriately.
 - vi. Mechanical ventilation directly to the outside of the building.
5. The embalming room shall be used only as an embalming room unless it is also a holding room, in which case it shall be used only as an embalming room and a holding room.

Preconditions for use of rooms

49. No Funeral Establishment Operator – Class 1, Transfer Service Operator – Class 1 or Transfer Service Operator – Class 2 shall make use of a holding room and no Funeral Establishment Operator – Class 1 shall make use of an embalming room if the holding or embalming room is altered or constructed after the day this Division comes into force unless,

- (a) the operator has first given the registrar plans or drawings, together with other information as necessary, so that the registrar has sufficient detail to assess whether the room would comply with section 47 or 48, as applicable;
- (b) the operator has obtained a certificate of inspection, in a form approved by the registrar, issued by a medical officer of health, a public health inspector or a person designated by the registrar, stating that the room as altered or constructed has been inspected within 180 days before the room is used and that it is suitable for the purpose for which it will be used; and
- (c) the operator has provided the certificate mentioned in clause (b) to the registrar.

Condition of rooms

50. A Funeral Establishment Operator – Class 1, a Transfer Service Operator – Class 1 or a Transfer Service Operator – Class 2 shall ensure that each holding room and each embalming room used by the operator, including all of the surfaces in the room and the equipment used in the room, is kept in a clean, sanitary and disinfected condition.

Vehicles

51. A Funeral Establishment Operator – Class 1, a Transfer Service Operator – Class 1 or a Transfer Service Operator – Class 2 who makes use of, or offers for use, a vehicle for transporting a dead human body shall ensure that the vehicle meets the following requirements:

1. The vehicle shall be capable of transporting the body in a respectful and dignified manner and of keeping the body from public view.
2. The vehicle shall contain a sufficient supply of personal protective equipment and clothing for each person in the vehicle handling the body.
3. The vehicle shall be in a clean and sanitary condition.

PERSONAL SERVICES

Removal of pacemaker, etc.

52. An operator shall not engage a person to remove a pacemaker or a radioactive implant from a dead human body unless,

- (a) the person holds a Funeral Director – Class 1 licence and is acting on behalf of an operator that holds a Funeral Establishment Operator – Class 1 licence or a Transfer Service Operator – Class 1 licence; or
- (b) the person is a qualified medical practitioner.

Unclaimed cremated human remains

53. (1) An operator having possession of unclaimed cremated human remains that were not in the possession of the operator for the purposes of interring or scattering shall retain them until they are claimed or interred in a cemetery, whichever is earlier.

(2) If cremated human remains are not claimed within one year from the date of cremation and if the operator has made reasonable efforts to contact the purchaser of the cremation service or the personal representative or family member of the deceased, as applicable, the operator may have the remains interred in a cemetery, including in a common lot in a cemetery.

(3) If cremated human remains are claimed before they are interred under subsection (2), the operator shall refund any refundable deposit charged for the interment.

DIVISION E PRICE LISTS AND PRICING

GENERAL FORM AND CONTENT REQUIREMENTS FOR PRICE LIST

Form

54. The price list shall be written in plain language and legibly printed in 10 point or larger type.

Content

55. (1) The price list shall include every licensed supply and service that the operator generally provides.

(2) For each licensed supply or service on the price list, the price list shall include,

(a) a description of the supply or service sufficient to identify it with certainty, including, in the case of a supply, its size, colour, material, brand name and any model name and number;

(b) the price of the supply or service; and

(c) a statement that the price includes the applicable taxes or that the applicable taxes are in addition to the price.

(3) The price list shall indicate whether a particular supply is available for rent.

(4) The prices on the price list shall be expressed as a fixed charge or, if the price is based on a per unit charge, as a per unit charge.

(5) The price list shall indicate whether there are any minimum prices for a particular supply or service.

(6) The price list shall always be up-to-date and shall indicate its effective date.

Tied selling

56. The price list shall indicate whenever an operator requires that a licensed supply or service be purchased from the operator or a person specified by the operator, in circumstances when an operator is permitted to impose such a requirement under section 70.

At cost prices

57. If a cemetery operator provides a licensed supply or service that section 71 requires the operator to provide at a price that does not exceed the operator's direct cost of providing it, the price list shall include the price for the supply or service.

Refundable deposit, cremated remains

58. The price list shall indicate the amount charged by the operator as a refundable deposit for the purposes of subsection 53 (3), in the event that cremated human remains in the possession of the operator are unclaimed.

SPECIFIC INFORMATION TO BE INCLUDED ON PRICE LIST

Identification of operator

59. The price list shall include the following information at the beginning of the list:

1. The operator's name.

2. The operator's business name, if different from the operator's name.

3. The address and telephone number of the business location to which the price list relates.

4. The position, business address and telephone number of the person in charge of the day-to-day operations of the business location to which the price list relates.

Packages

60. The price list shall include the following information:

1. The details of any packages of licensed supplies or services that the operator offers for sale, whether or not the package is offered for sale at a discount.

2. The price of the package.

3. The price at which each supply and service would be sold if it were sold separately and not as part of a package.

Funeral and transfer services

61. The price list shall include the following information:

1. The prices for,
 - i. professional and staff services for,
 - A. co-ordinating rites and ceremonies, and
 - B. securing and completing any necessary permits, forms, certificates, notices or other documents, and
 - ii. any other professional and staff services related to funeral and transfer services.
2. The prices for the following, expressed as separate prices for each of those three categories:
 - i. Staff services for visitations, ceremonies and receptions.
 - ii. The use of facilities for visitations, ceremonies and receptions.
 - iii. Catering services for visitations, ceremonies and receptions.
 - iv. Any other licensed supplies and services related to visitations, ceremonies and receptions.
3. The prices for,
 - i. preparing the remains of a deceased person, other than embalming,
 - ii. embalming the remains of a deceased person, including arterial embalming and embalming by the external application of chemicals, fluids or gases intended for the purpose of preserving dead human bodies,
 - iii. using the facility for embalming, preparing and sheltering, including refrigerating, the remains of a deceased person,
 - iv. the removal of pacemakers and radioactive implants, and
 - v. any other licensed supplies and services related to embalming or other types of preparation, including restoring the remains of a deceased person.
4. The prices for,
 - i. transporting the remains of a deceased person from a requested location to a requested destination,
 - ii. the use of any type of vehicle, and
 - iii. additional staff for transportation or removal.
5. The prices for any other licensed supplies and services related to funeral services, transfer services and scattering services.

Caskets, urns and vaults

- 62.** (1) The price list shall include the prices for,
- (a) caskets;
 - (b) urns;
 - (c) outer burial containers, vaults or grave liners; and
 - (d) any other licensed supplies and services related to caskets, urns and vaults.
- (2) The price list shall clearly indicate which caskets are not suitable for cremation.

Other cemetery supplies and services

- 63.** (1) The price list shall include the following information:
1. For in-ground burial interment rights, the prices for interment rights for,
 - i. one adult grave,
 - ii. one child grave,
 - iii. one grave in the veterans section,
 - iv. one cremation grave, and
 - v. any other in-ground burial interment right.
 2. The prices for,

- i. interment rights of cremated human remains in all types of niches and compartments in columbariums,
 - ii. interment rights in all types of tombs, crypts and compartments in mausoleums,
 - iii. interring human remains, including the prices for opening and closing each of the grave, the niche or compartment in a columbarium, and the tomb, crypt or compartment in a mausoleum,
 - iv. vault installation,
 - v. scattering rights,
 - vi. scattering services,
 - vii. interment or scattering services where prices vary as a result of winter season, late hours, weekends or holidays, and the specified dates and times during which the price applies,
 - viii. the disinterment of human remains from the ground, a columbarium or a mausoleum,
 - ix. staff services that are necessarily incidental to the interment or scattering of human remains,
 - x. the winter storage of remains, and the specified dates during which the price applies,
 - xi. the transfer of interment and scattering rights,
 - xii. the use of a lowering or elevating device, and
 - xiii. any other licensed supplies and services related to burials, interments, scattering and cemetery services.
3. The price list shall indicate,
- i. whether an interment right includes the right to erect a marker and, if so, whether there are any limitations on the marker including whether it must be an upright or a flat marker,
 - ii. whether the location to which an interment right relates is suitable for one or more dead human bodies, cremated remains of one or more dead human bodies, or a combination of both, and
 - iii. whether an interment right includes the right to burials at multiple depths.

(2) If a cemetery operator charges more than three different prices for a type of interment or scattering right listed in paragraph 1 of subsection (1) or subparagraph i, ii or v of paragraph 2 of subsection (1), the price list need not include all of them, but shall include,

- (a) the lowest and highest prices for that type of interment or scattering right; and
- (b) a statement that a complete list of all of that type of interment or scattering right is available on request.

(3) The price list shall indicate the amount of the contribution that a cemetery operator is required to make to the care and maintenance fund for the purposes of subsection 53 (14) of the Act for each type of interment and scattering rights.

Cremation services

64. The price list shall include the prices for,

- (a) cremation;
- (b) staff services that are necessarily incidental to a cremation;
- (c) the removal of pacemakers and radioactive implants; and
- (d) any other licensed supplies and services related to cremation services and scattering services.

Monuments, markers and installation

65. (1) The price list shall include the prices for,

- (a) a representative sample of the upright and flat markers available, including a range of sizes, materials and prices;
- (b) constructing a foundation;
- (c) installing an upright marker;
- (d) setting a flat marker;
- (e) inspecting the installation of a marker or foundation;
- (f) marking the location where a marker is to be installed; and
- (g) any other licensed supplies and services related to markers and their installation.

(2) The price list shall indicate the amount of the payment that a person is required to make for the purposes of subsection 53 (9) of the Act and the amount of the contribution an operator is required to make for purposes of subsection 53 (10) of the Act.

Funding, payment and financing options

66. The price list shall include the following information:

1. The funding, payment and financing options provided by the operator, if any.
2. A statement that additional information is available on request.

Affiliated locations

67. (1) The price list shall include the following information:

1. The names and addresses of all other businesses licensed under the Act that are located within 100 kilometres or 62 miles of the business location to which the price list relates and that are owned or operated by the operator of the business location to which the price list relates.
2. If any person exercises direct or indirect control over the operator, the names and addresses of all other businesses licensed under the Act that are located within 100 kilometres or 62 miles of the business location to which the price list relates and over which the same person exercises direct or indirect control.

(2) Subsection (1) does not apply to a price list of an operator that is a municipality or religious organization.

AVAILABILITY OF PRICE LIST AND PRICING INFORMATION

Availability of price list

68. (1) Every operator shall provide, without charge, a copy of the price list to every person who requests it.

(2) Every operator shall ensure that,

(a) either,

- (i) copies of the price list are displayed in a place that is near the main entrance to the operator's premises and that is clearly visible to a person attending at the premises and made available for the taking by any person, without charge, at every office, building or dedicated business space that the operator maintains where a person may enter into a contract with the operator for the sale or provision of a licensed supply or service on the price list, or
- (ii) a notice that the price list is available upon request and without charge is posted in a place that is near the main entrance to the operator's premises and that is clearly visible to a person attending at the premises; and

(b) information respecting prices for licensed supplies and services is provided to persons making inquiries of the operator whether in person, by telephone or in writing.

(3) If an operator maintains or makes use of a website where a person may enter into a contract with the operator for the sale of a licensed supply or service, the operator shall provide access to an electronic version of the price list in printable form on the website, without charge.

Excerpts of price list

69. (1) If a cemetery operator's price list includes prices related to the installation or maintenance of markers or foundations to which section 71 applies, the operator shall provide a copy of the part of the price list containing those prices and a copy of the part of the price list containing the information required by section 59, to persons that have delivered markers to the cemetery within the previous 12 months.

(2) The cemetery operator shall provide the copies required by subsection (1) at least 30 days before the effective date of any changed price.

PRICING

Permitted tied sales

70. (1) For the purposes of section 38.1 of the Act, if a purchaser is purchasing supplies and services set out in Column 1 of the Table to this subsection from an operator, the operator may require the purchaser to purchase the supplies and services set out opposite them in Column 2 of the Table,

- (a) as a condition of the purchase, if the purchase is not by way of a package; or
- (b) as a condition of paying the package price for the purchase, if the purchase is by way of a package.

TABLE

Column 1	Column 2
Use of vehicle	Drivers
Use of equipment	Staff services
Use of facilities where the purchaser wants food served	Catering services
Funeral and transfer services	Professional and staff services
Use of facilities	Staff services
Embalming or other preparation of the deceased	Use of facilities necessary to embalm or otherwise prepare the deceased

(2) For the purposes of section 38.1 of the Act, a cemetery operator may require purchasers to purchase from the operator or a person specified by the operator the supplies and services identified in the cemetery's by-laws.

At cost supplies and services for cemetery operators

71. (1) If a cemetery's by-laws require a purchaser to purchase the following supplies or services from the cemetery operator or other person specified by the operator, the operator shall ensure the supplies or services are offered for sale at a price that does not exceed the direct cost of the operator or the other person in providing them:

1. Supplies and services related to inspecting the installation of a marker or foundation or marking a lot or scattering ground for the installation of a marker or foundation.
2. Supplies and services related to constructing a foundation.
3. Supplies and services related to installing or setting a marker.

(2) At the request of the registrar, a cemetery operator shall provide the registrar with evidence of the cost for the supplies and services listed in subsection (1).

PRICE DISALLOWANCES

Registrar's review of price lists

72. An operator shall submit the operator's current price list and any previous price list to the registrar on request.

Disallowance of prices for supply or service

73. Subject to section 74, the registrar may disallow a price for a supply or service if,

- (a) the operator requires purchasers to purchase the supply or service from the operator or other person and, in the opinion of the registrar, the price is excessive or significantly higher than the current market price for the supply or service; or
- (b) section 71 requires a cemetery operator to ensure that the supply or service be provided at a price that does not exceed the direct cost of the operator or other person who provides it and the price exceeds that direct cost.

Procedure for disallowance

74. (1) If the registrar proposes to disallow a price, the registrar shall serve on the operator a written notice that,

- (a) sets out the proposed disallowance;
- (b) sets out the reason for the proposed disallowance; and
- (c) states that the operator is entitled to a hearing by the Tribunal if the operator serves a written request for a hearing on the registrar and the Tribunal within 15 days after the day the notice is served on the operator.

(2) An operator may request a hearing in respect of a proposed price disallowance by serving a written request for a hearing on the registrar and the Tribunal within 15 days after the day the operator is served with the notice of the proposed disallowance.

(3) If an operator requests a hearing, the Tribunal shall hold the hearing and may by order direct the registrar to disallow the price or to not disallow the price or may fix the price.

(4) The registrar, the operator and any other person that the Tribunal specifies are parties to the hearing.

(5) If an operator does not request a hearing in accordance with subsection (2), the registrar may carry out the proposal and disallow the price.

(6) The registrar shall serve written notice on the operator of a price disallowance under subsection (5) or pursuant to an order made under subsection (3).

(7) The notice shall state that the price disallowance is effective on the day the price was to have taken effect, whether that day is before or after the date of the notice.

(8) A price disallowance takes effect on the day set out in the notice pursuant to subsection (7).

(9) Subsection (8) applies even if the operator, under section 11 of the *Licence Appeal Tribunal Act, 1999*, appeals the order made under subsection (3), but the Tribunal may grant a stay until the disposition of the appeal.

Reimbursement if price disallowed

75. (1) An operator shall reimburse a purchaser who purchases a supply or service from the operator if, under section 74, the price for the supply or service has been disallowed and a revised price has been fixed.

(2) The amount of the reimbursement shall be equal to the difference between the original disallowed price and the revised price.

(3) The operator shall make the reimbursement within 30 days after the day that the operator is served with the notice of the disallowance under section 74.

**DIVISION F
TRUST ACCOUNTS AND TRUST FUNDS**

GENERAL TRUST RULES

Trust money

76. (1) Every operator shall,

(a) except as otherwise permitted in this Division, hold all trust money separate and apart from all money other than trust money; and

(b) deal with trust money in accordance with this Division.

(2) If prepaid trust money is temporarily deposited into an account, other than in an individual trust account or a pooled trust fund or account, the operator,

(a) shall deposit it only with an eligible depository;

(b) shall deposit it only in an account in the name of the operator as it appears on the operator's licence;

(c) shall not use the money and shall preserve it for the beneficiary; and

(d) shall maintain adequate account controls to limit the exposure of the money to unilateral withdrawal for purposes that would be in breach of the obligation to hold it in trust.

PREPAID TRUST MONEY

Application of sections

77. Sections 78 to 81 apply for the purposes of section 52 of the Act.

Deposit into trust account or fund

78. (1) An operator who receives money in respect of the sale of licensed supplies or services, in advance of the provision of those supplies or services, shall hold the money in trust as prepaid trust money except that the operator may, on or after the 30th day after the day on which the contract for the sale was made, elect to retain, as not being prepaid trust money, an amount not exceeding the amount to which the operator would be entitled under section 140 if the purchaser cancelled the contract under subsection 44 (1) of the Act.

(2) An operator shall ensure that prepaid trust money is deposited, not later than the 35th day after the day the operator receives the money, into,

(a) an individual trust account established by the operator that complies with subsection 79 (1); or

(b) a pooled trust fund established by the operator that complies with subsection 80 (2).

(3) An operator shall retain prepaid trust money in trust in the account or fund into which the operator is required to deposit it under subsection (2) until this Division permits or requires the operator to transfer it or pay it out.

(4) Despite subsection (2), if a contract is for the provision of licensed supplies or services within 30 days after the day the contract is made,

(a) the operator shall deposit, into an account or fund described in subsection (1), the money paid under the contract in respect of the supplies or services if the supplies or services are not provided within 30 days after the day the contract is made; and

(b) the operator shall make the deposit described in clause (a) no later than the 35th day after the day the contract is made.

Individual trust account

79. (1) An individual trust account maintained by an operator shall comply with the following rules:

1. The individual trust account shall be established in the name of the operator as it appears on its licence under the Act as the trustee for the purchaser.
 2. The individual trust account shall be used only as a trust account to hold in accordance with this Division trust money received in respect of contracts with the same purchaser for the same recipient.
 3. The operator shall be the trustee for the trust money held in the individual trust account.
 4. Trust money in the individual trust account shall be invested in and kept invested in one or more of the following types of investments:
 - i. An interest-bearing account with an eligible depository.
 - ii. A guaranteed investment certificate, deposit receipt, deposit note, certificate of deposit, term deposit or other similar instrument that is issued by an eligible depository.
 5. Trust money in the individual trust account may be invested in an investment described in paragraph 4,
 - i. directly by the trustee, or
 - ii. through a fraternal society licensed under the *Insurance Act*.
- (2) If a purchaser so requests, every operator shall, in respect of each individual trust account that the operator maintains for the purchaser, provide the purchaser, once a year, with a statement that sets out,
- (a) the current value of the account as of the end of the month before the request;
 - (b) the types of investments held as of that day; and
 - (c) the name of the eligible depository of any account in which the prepaid trust money is deposited.

Pooled trust fund

80. (1) An operator may hold prepaid trust money in a pooled trust fund only if the records maintained for the fund permit the tracking and reporting on funds in the fund on an individual contract basis.

(2) Every pooled trust fund established by an operator and maintained for the purposes of holding prepaid trust money in trust in accordance with this Division shall comply with the following rules:

1. Subject to subsections (3) and (4), every trustee of the pooled trust fund shall be either a corporation registered under the *Loan and Trust Corporations Act* or a credit union or league as defined in the *Credit Unions and Caisses Populaires Act, 1994*.
2. The name of the pooled trust fund shall include the name of the operator as it appears on the licence and the words "pooled trust fund" if the fund is operated in English and the words "fonds mixte en fiducie" if the fund is operated in French.
3. Trustee fees may be paid only out of the income earned on the pooled trust fund.

(3) An operator that is a municipality may act as trustee of its pooled trust fund.

(4) The Public Guardian and Trustee shall act as trustee of the pooled trust fund of an operator that is a religious organization, a municipality or another non-profit entity, if the operator has no practical alternative and requests the Public Guardian and Trustee to so act.

(5) If a purchaser so requests, every operator shall, in respect of a pooled trust fund that the operator maintains, provide the purchaser, once a year, with a statement that sets out the current value of the purchaser's money as of the end of the month before the request.

Payout of prepaid trust money

81. (1) Prepaid trust money shall be paid out only in accordance with the following rules:

1. Prepaid trust money may be paid to the operator in consideration for the licensed supplies or services purchased under the contract as the supplies and services are provided in accordance with the contract.
2. Subject to paragraph 3, any prepaid trust money that remains after the supplies or services to which the money relates have been provided and after all amounts payable to the operator and any other suppliers in respect of the supplies and services have been paid shall be paid by the operator to the purchaser or to the person whom the contract designates as being entitled to receive the payment.
3. If the operator is unable to identify or locate the purchaser or the person whom the contract designates as being entitled to receive the payment, the money mentioned in paragraph 2 shall be paid out in accordance with section 82.
4. If a contract is cancelled in whole or in part, the prepaid trust money relating to the part of the contract that is cancelled shall be paid out to the operator and the operator shall,

- i. determine, in accordance with the Act and the regulations, the amount to be refunded to the purchaser or the person whom the contract designates as being entitled to receive the payment, and
 - ii. refund the amount determined under subparagraph i to the purchaser or the person whom the contract designates as being entitled to receive the payment.
5. If prepaid trust money is held in a pooled trust fund, trustee fees may be paid out to the trustee of the pooled trust fund in accordance with paragraph 3 of subsection 80 (2) and the trust agreement governing the management of the fund.
6. If an operator receives a deposit with respect to cremated remains under subsection 125 (2), the operator shall pay out the deposit in accordance with that subsection.
- (2) Despite any provision in a contract for the provision of licensed supplies and services, the maximum amount an operator may retain under the contract in consideration for the provision of the supplies and services is the lesser of,
- (a) the amount of prepaid trust money in respect of the supplies and services and the amount of proceeds from an annuity or insurance contract, including group insurance, in respect of the supplies and services; and
 - (b) the current selling price for the supplies and services at the time they are provided, as set out in the price list maintained by the operator under section 33 of the Act.
- (3) For the purposes of clause (2) (b), if the current price for a supply or service is not set out in the price list maintained by the operator, the current selling price shall be the price charged by the operator for a similar supply or service.
- (4) Any amount payable by an operator to a purchaser may be paid to another person if the person who is entitled to receive the money has provided a written direction to the operator to make the payment to the other person.

UNCLAIMED TRUST MONEY

Payment of unclaimed trust money

- 82.** (1) If an operator is unable to identify or locate the purchaser or the person whom the contract designates as being entitled to receive unclaimed trust money by the end of the year after the completion or cancellation of the contract to which the money relates, the operator shall pay out the unclaimed trust money to,
- (a) a compensation fund established under subsection 61 (1) of the Act that has as one of its purposes the holding and investment of unclaimed trust money; or
 - (b) the Minister of Finance, if the compensation fund mentioned in clause (a) has not been established.
- (2) An operator shall make a payment to the Minister of Finance under subsection (1) by forwarding the money to a director appointed under section 2 of the Act.
- (3) An operator who makes a payment under subsection (1) shall provide the compensation fund or the director, as the case may be, with as much information as the operator has in order to assist in the determination of the identity or location of the person entitled to the unclaimed trust money.
- (4) Upon receipt of information that proves on a balance of probabilities that a person is entitled to unclaimed trust money paid to the compensation fund under this section, the compensation fund shall pay the money to the person.
- (5) An operator is exempt from subsection (1) if the amount of unclaimed trust money is less than \$50.

DIVISION G CARE AND MAINTENANCE FUNDS AND ACCOUNTS

Establishment of fund

- 83.** (1) For the purposes of subsection 53 (3) of the Act, a care and maintenance fund shall be established in a corporation registered under the *Loan and Trust Corporations Act* or a credit union or league as defined in the *Credit Unions and Caisses Populaires Act, 1994*.
- (2) Subject to section 85, for the purposes of clause 53 (5) (a) of the Act, the trustee of the fund shall be the corporation, credit union or league in which the fund has been established.
- (3) The name under which a care and maintenance fund is established and maintained shall include the words “care and maintenance fund” in English or “fonds d’entretien” in French.

Establishment of account

- 84.** (1) A cemetery operator may establish a care and maintenance account for the purposes of care and maintenance trust money if,
- (a) the account is in relation to a cemetery that is not a commercial cemetery;
 - (b) the cemetery operator holds in trust or will hold in trust less than \$50,000 in total for care and maintenance in respect of all cemeteries that the cemetery operator operates;

- (c) the cemetery operator has requested that the municipality act as trustee as permitted under section 85 and the municipality has declined to do so; and
 - (d) the registrar has not determined that the use of a care and maintenance account by the operator would be contrary to the public interest.
- (2) A care and maintenance account established under subsection (1) shall comply with the following requirements:
- 1. It shall be maintained in an eligible depository.
 - 2. It shall be designated as the care and maintenance account.
 - 3. It shall be established in the names of the cemetery operator as they appear on the licence, as trustee, for each cemetery to which the trust money in the account will relate.
 - 4. It shall be used only as a care and maintenance account to hold care and maintenance trust money.
 - 5. Money in the account shall be invested in and kept invested in one or more of the following types of investments:
 - i. An interest-bearing account.
 - ii. A guaranteed investment certificate, deposit receipt, deposit note, certificate of deposit, term deposit or other similar instrument that is issued by an eligible depository.
- (3) A cemetery operator who is permitted under subsection (1) to establish a care and maintenance account shall notify the registrar in writing before beginning to use the account.
- (4) The cemetery operator shall be the trustee if care and maintenance trust money is held in a care and maintenance account.

Municipality as trustee of fund or account

85. For the purposes of subsection 53 (5) of the Act, a municipality may act as the trustee of a care and maintenance fund or account,

- (a) for a cemetery of which the municipality is the owner; or
- (b) for a cemetery of which the municipality is not the owner, if the cemetery operator requests the municipality to act as trustee.

Payment before establishment of cemetery

86. (1) When an owner of land applies to the registrar for consent to the establishment of a cemetery on the land, the deposit that the owner is required to pay into a care and maintenance fund or account under clause 86 (1) (c) of the Act is \$100,000.

(2) An owner of land who applies to the registrar for consent to the establishment of a cemetery on the land is exempt from the requirement in clause 86 (1) (c) of the Act and subsection (1) if,

- (a) the owner is a municipality;
- (b) the land is a burial site; or
- (c) the cemetery is being established for the purpose of interring human remains to be moved from a burial site.

(3) At the request of the owner of the land on which the cemetery is to be established, the registrar may issue a declaration that it would not be contrary to the public interest for the owner to pay an amount set out in the declaration that is less than \$100,000, or to pay nothing, into a care and maintenance fund or account, if,

- (a) the owner provides evidence satisfactory to the registrar that the cemetery will be maintained in accordance with the Act and the regulations despite the payment of the lesser amount or the non-payment, as the case may be;
- (b) the owner provides evidence satisfactory to the registrar that the municipality has consented to the request; and
- (c) the cemetery to be established is not a commercial cemetery.

Payment in relation to interment or scattering rights, etc.

87. (1) In this section,

“price” means the price payable by the purchaser, excluding taxes.

(2) For the purposes of subsection 53 (14) of the Act, a cemetery operator shall pay the amounts specified in section 168 into a care and maintenance fund or account for the cemetery within 60 days after the earlier of the day the operator sells or transfers interment rights or scattering rights and the day the interment or scattering is carried out.

(3) If a price, on which an amount payable under subsection (2) is based, is payable in instalment payments, the operator, instead of complying with subsection (2), may pay into a care and maintenance fund or account for the cemetery, within 60 days after receiving each instalment payment, the pro rata portion of the payment required under section 168.

(4) For the purposes of subsection (3), the amount of an instalment payment shall not include any financing charges, penalties or taxes that would otherwise form part of the instalment payment.

(5) If, after a cemetery operator pays an amount into a care and maintenance fund in respect of a sale or transfer of interment rights for an in-ground grave, the interment rights holder requires the installation of a private mausoleum or private columbarium on the same lot, the amount that the operator paid into the fund in respect of the sale or transfer of the interment rights for the in-ground grave shall be deducted from the amount otherwise payable under subsection (2) and from the amounts otherwise payable under subsection (3).

(6) If the sum of the amounts paid into a care and maintenance fund or account under subsection (3) in respect of all of the instalment payments is less than the amount that would have been required to be paid into the fund under subsection (2), the cemetery operator shall pay the difference into the fund within 60 days after receiving the last instalment payment.

(7) A cemetery operator is exempt from this section,

- (a) to the extent of the amount that was paid into a care and maintenance fund under clause 86 (1) (c) of the Act; and
- (b) for interment or scatterings conducted in relation to human remains from an irregular burial site.

Payment upon installation of marker

88. (1) For the purposes of subsection 53 (10) of the Act, the prescribed period is within 60 days after the marker is installed in the cemetery.

(2) If a marker is to be installed in a cemetery to replace a marker that has been damaged and cannot be repaired, or if a marker that was sold before April 1, 1992 is to be installed in a cemetery, the person on behalf of whom the marker is to be installed and the cemetery operator are exempt from subsections 53 (9) and (10) of the Act.

Services requested by delivery agent

89. (1) A cemetery operator who provides licensed services at the request of a delivery agent as defined in the *Ontario Works Act, 1997*, as required by the regulations, shall not make a payment into a care and maintenance fund or account in respect of the services in accordance with section 87, but shall do so in accordance with subsection (2).

(2) If the total amount received by the operator for providing the licensed services is the same as the price that the operator would normally charge for providing the services,

- (a) the operator shall pay into a care and maintenance fund or account for the cemetery, within 60 days after the total amount is received, the amount required by section 87; and
- (b) the calculation required by section 87 shall be carried out on the basis that the price is the total amount received by the operator for the services, excluding taxes.

Payment upon installation of private structure

90. For the purposes of subsection 53 (13) of the Act, the prescribed period is within 60 days after the mausoleum or columbarium is ready for interment purposes.

Deduction from contribution on resale of rights

91. (1) This section applies if,

- (a) an interment rights holder or a scattering rights holder cancels the contract for the purchase of the interment rights or scattering rights under subsection 47 (5) of the Act; and
- (b) on making the payment required under subsection 47 (6) of the Act to the rights holder, the operator does not deduct the amount that the operator paid into the cemetery's care and maintenance funds in connection with the contract being cancelled, as permitted under subsection 47 (6) of the Act and subsection 142 (1) of this Regulation.

(2) Upon reselling the interment rights or scattering rights mentioned in subsection (1), the operator may deduct, from the amount that the operator would otherwise be required under the Act to pay into a care and maintenance fund, all or part of the amount mentioned in clause (1) (b) that the operator did not deduct as permitted.

Payment in lieu of property tax

92. (1) If a cemetery is exempt from property tax imposed under the *Municipal Act, 2001*, the *City of Toronto Act, 2006* or the *Provincial Land Tax Act, 2006* by reason of paragraph 2.1 or subparagraph 2.2 ii of subsection 3 (1) of the *Assessment Act* in relation to a crematorium and if the Registrar under the *Cemeteries Act (Revised)* or the registrar consented after January 1, 2002 to the establishment of the crematorium, the operator of the cemetery shall make a payment into the care and maintenance fund or account for the cemetery, as the case may be, in an amount set out in subsection (2) and within the time set out in subsection (3).

(2) The amount payable under subsection (1) is the amount of tax that would otherwise be payable for the preceding calendar year, but for the exemption under the *Assessment Act*.

(3) The payment under subsection (1) shall be made by June 1 of the year following the year on which the calculation is based.

(4) The cemetery operator shall, within 30 days of making the payment under subsection (1), provide the registrar with confirmation of,

- (a) the assessed value for the portion of the property used for the bereavement related activity;
- (b) the tax rates and other adjustments, if any, under Part VIII, IX or X of the *Municipal Act, 2001*, Part XI, XII or XIII of the *City of Toronto Act, 2006*, or the *Provincial Land Tax Act, 2006* that would have applied to the property for the preceding calendar year, but for the exemption under the *Assessment Act*;
- (c) the exemption under the *Assessment Act*; and
- (d) the fact that the required payment has been made into the care and maintenance fund or account for the cemetery.

Use of income from fund or account

93. (1) For the purposes of subsection 53 (17) of the Act, a cemetery operator shall use the income earned by a care and maintenance fund or account only for the following purposes and in accordance with the following rules:

1. Income earned from the investment and reinvestment of money paid into the fund or account under subsection 53 (10) of the Act in respect of markers installed in the cemetery shall be used only,
 - i. to stabilize, maintain, secure and preserve markers in the cemetery, and
 - ii. if the work described in subparagraph i has been completed, to stabilize, maintain, secure and preserve markers in other cemeteries operated by the same operator.
2. Income from the investment and reinvestment of money paid into the fund or account for the cemetery, other than money paid into the fund under subsection 53 (10) of the Act in respect of markers, shall be used only,
 - i. to maintain, secure and preserve the cemetery, including its grounds, buildings, structures and markers, and the equipment used to maintain, secure and preserve the cemetery,
 - ii. if the work described in subparagraph i has been completed, to maintain, secure and preserve other cemeteries operated by the same operator, including their grounds, buildings, structures and markers, and the equipment used to maintain, secure and preserve the other cemeteries, and
 - iii. to pay the expenses incurred in establishing and maintaining any of the cemetery's care and maintenance funds or accounts or to purchase equipment to be used strictly for the care and maintenance of the cemetery, if,
 - A. the operator is no longer selling interment rights, and is no longer selling scattering rights, for the cemetery, and
 - B. the cemetery does not generate any revenue from the operation of a funeral establishment, crematorium or transfer service or from the sale of caskets or markers.

(2) For greater certainty, subject to subparagraph 2 iii of subsection (1), that subsection does not permit the operator to use income from the fund or account to purchase equipment or to apply to any other purpose other than the care and maintenance of the cemetery.

(3) For greater certainty, paragraph 1 of subsection (1) permits the operator to use income from the fund or account to pay a worker wages and benefits for engaging in, or supervising, the stabilization, maintenance, securing or preservation of markers.

(4) For greater certainty, paragraph 2 of subsection (1) permits the operator to use income described in that paragraph to pay a worker wages and benefits for engaging in, or supervising, the maintenance, securing or preservation of,

- (a) the cemetery or any of its grounds, buildings, structures or markers; or
- (b) the equipment used to maintain, secure or preserve the cemetery.

(5) For greater certainty, subsection (1) does not permit the operator to use income from the fund or account to pay a worker wages or benefits for office work, sales work or engaging in, or supervising, the opening or closing of lots.

(6) Despite subsection (1), a cemetery operator shall not use income from a care and maintenance fund or account for that portion of a cemetery that is subject to property tax imposed under the *Municipal Act, 2001*, the *City of Toronto Act, 2006* or the *Provincial Land Tax Act, 2006* or for a payment that is required to be made under section 92.

Payment out for purchase of adjoining land

94. (1) For the purposes of subsection 53 (18) of the Act, the trustee of a care and maintenance fund or account for a cemetery that is not a commercial cemetery shall, at the request of the cemetery operator, pay to the operator, from the capital of the fund or account, an amount to be used to purchase land adjoining the cemetery in order to enlarge the cemetery, if the registrar authorizes the payment to be made.

(2) The registrar shall authorize a payment to be made under subsection (1) only if, in the opinion of the registrar,

- (a) the cemetery operator does not have enough money to purchase the adjoining land;
- (b) payment of the amount from the capital of the fund or account will enable the operator to purchase the adjoining land;
- (c) the operator will continue to provide adequate care and maintenance for the enlarged cemetery; and
- (d) the enlargement of the cemetery will promote its economic viability and strengthen the fund.

(3) A cemetery operator shall use a payment received under subsection (1) only to purchase the adjoining land in order to enlarge the cemetery.

(4) Subject to subsections (5) and (6), a cemetery operator shall pay the amount received under subsection (1) back to the fund or account,

- (a) out of the money received by the operator from the sale of interment rights and scattering rights with respect to the purchased land, after paying into a care and maintenance fund or account the payments required to be made in respect of those rights; and
- (b) in accordance with the registrar's directions regarding the circumstances in which repayment must be made and the portion that must be repaid in each of such circumstances.

(5) If a cemetery operator uses any part of a payment received under subsection (1) for a purpose other than that mentioned in subsection (3), the operator shall pay the amount used for the other purpose back to the fund or account within the period specified by the registrar.

(6) If a cemetery operator does not use the whole payment received under subsection (1) within a period that the registrar determines is reasonable in the circumstances, the operator shall pay the amount that was not used back to the fund or account within the period specified by the registrar.

Prohibition against charging maintenance costs

95. (1) No cemetery operator shall charge an interment rights holder or a scattering rights holder for the costs associated with the operator's obligations under clause 5 (3) (b) of the Act, except as permitted under subsections (2) and (4).

(2) If interment rights were sold or transferred, or a marker was installed, before 1955 in a cemetery that is not a commercial cemetery, and if no money was collected to be held in trust for the purpose of maintaining the cemetery or for the purpose of maintaining its markers, as the case may be, the cemetery operator may charge the interment rights holder an amount no greater than the amount that the operator would be required under the Act to pay into a care and maintenance fund or account for the cemetery if equivalent interment rights were sold or transferred, or an equivalent marker was installed, at market price on the day the holder is charged.

(3) Within 60 days after receiving payment of an amount charged under subsection (2), a cemetery operator shall pay the amount into a care and maintenance fund or account for the cemetery.

(4) In a contract under which a person purchases a licensed supply or a licensed service from a cemetery operator, the operator may build into the price charged for the supply or service an amount to cover the amount that the operator is required to pay into a care and maintenance fund or account for the cemetery in respect of the supply or service.

DIVISION H RECORD KEEPING

Definition

96. In this Division,

“record” means any record, document or information, in any media type, that relates to a business the operator is licensed to operate and that is required to be kept by the operator under the Act or this Part.

Manner of keeping records

97. (1) An operator shall keep all records in a manner that permits information for each licensed business or location of the licensed businesses to be readily identified and compiled separately.

(2) An operator that does not keep records in hard copy shall ensure that a hard copy of the records can be readily produced in an easily understandable form.

Location of records

98. (1) Subject to subsections (2) and (3), an operator shall keep all records at the operator's principal place of business in Ontario.

(2) An operator may keep records at a location in Ontario other than the operator's principal place of business in Ontario, if the operator gives the registrar written notice of the location at which the records are being kept.

Required records, all operators

99. In addition to any records that the Act requires an operator to keep, an operator shall keep the following records, as applicable, in connection with each business the operator is licensed to operate:

1. Records of all money received or disbursed, including details of each account with a depository.
2. Records of all deposits and withdrawals of money required to be held in trust under section 52 of the Act, including for each deposit or withdrawal, the unique identification number or code for the contract to which it relates.
3. Records of all deposits and withdrawals of money required to be held in trust under section 53 or 55 of the Act.
4. All trust agreements that the operator has entered into with a trustee relating to prepaid trust money or a care and maintenance fund.
5. Copies of all statements, all receipts, all contracts including voided contracts, all invoices and all similar documents issued by the operator.
6. Financial records that readily identify and that may be used to verify individual transactions for each account or fund that the operator maintains, including but not limited to statements from depositories and third party trustees, deposit records, pass books and cancelled cheques, as applicable.
7. For each contract in respect of which money is required to be held in trust under section 52 of the Act, and for each contract funded by an annuity or insurance contract, including group insurance, a record, as applicable, containing the following information:
 - i. The date of the contract.
 - ii. The unique identification number or code for the contract.
 - iii. The name and address of the purchaser.
 - iv. The total price of the contract.
 - v. The payments received under the contract.
 - vi. The amount of money deposited in a trust account or trust fund and the date on which the deposit is made.
 - vii. The name of the depository, the number of the trust account or trust fund into which the money is deposited and details of any investment of the money.
 - viii. The date on which the contract is fully performed or is cancelled.
 - ix. If the contract is fully performed, the total price for which the contract was performed.
 - x. The amount of any refund of money paid under the contract.
 - xi. The amount of money withdrawn from a trust account or trust fund and the date on which the withdrawal is made.
 - xii. The details of any annuity or insurance contract, including group insurance, relating to the contract, including,
 - A. the unique identification number or code for the annuity or insurance contract, including group insurance,
 - B. the name and address of the insurer or the issuer of the annuity or insurance contract, including group insurance,
 - C. the beneficiary under the annuity or insurance contract, including group insurance, and
 - D. the value of the annuity or insurance contract, including group insurance.
 - xiii. If the provision of any licensed supplies or services under the contract is to be triggered by the death of an individual designated in the contract, the individual's name and address, the individual's date of birth or approximate age, the individual's date of death when known and, if known, the place of death and the place where the body was interred, cremated or otherwise disposed of.

Record re cremated remains

100. (1) An operator that has possession of cremated human remains other than for the purposes of interring or scattering shall keep a record containing the following information:

1. If the remains are claimed, the name and address of the person claiming the remains and the date on which they are claimed.
2. If unclaimed remains are interred in a common lot in a cemetery under section 53, the date and place of interment.

(2) If the purchaser, personal representative or family member of a deceased person requests disclosure of the record prepared under subsection (1) with respect to the deceased person, the operator shall disclose the record without charge to the person making the request.

Retention of records

101. (1) An operator shall retain records relating to a contract for a period of six years from the date the contract is fully performed or is cancelled.

(2) An operator shall retain a price list for a period of six years from the date the price list was last in effect.

(3) An operator that is required to keep a record under section 100 shall retain the record for a period of six years from the date the remains are claimed or interred.

(4) Subject to section 102, an operator that is required to make records available to the public under the Act shall retain the records as long as the operator continues to be licensed to operate the business to which the records relate.

(5) A crematorium operator shall retain a certificate from the coroner authorizing the cremation for a period of six years from the date of the cremation of the dead human body to which the certificate relates.

(6) An operator that is required to keep every other record under the Act or this Part shall retain the record for a period of six years from the date it is created.

Cessation of business

102. (1) Subject to subsection (3), an operator that ceases to operate a business that the operator was licensed to operate other than a cemetery that is ceasing to operate by reason of closure of the cemetery, shall ensure that arrangements are made,

- (a) to have all records that the operator was required to make available to the public under the Act or this Part delivered to,
 - (i) the nearest municipal archive, archive of a religious organization or other public archive, or
 - (ii) the Archives of Ontario, if the records are not accepted by an archive mentioned in subclause (i);
- (b) to have all other records relating to the business stored securely and made available for the purposes of inspections or investigations under the Act for the period of time specified in section 101.

(2) As soon as an operator makes or changes arrangements under subsection (1), the operator shall notify the registrar of the details of the arrangements, including the address of the location of the records.

(3) An operator that ceases to operate a business is exempt from the obligations in subsections (1) and (2) if,

- (a) the operator is selling or transferring the business to another person who has become licensed to operate the business; or
- (b) the business is a cemetery that is being transferred to a municipality because of abandonment.

DIVISION I REPORTING TO THE REGISTRAR

Notice of change, operator

103. (1) An operator shall give the registrar a notice of change in writing if a change occurs with respect to any of the following:

1. The operator's address for service.
2. For each location identified in section 21 where the operator carries on business, the person in charge of the day-to-day operations of the operator's business at the location or the funeral director, in the case of a funeral establishment, who manages the operator's business at the location.
3. The officers or directors of an operator that is a corporation.
4. The name and address of a business, other than the operator's business, that has a holding room or an embalming room used by the operator and the address of the holding room or embalming room if it is different from the address of the business.
5. The name and address of a depository at which the operator has one or more accounts into which trust money may be deposited and the number of each of the accounts.
6. The name and address of a depository at which the operator has one or more individual trust accounts for prepaid trust money and the number of each of the accounts.

7. The name and address of a trustee holding prepaid trust money or care and maintenance trust money on behalf of the operator and the number of the trust fund in which the money is held.
8. The name and address of a depository at which the operator has one or more care and maintenance accounts for care and maintenance trust money and the number of each of the accounts.

(2) The operator shall give the notice of change to the registrar within 15 days after the change occurs in a form and manner specified by the registrar.

Notice of change, personal licensee

104. (1) An individual holding a personal licence shall give the registrar a notice of change in writing if a change occurs with respect to the individual's employment with the primary operator.

(2) The notice of change shall set out all of the details of the change, including the date on which the individual begins to be employed by an operator, the date on which the individual ceases to be employed by an operator and, in the case of termination of employment by the operator mentioned in subsection (1), the reason for the termination.

(3) The individual shall give the notice of change to the registrar within 15 days after the change occurs in a form and manner specified by the registrar.

No notice of transfer of shares

105. For the purposes of clause 26 (1) (b) of the Act, a licensee that is a corporation is not required to give the registrar the notice mentioned in subsection 26 (1) of the Act unless,

- (a) the issue or transfer of any equity shares of the corporation increases the holding of any one person or any associated persons who already beneficially own or control 10 per cent or more of the total number of all issued and outstanding equity shares of the corporation before the issue or transfer; and
- (b) the increase results in the person or associated persons gaining a direct or indirect controlling interest in the corporation.

Copies of trust agreements

106. An operator shall ensure that the registrar has a current copy of all trust agreements that the operator has entered into with a trustee relating to prepaid trust money or care and maintenance trust money.

Notice of cemetery operator as trustee

107. A cemetery operator that is a municipality shall give the registrar written notice before acting as trustee for its own prepaid trust money or care and maintenance trust money.

Document requirements

108. (1) This section applies to the documents mentioned in section 109.

(2) A statement of account relating to prepaid trust money or care and maintenance trust money shall set out the following information:

1. The name, address and licence number of the operator.
2. The name and address of the depository or the trustee, as the case may be.
3. The number of the account or fund, as the case may be.
4. The balance at the beginning of the reporting period and the balance at the end of the reporting period.
5. All other information that the registrar specifies.

(3) A statement of account mentioned in subsection (2) shall be certified to be complete and accurate by,

- (a) the operator, if the operator is a sole proprietor;
- (b) all of the partners of the operator, if the operator is a partnership, other than a limited partnership;
- (c) all of the general partners of the operator, if the operator is a limited partnership;
- (d) the general manager or person authorized to bind the extra-provincial limited liability company, if the operator is an extra-provincial limited liability company;
- (e) two officers or directors of the operator, if the operator is a corporation and has two or more officers or directors;
- (f) one officer or director of the operator, if the operator is a corporation and does not have two or more officers or directors;
- (g) the persons authorized to bind the operator, if the operator is a board of trustees or an organization or group of persons established or organized for the purpose of operating or managing a cemetery.

- (4) A trust fund statement for money in a pooled trust fund that is prepaid trust money or care and maintenance trust money shall be certified by the trustee of the fund to be complete and accurate and shall set out the following information:
1. The name and address of the operator.
 2. The name and address of the trustee.
 3. The balance at the beginning of the reporting period and the balance at the end of the reporting period.
 4. The book value and market value of each investment held by the fund at the end of the reporting period.
 5. All other information that the registrar specifies.
- (5) A review engagement report shall,
- (a) be prepared by a public accountant licensed under the *Public Accounting Act, 2004* who is independent of the operator;
 - (b) contain the name, address and licence number of the public accountant who prepared it;
 - (c) address all prepaid trust money and all contracts with the operator that are funded by an annuity or insurance contract, including group insurance; and
 - (d) be accompanied by the public accountant's written statement as to whether or not the prepaid trust money has been held and dealt with in accordance with the Act and this Part.
- (6) An audit report with respect to prepaid trust money and care and maintenance trust money shall,
- (a) be prepared by a public accountant licensed under the *Public Accounting Act, 2004* who is independent of the operator;
 - (b) contain the name, address and licence number of the public accountant who prepared it;
 - (c) be accompanied by the public accountant's written statement as to whether or not the trust money has been held and dealt with in accordance with the Act and this Part; and
 - (d) address the matters described in clause (5) (c), if the audit is being filed with the registrar in place of a review engagement report.
- (7) A statement from a depositary for a care and maintenance account shall set out the following information:
1. The name and address of the operator.
 2. The name and address of the depositary.
 3. The number of the account.
 4. The balance at the beginning of the reporting period and the balance at the end of the reporting period.
 5. All other information that the registrar specifies.
- (8) A licensure report shall set out the following information for the reporting period with respect to the cemetery:
1. The name, address and licence number of the operator.
 2. The number of burial permits received.
 3. The number of interments of cremated remains.
 4. The number of interments of human remains other than cremated remains.
 5. The number of interment and scatterings rights sold.
 6. The number of cremated human remains scattered.
 7. An indication of whether the operator offers to sell, sells or intends to sell markers or caskets at the cemetery.
 8. An indication of whether the operator is also licensed to operate a crematorium, funeral establishment or transfer service and, if so, the licence number and class of each of those licences, as applicable.
 9. An indication of whether another operator sells, offers to sell or intends to sell markers, caskets, funeral services, transfer services or crematorium services at the cemetery and, if so, the name of the operator, the licence number and class of each licence of the other operator.
 10. If the operator responds in the affirmative to the questions set out in any of paragraphs 7, 8 and 9, an indication of whether the amount of physical space devoted to the activities in question has changed since the last licensure report that the operator filed with the registrar.
 11. The property roll number for the cemetery.
 12. All other information that the registrar specifies.

- (9) A licensure report mentioned in subsection (8) shall be certified to be complete and accurate by,
- (a) the operator, if the operator is a sole proprietor;
 - (b) all of the partners of the operator, if the operator is a partnership, other than a limited partnership;
 - (c) all of the general partners of the operator, if the operator is a limited partnership;
 - (d) the general manager or person authorized to bind the extra-provincial limited liability company, if the operator is an extra-provincial limited liability company;
 - (e) two officers or directors of the operator, if the operator is a corporation and has two or more officers or directors;
 - (f) one officer or director of the operator, if the operator is a corporation and does not have two or more officers or directors; or
 - (g) the persons authorized to bind the operator, if the operator is a board of trustees or an organization or group of persons established or organized for the purpose of operating or managing a cemetery.

Reporting requirements

109. (1) An operator that has established an individual trust account or a pooled trust fund for prepaid trust money shall file with the registrar annually, in respect of the trust money,

- (a) a statement of account;
- (b) a trust fund statement, in the case of a pooled trust fund; and
- (c) a review engagement report or an audit report.

(2) Clause (1) (c) does not apply to a pooled trust fund where the amount held in trust did not exceed \$100,000 at any time during the reporting year.

(3) A cemetery operator shall file a licensure report with the registrar annually or at such other time as is directed by the registrar, and shall pay the required fee for filing the report.

(4) A cemetery operator that has established a care and maintenance account for care and maintenance money shall file with the registrar, in respect of the account, a statement of account and a statement from the depositary annually or at such other time as is directed by the registrar.

(5) A cemetery operator shall file with the registrar annually or at such other time as is directed by the registrar, in respect of each care and maintenance fund of the operator,

- (a) a statement of account;
- (b) a trust fund statement; and
- (c) an audit report, if,
 - (i) the operator has a cumulative total of \$500,000 or more of care and maintenance money in all of the operator's care and maintenance funds, or
 - (ii) there is a funeral establishment on one or more of the cemeteries operated by the operator.

(6) An operator that is required to file a document under this section shall ensure that,

- (a) the document meets the requirements of section 108; and
- (b) the document is filed by the time and in the form and manner that the registrar specifies.

(7) If an operator fails to comply with this section, the registrar may order the operator to cease selling, offering for sale or holding the operator out as available to sell the licensed supplies and services specified by the registrar in the order.

DIVISION J PUBLIC INFORMATION

Cemetery and crematorium registers

110. (1) A cemetery operator shall maintain a register in which the operator shall enter,

- (a) the name and address of each interment rights holder or scattering rights holder and the location of the lot or scattering ground to which the rights pertain;
- (b) the name and address of each original purchaser of interment or scattering rights that have been sold or transferred to another person and the date on which the rights were sold or transferred;
- (c) the name of each person whose remains are interred or scattered in the cemetery, the location where the remains were interred or scattered and the date on which the human remains were interred or scattered; and

- (d) the particulars of each disinterment of human remains, including the name of the person who requested the disinterment, the date on which the human remains were disinterred and the location in which the human remains were reinterred or scattered or the name of the person taking possession of the human remains.
- (2) A crematorium operator shall maintain a register in which the operator shall enter,
- (a) the name of each person who was cremated in the crematorium;
 - (b) the date of each cremation; and
 - (c) the information on the metal identification tag that is required under subsection 186 (4).
- (3) A cemetery or crematorium operator, as the case may be, shall enter the information required for a register mentioned in subsection (1) or (2) within five days of the later of,
- (a) becoming aware of the information; or
 - (b) the occurrence of the event to which the information relates.
- (4) A cemetery or crematorium operator, as the case may be, shall make a register mentioned in subsection (1) or (2) available for inspection by the public without charge.
- (5) If a person was required to make information in a register available to the public under the *Cemeteries Act (Revised)* immediately before the day on which this section comes into force, the register is continued as a cemetery or crematorium register described in subsection (1) or (2), as the case may be.

Public information available from the registrar

111. (1) The registrar shall make available to the public, without charge and by electronic or other means, the following information with respect to a licence:

1. The class, expiry date and status of a licensee's licence, including all conditions of the licence mentioned in subsection 16 (1) of the Act, except for the conditions prescribed by regulation.
 2. If the licensee is an operator, the name, business address, business telephone number and licence number of the licensee.
 3. If the licensee is an operator, the names of the officers, directors and partners of the operator.
 4. If the licensee is an operator, the business name of the operator if it is different from the name of the operator.
 5. If the licensee is an operator, the address for each location of the operator's business where the operator regularly offers to sell, sells or provides licensed supplies or services.
 6. If the licensee is an operator, the name, business address and telephone number of the individuals responsible for the day-to-day operations of each location of the operator's business.
 7. If the licensee is an operator, the name and address of all businesses to which a licence relates and,
 - i. that are owned or operated by the operator, or
 - ii. over which the same person who exercises direct or indirect control over the operator also exercises direct or indirect control.
 8. For holders of personal licences, the licensee's name and licence number, and the name, business address, business telephone number and licence number of the primary operator that employs the licensee.
 9. If the licence was cancelled at the request of the licensee under section 21 of the Act, a statement that the licence was so cancelled and the date of the cancellation.
 10. With respect to each action under the Act or a predecessor of it that the director, the registrar, the Tribunal, a discipline committee or an appeal committee has taken against the licensee or an applicant for the licence,
 - i. a description of the action taken,
 - ii. the grounds for taking the action,
 - iii. the date on which the action was taken, and
 - iv. the final result of the action.
 11. Information whether a discipline committee or an appeals committee is scheduled to hear a matter with respect to the licensee under section 64 of the Act and, if so, the date and location of the hearing.
- (2) The registrar may make available to the public, without charge and by electronic or other means, the information specified in subsection (3) if,

- (a) there have been or are charges under the Act, the *Consumer Protection Act, 2002* or the *Criminal Code* (Canada) arising out of activities governed by the Act; and
- (b) the charges have not been withdrawn or dismissed and an acquittal has not been entered for the charges.
- (3) For purposes of subsection (2), the information made available may include, for each charge mentioned in clause (2)
 - (a),
 - (a) the Act under which the offence on which the charge is based arises;
 - (b) a description of the charge;
 - (c) the date of the charge;
 - (d) if a conviction has been entered, a description of the sentence, including any compensation or restitution ordered; and
 - (e) the name of the person charged if the person is not a licensee.
- (4) If the registrar becomes aware of information with respect to a licensee or a person who was carrying on activities that require licensing under the Act and if the registrar is of the opinion that the information would assist in protecting the public if the public knew of it, the registrar may disclose the information to the public by electronic or other means.
- (5) The registrar shall make available to the public, without charge and by electronic or other means, the following information for each cemetery:
 - 1. The names of the cemetery.
 - 2. The location of the cemetery.
 - 3. The name, business address, telephone number and licence number of the cemetery operator.
 - 4. The name, business address and telephone number of the individuals responsible for the day-to-day operations of the cemetery.
 - 5. The municipality within which the cemetery is located.
- (6) The registrar shall make available to the public, without charge and by electronic or other means, the information that, immediately before the day on which this section comes into force, the Registrar or Director was required to make available to the public under the *Cemeteries Act (Revised)* or the Registrar was required to make available to the public under the *Funeral Directors and Establishments Act*, as it read immediately before the day on which this section comes into force.
- (7) The registrar shall ensure that if information is made available under this section electronically, the electronic copy shall permit a hard copy to be readily produced.
- (8) The registrar may charge a reasonable fee to recover the cost of providing a hard copy of any information under this section.
- (9) As part of the obligation under this section to make information available to the public, the registrar may,
 - (a) post the information on the website used by the registrar for purposes of communicating information to the public;
 - (b) disclose the information orally to telephone callers requesting it; and
 - (c) make the information available for review at the registrar's office.

**PART II
CONSUMER PROTECTION**

**DIVISION A
DISCLOSURE REQUIREMENTS**

DEFINITIONS

Definitions

- 112.** (1) In this Division,
 “consumer information guide” means the guide that the registrar prepares;
 “transfer” means a gift, a bequest or any other transfer made without consideration.
- (2) In the French version of this Division,
 “crématorium” has the same meaning as “crématoire” in the Act.

DISCLOSURE TO PROSPECTIVE PURCHASERS

Disclosure by operator before contract made

113. (1) Every operator shall ensure that, before a contract for the sale of licensed supplies or services is entered into, a prospective purchaser has received,

- (a) a copy of the consumer information guide where made available by the registrar;
- (b) a copy of the operator's price list;
- (c) an explanation of cancellation rights and refund entitlements that the operator proposes to include in the contract and an explanation of the cancellation rights and refund entitlements under the Act; and
- (d) an offer to provide to the prospective purchaser an explanation of the funding, financing and payment options available to the purchaser, including,
 - (i) an explanation of any penalties or fees that apply in respect of a particular funding, financing or payment option, and
 - (ii) an explanation of how the purchaser's choice of funding, financing or payment option may affect rights and refunds available upon cancellation;
- (e) an offer to provide to the prospective purchaser a copy of the cemetery or crematorium by-laws, as the case may be;
- (f) a statement that the cemetery is governed by by-laws and that a copy of the by-laws is available from the operator for review;
- (g) information on any restrictions contained in the cemetery by-laws with respect to markers, lot decorations and private structures;
- (h) information as to the resale or transfer of interment or scattering rights by a rights holder, including,
 - (i) any restrictions on the resale or transfer of interment or scattering rights, including any prohibition under the cemetery by-laws and any applicable fee,
 - (ii) obligations imposed under the Act or the cemetery by-laws on the parties to a resale or transfer of interment or scattering rights, and
 - (iii) if the resale of interment or scattering rights is prohibited under the cemetery by-laws, an explanation of a rights holder's cancellation rights and refund entitlement under section 47 of the Act;
- (i) information on any restrictions or requirements in the cemetery by-laws as to the purchase of supplies or services from the operator or a person specified by the operator;
- (j) if consideration and benefits are due to the operator or another person if the purchaser chooses a particular funding, financing or payment option, a statement to that effect; and
- (k) if consideration and benefits are due to the operator or another person by reason of recommendations made to the purchaser with respect to particular supplies or services that the purchaser will contract for with a third party other than the operator, a statement to that effect.

(2) If an operator maintains or makes use of a website and enters into electronic contracts for the sale of licensed supplies and services through the website, the operator shall provide the information described in subsection (1) by posting the information on the website in a printable form.

(3) Subsections (1) and (2) do not apply to contracts which are exempt from subsections 40 (1) and (2) of the Act.

DISCLOSURE TO PURCHASERS

Disclosure if circumstances change

114. (1) If an operator has entered into a contract for the sale of licensed supplies and services, the operator shall notify the purchaser of any of the following changes in circumstances that occur before the contract is fully performed and that result in the operator not being able to provide the supplies and services specified in the contract at the location specified in the contract:

- 1. A sale of the assets of the operator's business.
- 2. The expiry, surrender, revocation or termination of the operator's licence.

(2) An operator shall give a purchaser written notice of a change mentioned in subsection (1) within 30 days of the change occurring.

(3) The notice shall set out the purchaser's cancellation rights under the Act and under the contract.

DISCLOSURE ON RESALE OR TRANSFER OF INTERMENT OR SCATTERING RIGHTS

Disclosure on resale of rights

115. (1) For the purposes of clause 47 (2) (a) of the Act, an interment rights holder or scattering rights holder who sells the rights shall provide the following information to the third party purchaser upon selling the rights:

1. The interment or scattering rights certificate endorsed in accordance with subsection (2) by the rights holder selling the rights and by the cemetery operator.
2. A copy of the current cemetery by-laws.
3. In the case of the sale of interment rights, 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.
4. In the case of the sale of scattering rights, a written statement of the number of scatterings that have occurred on the scattering grounds to which the rights relate and of the number of scatterings that remain available.
5. Any other documentation in the rights holder's possession relating to the rights.

(2) The endorsement on the certificate provided to a third party purchaser under paragraph 1 of subsection (1) shall include,

- (a) a statement, signed by the rights holder selling the rights, acknowledging the sale to the third party purchaser;
- (b) the signature of the cemetery operator confirming that the person selling the rights is shown as the rights holder on the records of the cemetery;
- (c) the date on which the rights were sold;
- (d) the name and address of the third party purchaser; and
- (e) a statement of any money owing to the operator in respect of the rights.

(3) After an interment rights holder or scattering rights holder sells the rights to a third party purchaser but before the purchaser exercises those rights, the purchaser shall provide the cemetery operator with,

- (a) the endorsed certificate mentioned in subsection (1); and
- (b) all other information that the cemetery operator specifies and that is necessary in order to issue a new certificate in relation to the rights.

(4) Upon request, a cemetery operator shall provide additional copies of the cemetery by-laws to a third party purchaser, any other person who has an interest in the rights that were subject to the resale or a representative of such a person.

(5) A cemetery operator who provides copies of the by-laws may charge the person who is provided with the copies a fee to recuperate the cost of providing the copies.

Disclosure on transfer of rights other than by resale

116. If a rights holder transfers interment rights or scattering rights to another person by any means other than by sale,

- (a) the rights holder who transfers the rights shall disclose to the person acquiring the rights the same information, with necessary modifications, as an interment rights holder or scattering rights holder is required to disclose under subsections 115 (1) and (2) upon selling the rights; and
- (b) the person who acquires the rights shall provide the cemetery operator with the same documentation and information as a third party purchaser is required to disclose upon a sale of the rights under subsection 115 (3).

GENERAL

Proof of licence

117. (1) Every operator shall display the operator's licence or a copy of the licence in a place that is,

- (a) near the main entrance to any office, building or other dedicated space maintained by the operator in which the public may enter into a contract for the purchase of licensed supplies or services with the operator; and
- (b) clearly visible to a person attending at the premises described in clause (a).

(2) If an operator maintains or makes use of a website and enters into contracts for the sale of licensed supplies or services through the website, the operator shall ensure that the operator's licence number and a description of the type of licence are available in a conspicuous place on the website.

(3) Individuals licensed under the Act shall carry their licence on their person whenever conducting business relating to the sale of licensed supplies or services and shall produce it upon request.

Disclosure of cemetery and crematorium by-laws

118. (1) Every operator of a cemetery or crematorium shall provide a copy of the cemetery by-laws or crematorium by-laws, as the case may be, to every person who requests it.

(2) The operator shall provide, without charge, the copy requested under subsection (1) but if a prospective purchaser requests more than one copy of the cemetery by-laws or crematorium by-laws, the operator shall provide the additional copies, subject to a fee to recuperate the cost of providing the additional copies.

(3) The operator of a cemetery or crematorium shall make a copy of the by-laws and proposed by-law amendments available for the public to inspect during normal office hours without charge.

Promotional material, etc.

119. (1) Every operator shall ensure that the following information appears in any sign or written advertisement, brochure, price list, contract, letterhead, pamphlet, circular, or other written material, other than business cards, used by the operator to promote the sale of licensed supplies and services:

1. The operator's name.
2. The operator's business name, if different from the operator's name.
3. The name of any person who directly or indirectly controls the operator's business and who directly or indirectly controls another business that sells licensed supplies or services and that has a business premises within 100 kilometres of the operator's business location, except if the business is a cemetery owned by a municipality or a religious organization.

(2) Despite subsection (1), if more than one sign is posted at an operator's business premises, the information mentioned in that subsection need only appear on one of the signs so long as the sign in question is close to the main entrance of the operator's business premises and is, by its size and placement, the sign with the most prominence at the premises.

(3) The information included on a sign under subsection (1) shall be placed on the sign in a manner that ensures the information is clearly visible to the public.

(4) Every operator shall ensure that the information mentioned in subsection (1) is included in any audio or video material that the operator uses to promote the sale of licensed supplies or services if the material is at least one minute in duration.

(5) An operator who maintains or makes use of a website to promote the sale of licensed supplies or services shall ensure that the information mentioned in subsection (1) is available in a clearly visible place on the website.

(6) When advertising a price, an operator shall include an explanation of all of the conditions of sale that relate to the advertised price and a full description of the supplies and services that are included in the advertised price.

**DIVISION B
CONTRACT REQUIREMENTS**

GENERAL

Definitions

120. In this Division,

“group insurance” means group insurance as defined in subsection 171 (1) of the *Insurance Act*;

“recipient” means a person who is designated in a contract for the provision of a licensed supply or service as the person for whom the service or supply is to be provided.

General requirements

121. (1) This section applies to every contract for the provision of licensed supplies or services.

(2) The contract shall be written in plain language and legibly printed in 10 point or larger type.

(3) The contract shall contain the following:

1. A unique identification number or code which is sequential.
2. The date of the contract.
3. The name, address and telephone number of each party to the contract, the operator's business name, if different, and the operator's licence number.
4. The name and address of each recipient if different from the purchaser for whom licensed supplies or services are to be provided under the contract and the date of birth or age of each recipient, if known.
5. The name of the individual who negotiated the contract on behalf of the operator and, if the individual is licensed under the Act, his or her licence number.

6. A description of all supplies and services to be provided under the contract and the corresponding price, which description is sufficiently detailed to permit identification of the supplies and services, including details of any customization, model and other identification that refer to any specific licensed supplies.
 7. A description of when, under what circumstances and in what manner the supplies or services will be provided.
 8. If applicable, the address or location of where the supplies or services are to be provided.
 9. A statement setting out,
 - i. the consideration and benefits, if any, that is due to the operator or another person by reason of recommendations made to the purchaser with respect to particular supplies or services for which the purchaser will contract with a third party, and
 - ii. the name of every person from whom the operator or another person is entitled to receive the consideration and benefits mentioned in subparagraph i.
 10. The total price payable under the contract, including all taxes and any payments to be made by the operator in connection with or under the contract for which the purchaser is required under the contract to reimburse the operator and less any discount allowed to the purchaser.
 11. The amount, if any, paid on signing the contract and, if payments under the contract are to be made over time or in instalments, a payment schedule setting out when payments are due, the amount or method of calculating the amount of each payment and the amount or method of calculating the amount of any financing charges and discounts.
 12. A statement of the rate of interest or method of calculating the rate of interest and any other amounts and the method of calculating the other amounts charged by the operator on late or deficient payments under the contract and a description of the rights and duties of the purchaser and the operator relating to the cancellation of the contract for non-payment.
 13. The terms of any warranties applicable to the supplies or services offered by the operator and information on whether the warranties survive completion of the contract.
 14. The undertaking of the operator that if, after making reasonable efforts to obtain a licensed supply or service agreed to under the contract, the operator needs to substitute a different supply or service for the one agreed to in the contract, the operator,
 - i. shall inform the purchaser of the proposed substitution, and whether the substitution is of equal or greater value than the original supply or service,
 - ii. shall inform the purchaser of the purchaser's cancellation rights and determine if the purchaser wishes to cancel the contract, and
 - iii. shall not increase the purchase price as a result of the substitution, if the purchaser does not cancel the contract.
 15. The name of any person other than the purchaser who may cancel the contract and the circumstances under which the person may do so.
 16. The name of every person other than the purchaser who is entitled to receive a refund or payment under the contract that would otherwise be payable to the purchaser and the circumstances under which the refund or payment is to be made to that person.
 17. The manner in which the amount of any refund or payment to the purchaser is to be determined and the reason for and amount of any deduction that may be made in calculating the amount of a refund or payment.
 18. All cancellation, refund and return policies of the operator that are in addition to the rights of purchasers under the Act.
- (4) If the parties to a contract agree that certain supplies or services that the operator has not contracted to provide will be provided by another supplier, the contract between the parties shall contain,
- (a) a description of the supplies and services the operator will arrange to obtain from other suppliers;
 - (b) the acknowledgement of the parties that the operator is acting on behalf of and only as agent for the purchaser in obtaining supplies or services from another supplier;
 - (c) an estimate of the anticipated price for the supplies or services;
 - (d) the purchaser's acknowledgement and agreement that the purchaser is liable to pay and will pay the supplier directly for the supplies or services at the price in effect at the time the supplies or services are provided; and
 - (e) the undertaking of the purchaser to save the operator harmless from any claims by the other supplier for payment for the supplies or services.
- (5) The contract shall disclose which, if any, licensed supply to be provided under the contract was previously used.

- (6) If the licensed supplies or services are to be provided under the contract as a package, the contract shall set out,
- (a) the package price;
 - (b) the price at which each supply and service would be sold if it were sold separately and not as part of the package;
 - (c) the total price that would have been payable under the contract using the prices mentioned in clause (b); and
 - (d) the amount, if any, saved by the purchaser by purchasing the supplies and services as a package.
- (7) If any licensed supplies to be provided under the contract are to be placed in storage so that the supply is being treated as delivered at the time of storage, the contract shall include,
- (a) the purchaser's agreement to the operator's storing or arranging the storage of the supply;
 - (b) the purchaser's agreement to treat the supply, for the purposes of section 44 of the Act and section 81 of this Regulation, as being provided at the time the supply is placed in storage; and
 - (c) a statement that the purchaser's agreement to place the supply in storage affects the cancellation rights and refund entitlements of the purchaser, including how the rights are affected.

SPECIFIC CONTRACTS

Exemption

122. (1) For the purposes of subsection 40 (3) of the Act, a contract that meets the following requirements with respect to the supplies and services under the contract is exempt from subsections 40 (1) and (2) and sections 41, 42, 43 and 44 of the Act and sections 121, 123 and 128 of this Regulation:

1. A licence issued under the Act is not required in order to sell the supplies and services.
2. The supplies and services are purchased separately from licensed supplies or services.
3. The total purchase price does not exceed \$250.
4. The purchaser is taking immediate delivery of the supply or receiving the service immediately.
5. If the purchase is a supply, the supply will not be stored by the operator.

(2) No operator contracting for the provision of a supply or service shall enter into separate contracts, rather than a single contract, if the purpose of entering into separate contracts is to keep the value of any contract at less than \$250 so this section applies to the contract.

If payment precedes provision and is held in trust

123. (1) This section applies to every contract for the provision of licensed supplies or services if money is paid under the contract before the licensed supplies or services are provided and the money is required to be held in trust.

(2) The contract shall contain the following:

1. Details concerning the holding, investment and payment out of the money in accordance with the regulations, including the manner in which the funds will be held in trust.
2. A statement setting out,
 - i. whether the operator or another person will receive, directly or indirectly, any consideration or benefit related to arrangements for holding money paid under the contract in trust as required under section 52 of the Act, and
 - ii. the name of every person, if any, from whom the operator or another person may be entitled to receive the consideration or benefit mentioned in subparagraph i.
3. If the money is held in an individual trust account under the regulations, a description of the purchaser's right to request a statement once in each 12-month period from the operator that sets out,
 - i. the current value of the individual trust account as of the end of the prior month,
 - ii. the types of investments held as of that day, and
 - iii. the name of the eligible depository of any account in which trust money in the individual trust account is deposited.
4. If the money is held in a pooled trust fund or account under the regulations, a description of the purchaser's right to request a statement from the operator, once in each 12-month period, setting out,
 - i. the current value of the purchaser's money as of the end of the month before the request, and
 - ii. the name of the trustee.

5. Information concerning the manner in which the operator will determine the prices for the licensed supplies and services applicable at the time they are provided.
6. A description of the purchaser's right to receive on completion of the contract any amount held in trust in excess of all amounts paid or payable to the operator and any other suppliers and a description of the manner in which the operator will calculate the amount to be paid to the purchaser or other person entitled under the contract to receive the payment.

Contract for future provision funded by insurance or annuity

124. (1) If the price payable under a contract for the provision of licensed supplies or services is to be funded in whole or in part out of the proceeds of an insurance or annuity contract including group insurance, the contract for the licensed supplies or services shall contain,

- (a) the name, address and telephone number, if any, of the insurer or the issuer of the annuity contract and the number of the insurance or annuity contract if known;
 - (b) a statement disclosing any formal or informal arrangements the operator or another person affiliated or associated with the operator has with any agent, insurer or issuer of annuity contracts relating to the recommendation of the agent, insurer or issuer to purchasers and potential purchasers of licensed supplies or services;
 - (c) a statement disclosing whether the operator or another person affiliated or associated with the operator will receive, directly or indirectly, any consideration or benefit from any person as a result of the purchaser applying for or purchasing insurance or an annuity in connection with the purchaser's contract with the operator;
 - (d) the name of the beneficiary under the insurance or annuity contract, if named, and, if applicable, details of any assignment to the operator of the proceeds under the insurance or annuity contract;
 - (e) a description of the licensed supplies and services to be paid for out of the proceeds if not all of the supplies and services under the contract are to be paid for out of the proceeds;
 - (f) the acknowledgement by the operator and the purchaser that once the operator is named as a beneficiary or assigned the right to designate the beneficiary under the insurance or annuity contract or the beneficiary's rights to proceeds are assigned to the operator, money is considered, for the purposes of section 38 of the Act, to be paid under the contract for the provision of the licensed supplies or services in an amount equal to the amount of the proceeds under the insurance or annuity contract that will be paid directly or indirectly to the operator;
 - (g) a statement of what will occur if,
 - (i) the insurance or annuity contract application is denied,
 - (ii) the insurance or annuity contract is not paid for in full at the time the contract for licensed supplies and services is to be fulfilled,
 - (iii) the contract for licensed supplies and services is cancelled and the effect the cancellation will have on the insurance or annuity contract,
 - (iv) the insurance or annuity contract is cancelled and the effect the cancellation will have on the contract for licensed supplies and services that the insurance or annuity proceeds were intended to fund, and
 - (v) the operator was to be the beneficiary or was to have been assigned the right to designate a beneficiary under the insurance or annuity contract and at the time the contract for licensed supplies and services is to be fulfilled, the beneficiary who was named or designated at the time the contract was made has changed;
 - (h) information concerning the manner in which the operator will determine the prices for the licensed supplies and services applicable at the time they are provided; and
 - (i) a description of the purchaser's right to receive, on completion of the contract, any amount held by the operator in excess of all amounts paid or payable to the operator and a description of the manner in which the operator will calculate the amount to be paid to the purchaser or other person entitled under the contract to receive the payment.
- (2) The operator shall attach the following to the contract if available:
1. The insurance policy and insurance or annuity contract.
 2. The enrolment or other documents that confirm the purchase of the insurance or annuity.
 3. The document designating the operator as the beneficiary of the insurance or annuity or assigning the proceeds of the insurance or annuity to the operator.

Contract for cremation or related services

125. (1) If a contract for the provision of licensed supplies or services provides for a cremation, the contract shall include,

- (a) a statement that dead human bodies cannot be cremated if there is a pacemaker or radioactive implant in the body or if the body is in a container made of or containing non-flammable or hazardous material or chlorinated or fibre-reinforced plastic; and
 - (b) a statement that dead human bodies will not be cremated unless a coroner's certificate has been provided to the operator.
- (2) If a contract for the provision of licensed supplies or services provides for a cremation or otherwise provides for the operator to come into possession of cremated human remains, the contract shall include,
- (a) the requirement that, if the operator so requests, the purchaser shall pay a refundable deposit that does not exceed the amount specified in the Minister's order on fees and other charges made under the Act;
 - (b) a statement that if cremated remains are not claimed on or before the first anniversary of the cremation, the operator may inter the cremated remains in a cemetery, including in a common lot for which the cemetery is the interment rights holder, and is entitled to retain the amount of any deposit described in clause (a) that was paid; and
 - (c) a statement that if the cremated remains are claimed before they are interred, the operator shall promptly return any deposit described in clause (a) that was paid.

Contract for interment or scattering rights

126. A contract for the provision of licensed supplies or services that includes the sale of interment or scattering rights shall include,

- (a) the name and address of the holder or intended holder of the rights;
- (b) the price for and a description of the interment rights or scattering rights that the purchaser has indicated being interested in purchasing, including,
 - (i) the location and dimension of each lot or scattering ground,
 - (ii) the number and type of interments or scatterings permitted in each lot or scattering ground with respect to the particular interment or scattering rights being purchased,
 - (iii) in the case of interment rights relating to a private mausoleum or columbarium, the number of niches, crypts or compartments, and
 - (iv) any limitations or restrictions on exercising the interment or scattering rights;
- (c) information relating to when and under what circumstances the rights certificate can be expected to be provided to the purchaser, if the certificate is not provided at the time the contract is made;
- (d) a requirement that payment under the contract shall be applied first to the purchase of the rights before being applied to the purchase of any other supplies or services under the contract;
- (e) the amount of the care and maintenance contribution for the lot or scattering ground;
- (f) information on any restrictions contained in the cemetery by-laws with respect to markers, lot decorations and private structures;
- (g) information as to the resale or transfer of interment or scattering rights by a rights holder, including,
 - (i) any restrictions on the resale or transfer of interment or scattering rights, including any prohibition under the cemetery by-laws and any applicable fee, and
 - (ii) obligations imposed under the Act or the cemetery by-laws on the parties to a resale or transfer of interment or scattering rights; and
- (h) information on any restrictions or requirements in the cemetery by-laws as to the purchase of supplies or services from the operator or a person specified by the operator.

Delivery of contract

127. (1) The operator under a contract for the provision of licensed supplies or services shall ensure that the purchaser receives a copy of the contract as signed by the purchaser at the time the purchaser signs it.

(2) For the purposes of clause 40 (1) (d) of the Act, the prescribed manner of delivering a copy of a contract for the provision of licensed supplies or services to a purchaser after it is signed by all parties is, as soon as possible,

- (a) to deliver it personally to the purchaser;
- (b) to send it to the purchaser by registered mail; or

- (c) to send it to the purchaser by another manner if the operator can prove receipt of it by the purchaser.

Additional requirements for enforceability of contracts

128. For the purposes of clause 40 (1) (h) of the Act, a contract for the provision of licensed supplies or services is not enforceable by an operator if any of the following requirements are not satisfied:

1. The contract was signed by the individual who negotiated the contract on behalf of the operator.
2. If the operator entered into the contract with the purchaser over the internet, the contract was formed by text-based communications.
3. If the operator no longer provides a supply or service that the operator agreed to provide under the contract, the operator has made reasonable efforts to provide the supply or service and, if unable to do so, has arranged to provide an appropriate refund of the sum of the initial amount paid for the supply or service and any income earned on the initial amount.
4. If the operator substitutes a different supply or service for the licensed supply or service agreed to under the contract, the operator,
 - i. has informed the purchaser, or the person entitled under the contract to cancel the contract, of the substitution and whether or not the substitution is of equal or greater value than the original supply,
 - ii. has provided or arranged for the provision of a substituted supply or service of comparable quality and value, and
 - iii. has not charged any increase in price as a result of the substitution.

PROHIBITED PRACTICES

On default

129. (1) No operator shall take any action to repossess a licensed supply or interment or scattering rights on a default in payment for the supply or rights if at least two-thirds of the purchase price for the supply or rights has been paid to the operator, unless a judge of the Superior Court of Justice grants leave to do so.

(2) Upon an application for leave under subsection (1), the court may, in its discretion, grant leave to the operator, refuse leave or grant leave upon the terms and conditions that the court considers advisable.

(3) Any provision in any agreement for payment to precede provision of supplies or services or in any security agreement incidental to such an agreement under which the operator may acquire title to, possession of or any rights in any goods of the purchaser, other than the goods passing under the agreement, is not enforceable.

Content of contract

130. No operator shall include in any contract for the provision of any licensed supply or service a provision that,

- (a) conflicts with the Act or the regulations;
- (b) entitles the operator to unilaterally amend the contract, except with respect to the provision of substituted supplies or services in accordance with paragraph 4 of section 128; or
- (c) permits the contract to be amended in a manner other than by text-based communications.

Operator's policies

131. No operator shall have a cancellation, refund or return policy that would deprive a person of any of the person's rights under the Act or the regulations relating to the purchase of licensed supplies or services or that would effectively penalize the person for exercising any of those rights.

INSURANCE OR ANNUITY CONTRACTS RELATING TO THE SALE OF LICENSED SUPPLIES OR SERVICES

Prohibited practices

132. (1) No licensee shall sell, lend or permit the use of an operator's business name, logo, letterhead or other identifier to a person who is soliciting the making of or negotiating the terms of an annuity or insurance contract with a vulnerable person mentioned in subsection 29 (2) of the Act or the terms of enrolling a vulnerable person mentioned in that subsection in group insurance.

(2) Section 29 of the Act applies with necessary modifications to a person, other than a person who is subject to section 17.1 of Ontario Regulation 347/04 (*Agents*) made under the *Insurance Act*, in respect of the solicitation and negotiation of an agreement for the sale of an annuity or insurance contract or enrolment in group insurance if,

- (a) the proceeds of the annuity, insurance contract or group insurance, as the case may be, are intended to be used to fund, directly or indirectly, in whole or in part the purchase of licensed supplies or services; and

(b) the annuity, insurance contract or group insurance, as the case may be, names an operator as beneficiary of the proceeds or assigns to an operator the right to designate the beneficiary of the proceeds.

(3) No licensee shall accept any payment for an annuity, insurance contract or group insurance that is in cash or made payable to the licensee.

(4) Subsection (3) does not apply if the licensee receives the payment in the licensee's capacity as a person who is subject to section 17.1 of Ontario Regulation 347/04 (Agents) made under the *Insurance Act*.

(5) No operator shall agree to be named as a beneficiary or to have the right to designate the beneficiary assigned under an annuity, insurance contract or group insurance or to have the beneficiary's rights to proceeds under an annuity, insurance contract or group insurance assigned to the operator if the proceeds are to be used to fund the purchase of licensed supplies or services, unless the operator and the person who names the operator as the beneficiary or assignee have entered into a contract for the provision of the supplies or services.

Excess insurance or annuity proceeds

133. An operator shall make a refund in accordance with the Act and the regulations if the operator receives insurance or annuity proceeds to fund the purchase of licensed supplies or services and,

- (a) the amount received exceeds the amount payable to the operator and any other suppliers for the provision of the supplies or services to be funded out of the proceeds; or
- (b) the operator provides no licensed supplies or services in consideration for the proceeds.

DIVISION C MISCELLANEOUS CONSUMER PROTECTION MATTERS

Interpretation

134. (1) In this Division,

“customized supply” means a licensed supply that is customized to the purchaser's specifications within the meaning of subsection (2);

“recipient” has the same meaning as in Division B.

(2) For the purposes of subsection 44 (6) of the Act and the definition of “customized supply” in subsection (1), a supply is customized to the purchaser's specifications if,

- (a) the supply is produced on the basis of instructions or specifications provided by or on behalf of the purchaser;
- (b) the supply is personalized or has another unique characteristic, with the result that the operator is prevented from readily reselling or reusing it in the ordinary course of business; and
- (c) removing or undoing the personalization or unique characteristic would affect the structural integrity or aesthetic characteristics of the supply or would involve extraordinary expense.

Prohibitions against soliciting

135. A home, as defined in the *Homes for the Aged and Rest Homes Act*, is prescribed for the purposes of subsection 29 (2) of the Act.

Storage of supplies in advance of use

136. (1) For the purposes of section 39 of the Act, an operator who sells a licensed supply in advance of the use of the supply may agree to store the supply, or arrange for the supply to be stored by another person, if the supply is one that is listed in subsection (2) and all of the conditions set out in subsection (3) have been met.

(2) Subsection (1) applies to the following licensed supplies:

1. A casket.
2. An urn.
3. A marker.
4. An outer burial container, including a vault.
5. A grave liner.

(3) The following are the conditions mentioned in subsection (1):

1. The supply is in a substantially completed condition.
2. The purchaser has made full payment for the supply.

3. The operator knows or ought to know that the supply is made of materials designed to withstand prolonged storage without any adverse effect on the structural integrity or aesthetic characteristics of the supply.
 4. The supply is to be stored in a way that does not give rise to a lien on the supply.
 5. In the contract for the provision of the supply, the purchaser has agreed,
 - i. to the operator storing or arranging the storage of the supply, and
 - ii. to treat the supply, for the purposes of section 44 of the Act and section 81 of this Regulation, as being provided at the time the supply is placed in storage.
 6. The contract does not require that the purchaser be responsible for the costs relating to the storage or insuring of the supply.
- (4) An operator who, under section 39 of the Act, agrees to store a supply, or arrange for a supply to be stored by another person, shall not store the supply, or have it stored by another person, within the 30 days after the day the contract for the provision of the supply is made.
- (5) An operator who, under section 39 of the Act, agrees to store a supply, or arrange for a supply to be stored by another person, shall ensure that,
- (a) the supply is and continues to be stored in a manner that will not adversely affect the structural integrity or aesthetic characteristics of the supply; and
 - (b) adequate insurance is purchased and maintained against loss of or damage to the supply while in storage.
- (6) An operator's duties under subsection (5) end at the earlier of,
- (a) the time the supply is removed from storage and provided pursuant to a request under the contract for provision of the supply; and
 - (b) the time specified in the contract.

Cancellation of unenforceable contract, operator's obligations

137. (1) Within 30 days after the day an operator receives a notice of cancellation under subsection 41 (1) of the Act for a contract that is not enforceable by the operator under subsection 40 (1) of the Act, the operator shall, in addition to refunding to the purchaser all money received by the operator under the contract as required by subsection 41 (2) of the Act, pay to the purchaser the greater of the following amounts:

1. The income earned on the money.
 2. The income that would have been earned on the money had it been deposited as required under the Act and the regulations.
- (2) An operator who has delivered or performed some or all of the licensed supplies and services provided for under a contract before the purchaser cancels the contract under subsection 41 (1) of the Act is exempt from subsections 41 (2) and (3) of the Act and this section in respect of the licensed supplies and services that have been delivered or performed, if,
- (a) the purchaser does not comply with subsections 41 (4) and (5) of the Act, read with section 138 of this Regulation;
 - (b) the grounds on which the contract is not enforceable by the operator under subsection 40 (1) of the Act have not caused any disadvantage to the purchaser; or
 - (c) it would otherwise be inequitable for the operator to be subject to subsections 41 (2) and (3) of the Act in respect of the licensed supplies and services that have been delivered or performed.
- (3) If an operator receives written notice of cancellation from a purchaser under subsection 41 (1) of the Act after having provided to the purchaser some or all of the licensed supplies under the contract, the operator shall give the purchaser forthwith a written notice setting out,
- (a) the purchaser's obligation under subsection 41 (5) of the Act and subsection 138 (3) of this Regulation to take reasonable care of the supplies; and
 - (b) the effect, set out in subsection (2), that the purchaser's failure to comply with the obligation mentioned in clause (a) will have on the purchaser's right to a refund under subsection 41 (2) of the Act.

Cancellation of unenforceable contract, purchaser's obligations

138. (1) For the purposes of subsection 41 (4) of the Act, if a purchaser cancels a contract under subsection 41 (1) of the Act after licensed supplies have been delivered to the purchaser under the contract,

- (a) subject to clause (b), the purchaser shall permit the supplies to be repossessed by the operator or return the supplies to the operator, unless,

- (i) the operator fails to pay the costs of the repossession or return,
 - (ii) the supplies contain human remains, whether interred or not, or
 - (iii) the supplies are perishable, consumable, have been distributed or cannot be reused;
- (b) if, under the contract, the purchaser took possession of the supplies from the operator instead of the operator sending the supplies to the purchaser, the purchaser shall return the supplies to the operator at the purchaser's expense and the operator shall not be required to repossess them.
- (2) The purchaser shall perform the purchaser's obligations under subsection 41 (4) of the Act, read subject to subsection (1) of this section,
- (a) within 30 days after the day the purchaser gives the operator written notice of cancellation of the contract; and
 - (b) during the operator's normal business hours.
- (3) For the purposes of subsection 41 (5) of the Act, if a purchaser cancels a contract under subsection 41 (1) of the Act after licensed supplies have been delivered to the purchaser under the contract, the purchaser shall take reasonable care of the supplies, other than supplies mentioned in subclause (1) (a) (ii) or (iii), for the period that begins at the time the purchaser gives the operator written notice of cancellation of the contract and ends at the earlier of,
- (a) the time the supplies are returned to the operator; and
 - (b) in the case of licensed supplies other than supplies mentioned in clause (1) (b),
 - (i) the time the supplies are repossessed by the operator, or
 - (ii) the end of the 30th day after the day the purchaser gives the operator written notice of cancellation of the contract, if the purchaser has provided the operator with a reasonable opportunity to repossess the supplies and the supplies have not been repossessed.

Delivery within 30 days

139. (1) For the purposes of subsection 43 (1) of the Act, a purchaser under a contract for the provision of licensed supplies or services may request that the operator provide, within 30 days after the day the contract is made, any of the supplies or services if,

- (a) they are required for the disposition of human remains within the 30-day period;
- (b) they are required for the co-ordination and provision of rites or ceremonies in relation to human remains within the 30-day period; or
- (c) the contract is a contract to which subsection 122 (1) applies.

(2) If, under section 42 of the Act, a purchaser cancels a contract for the provision of a customized supply before the provision of the supply but after requesting, for the purposes of subsection 43 (1) of the Act, the operator to provide the supply within 30 days after the day the contract is made, the activities of the operator in relation to the supply before the cancellation of the contract are deemed to be services that the operator has provided to the purchaser and the operator may deduct the expenses incurred for them from the refund to the purchaser paid under subsection 43 (4) of the Act.

(3) When making the refund mentioned in subsection (2), the operator shall give the purchaser orally or, if requested, in writing, an itemized list of all expenses deducted under that subsection, including amounts deducted for work done by the operator and amounts deducted for payments made or debts incurred by the operator to third parties, and the list shall set out, for each expense, its purpose, and its amount.

(4) A purchaser may withdraw a request described in subsection (1) by giving the operator a written notice of the withdrawal that meets the following requirements:

1. It shall be signed and dated by the purchaser.
2. It shall set out,
 - i. the date of the contract,
 - ii. the unique identification number or code of the contract, and
 - iii. a description of the licensed supplies and services for which the purchaser is withdrawing the request, unless the purchaser is withdrawing the request for all of the licensed supplies and services that the purchaser requested the operator to provide.

(5) An operator who is a party to a contract for the provision of interment rights or scattering rights is exempt from section 43 of the Act with respect to the provision of those rights.

Cancellation after cooling-off period

140. (1) If a purchaser cancels a contract under subsection 44 (1) of the Act, the amount that the operator shall refund to the purchaser under subsection 44 (4) of the Act, in addition to all money received by the operator under the contract, is the greater of the following amounts:

1. The income earned on the money.
2. The income that would have been earned on the money had it been deposited as required under the Act and the regulations.

(2) If a purchaser cancels a contract under subsection 44 (1) of the Act, in calculating the refund to be made to the purchaser, the operator may, in addition to deducting under clause 44 (4) (b) of the Act the value of any supplies and services that have been provided, deduct under clause 44 (4) (a) of the Act the lesser of the following amounts less the amount that the operator has retained under subsection 78 (1) as not being prepaid trust money, if the balance is positive:

1. 10 per cent of the sum of the money received by the operator under the contract and the additional amounts that the operator is required to refund to the purchaser as determined under subsection (1).
2. \$350.

(3) If a purchaser cancels a contract under subsection 44 (1) of the Act for the provision of a customized supply, the amount of the refund to which the purchaser is entitled with respect to that supply under subsection 44 (6) of the Act is,

- (a) nil, if the customization of the supply has been completed at the time the contract is cancelled; or
- (b) if the customization of the supply has not been completed at the time the contract is cancelled, the amount of the refund as determined under subsection 44 (4) of the Act less the amount of the expenses incurred by the operator in relation to the supply before the cancellation of the contract.

(4) When making the refund mentioned in clause (3) (b), the operator shall give the purchaser orally or, if requested, in writing, an itemized list of all expenses deducted under that clause, including amounts deducted for work done by the operator and amounts deducted for payments made or debts incurred by the operator to third parties, and the list shall set out, for each expense, its purpose, and its amount.

Deemed cancellation under s. 44 of the Act

141. (1) A purchaser under a contract for the provision of licensed supplies or services, other than interment rights or scattering rights, shall be deemed to have cancelled the contract under section 44 of the Act if,

- (a) the operator has reasonable grounds to believe that the recipient under the contract is or, if he or she were alive, would be at least 120 years old;
- (b) none, or only part, of the licensed supplies and services under the contract have been provided, and no request has been made to the operator to provide the licensed supplies or services that have not yet been provided; and
- (c) the operator is unable to locate the recipient or the purchaser after making reasonable efforts to do so.

(2) Subsection (1) does not apply in the circumstances in which section 49 of the Act applies.

Cancellation where cemetery prohibits resale

142. (1) If an interment rights holder or a scattering rights holder cancels a contract under subsection 47 (5) of the Act, the amount that the operator may deduct under subsection 47 (6) of the Act in calculating the payment to be made to the rights holder under that subsection is the amount of the operator's contribution to the cemetery's care and maintenance fund under section 87 of this Regulation in connection with the sale of such rights under the contract being cancelled.

(2) For the purposes of clause 47 (7) (b) of the Act, if the price for the interment rights or scattering rights is not set out on the operator's price list, their market value mentioned in paragraph 2 of subsection 47 (6) of the Act shall be deemed to be equal to the market value of interment rights or scattering rights, as the case may be, with respect to a lot that,

- (a) is equivalent to or better than the lot in respect of which the rights holder purchased the rights under the contract; and
- (b) is located in the cemetery to which the cancelled contract relates or, if there is no equivalent or better lot in the cemetery to which the cancelled contract relates, is located in another cemetery that,
 - (i) is in the same geographic location as the cemetery to which the cancelled contract relates, and
 - (ii) is similar to the cemetery to which the cancelled contract relates in terms of its size, its religious or ethnic affiliation and whether it is for profit or not for profit.

Reimbursement order after resale of abandoned rights

143. For the purposes of subclause 50 (2) (a) (iii) of the Act, the prescribed amount is the purchase price charged by the operator on the resale of the interment rights or scattering rights, less the amount of the operator's contribution to the

cemetery's care and maintenance fund under section 87 of this Regulation in connection with the resale of the interment rights or scattering rights.

Transfer of rights to cancel and receive refund

144. (1) A purchaser under a contract for the provision of a licensed supply or service may, in the contract, transfer the purchaser's rights to cancel the contract and receive a refund under sections 41, 42, 43 and 44 of the Act to,

- (a) one person designated in the contract; or
 - (b) more than one person designated in the contract, as long as not more than one person is designated for any set of circumstances or any point in time.
- (2) Subject to subsection (1), the following rules apply to contracts to which section 123 applies:
- 1. Before the death of the recipient, the purchaser or a person designated in the contract by the purchaser may cancel the contract at any time and receive the refund under sections 41, 42, 43 and 44 of the Act.
 - 2. Before the death of the recipient but after the death of the purchaser, the recipient or the recipient's personal representative may cancel the contract at any time, and the recipient is entitled to receive the refund under sections 41, 42, 43 and 44 of the Act.
 - 3. After the death of the recipient, the recipient's personal representative may cancel the contract at any time, and the recipient is entitled to receive the refund under sections 41, 42, 43 and 44 of the Act.

**PART III
CEMETERIES, BURIAL SITES AND CREMATORIALS**

**DIVISION A
GENERAL**

Definitions

145. (1) In this Part,

“First Nations Government” means the government of a band, as “band” is defined in the *Indian Act* (Canada);

“representative”, when used in connection with a person whose remains are interred, means,

- (a) in the case of a burial ground,
 - (i) a descendant of the interred person, or
 - (ii) if there is no known surviving descendant, a representative of the religious denomination with which the interred person was affiliated as evidenced by the place of interment, or
- (b) in the case of an aboriginal peoples burial ground,
 - (i) the nearest First Nations Government, or
 - (ii) another community of aboriginal peoples that is willing to act as a representative and whose members have a close cultural affinity to the interred person;

“small scale columbarium” means a columbarium having a total volume of less than 15 cubic metres or 530 cubic feet, not including markers affixed to the structure;

“small scale mausoleum” means a mausoleum having a total volume of less than 15 cubic metres or 530 cubic feet, not including markers affixed to the structure.

(2) In the Act and this Part,

“cemetery” includes land that,

- (a) is known to contain human remains,
- (b) was set aside to be used for the interment of human remains,
- (c) was and continues to be set aside for the interment of human remains, and
- (d) was and remains readily identifiable as land containing human remains.

(3) In the French version of this Part,

“crématorium” has the same meaning as “crématoire” in the Act.

**DIVISION B
CEMETERIES**

ESTABLISHING, ALTERING OR INCREASING CAPACITY OF A CEMETERY

Registrar's consent

146. (1) Subject to this section, for the purposes of subsection 83 (1) of the Act, a person shall not establish, alter or increase the capacity of a cemetery without the consent of the registrar.

- (2) A person is not required to obtain the consent of the registrar if the person complies with subsection (3) and,
- (a) alters a cemetery in a way that does not increase the total physical space of the land of the cemetery and that does not involve the establishment of a columbarium or mausoleum;
 - (b) subject to clause (d), alters a columbarium or mausoleum on land already established as a cemetery in a way that does not increase the total volume of the building;
 - (c) establishes a small scale columbarium or a small scale mausoleum on land already established as a cemetery; or
 - (d) increases the volume of a small scale columbarium or a small scale mausoleum on land already established as a cemetery if the total volume of the columbarium or mausoleum after the increase does not exceed the total volume set out in the definitions of a small scale columbarium or a small scale mausoleum.

(3) Subject to subsection (4), a person who is not required to obtain the registrar's consent under subsection (2) shall file, with the registrar, a detailed plan of the proposed alteration or increase in capacity at least 30 days before commencing the alteration or increase in capacity.

(4) The registrar may authorize a person mentioned in subsection (3) not to file the detailed plan described in that subsection if the registrar is of the opinion that the proposed alteration or increase in capacity does not materially affect the operation of the cemetery involved.

Application for registrar's consent

147. (1) An application for the registrar's consent to the establishment, alteration or increase in the capacity of a cemetery under subsection 86 (1) of the Act shall include the following documents:

- 1. A general plan of the cemetery drawn to scale and showing compass bearings, lot numbers and the location and dimensions of every lot, scattering ground, walk, fence, road, watercourse, building and adjoining road in the portion of the cemetery to be available for interments or scatterings.
- 2. A copy of any site plan agreement under the *Planning Act*, that is relevant to the cemetery.
- 3. If the application for consent is for the establishment of a cemetery or an increase in the capacity of a cemetery by means of an increase in the total physical space of its land and if the cemetery will include in-ground burial of human remains, a certificate of a medical officer of health stating that the land is suitable for use as a cemetery.
- 4. If the cemetery or any part of it is designated under the *Ontario Heritage Act*, a copy of the designation by-law.

(2) The general plan of the cemetery shall be,

- (a) prepared by an Ontario Land Surveyor or prepared from a deposited reference plan of survey of the cemetery land; and
- (b) certified by the applicable local municipality or by the Minister of Natural Resources as having been approved by the local municipality or the Minister, as the case may be.

(3) The operator of the cemetery shall keep a copy of the general plan available for public inspection during regular business hours.

Notice of application

148. (1) A person who requires the registrar's consent under subsection 83 (1) of the Act to establish, alter or increase the capacity of a cemetery shall, before applying for the consent,

- (a) give written notice of the person's intention to apply for consent to each interment and scattering rights holder if the lot or scattering ground to which the rights relate is within 9.14 metres or 30 feet of the area in which the proposed establishment, alteration or increase is to take place, by mailing it to the last address known to the person, unless the registrar directs another means of giving the notice;
 - (b) ensure that notice of the intention to apply for consent is published once a week for two consecutive weeks in a newspaper with general circulation in the locality in which the cemetery is to be established or is located; and
 - (c) post notice of the intention to apply for consent in a conspicuous place at the entrance to the cemetery or the area of land that is the subject of the application for four consecutive weeks.
- (2) A person who is required to give notice under subsection (1) shall do so no later than,

- (a) the time of requesting the approval of the local municipality or the Minister of Natural Resources under subsection 83 (2) of the Act, if that subsection applies; or
- (b) the time of applying for the registrar's consent under subsection 83 (1) of the Act is made if the cemetery is situated in territory without municipal organization, but not on Crown land.

Municipal approval

149. For the purposes of clause 83 (1) (a) of the Act, a building permit issued by a local municipality for a columbarium or mausoleum is evidence of the approval of the municipality to the alteration or increase in the capacity of a cemetery.

CEMETERY BY-LAWS

Cemetery by-laws

150. (1) A cemetery operator may make by-laws governing the operation of the cemetery and, in particular, governing rights, entitlements and restrictions with respect to interment and scattering rights.

(2) A cemetery by-law shall not prohibit an interment or scattering rights holder from making required arrangements with the cemetery operator by telephone or otherwise if the arrangements are necessary to exercise the rights.

(3) No cemetery operator shall operate a cemetery except in accordance with the by-laws of the cemetery.

(4) A cemetery's by-laws shall specify the documentation required in order to carry out an interment, scatterings or the installation of a marker.

(5) A provision of a cemetery by-law made before the day the Act comes into force that is inconsistent with the Act or regulations is invalid and of no effect and the approval of the registrar of it shall be deemed to be revoked without any further notice.

Approval of by-laws

151. (1) No cemetery by-law or by-law amendment is effective until,

- (a) the cemetery operator has filed it with the registrar in a form and manner approved by the registrar and has complied with subsection (3); and
- (b) the registrar has approved it, except if subsection (2) does not require it to have the registrar's approval.

(2) A by-law or by-law amendment filed by a cemetery operator is not required to have the registrar's approval if,

- (a) it is a standardized by-law previously filed with and approved by the registrar; and
- (b) the cemetery operator filing the by-law or by-law amendment has provided the registrar with details of the standardized by-law.

(3) The cemetery operator shall ensure that notice of the filing of the by-law or by-law amendment is,

- (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; and
- (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.

(4) The notice mentioned in subsection (3) shall,

- (a) state the location at which interested persons may review the by-law or by-law amendment and make a copy of it;
- (b) indicate that the by-law or by-law amendment is not effective until the registrar approves it, except if subsection (2) does not require it to have the registrar's approval; and
- (c) provide contact information for the registrar and the cemetery operator for purposes of making submissions relating to the by-law or by-law amendment.

(5) The cemetery operator shall make reasonable efforts to ensure that the notice posted under clause (3) (b) remains posted until,

- (a) the time under subsection 152 (4) for appeal from the registrar's refusal to approve has expired, if the by-law or by-law amendment is required to have the registrar's approval and no appeal is brought;
- (b) the Tribunal makes a decision, if the by-law or by-law amendment is required to have the registrar's approval and an appeal is brought under subsection 152 (4); and
- (c) four weeks have expired, if subsection (2) does not require the by-law or by-law amendment to have the registrar's approval.

Refusal of approval

152. (1) The registrar shall approve a by-law or by-law amendment filed under subsection 151 (1) unless,

- (a) approval of the by-law or by-law amendment is not in the public interest; or
- (b) the effect of the by-law or by-law amendment is to give the cemetery operator or other supplier an unreasonable or unfair competitive advantage over another supplier.

(2) If the registrar refuses to approve a by-law or by-law amendment, the registrar shall give the cemetery operator written notice of the refusal.

(3) The notice of refusal shall include reasons and a statement that the cemetery operator may appeal the refusal.

(4) A cemetery operator may appeal the registrar's refusal to approve a by-law or by-law amendment to the Tribunal, by mailing or delivering, within 15 days after service of the notice of refusal, a written request for a hearing to the registrar and to the Tribunal.

Revocation of approval

153. (1) The registrar may revoke the approval of a cemetery by-law or by-law amendment if the registrar is satisfied that,

- (a) the by-law or by-law amendment is not or is no longer in the public interest; or
- (b) the effect of the by-law or by-law amendment is to give the cemetery operator or other supplier an unreasonable or unfair competitive advantage over another supplier.

(2) The registrar shall not revoke the approval until the registrar has given the cemetery operator written notice of a proposal to revoke the approval.

(3) The notice of proposal shall include reasons and a statement that the cemetery operator may appeal the proposal to revoke the approval.

(4) A cemetery operator may appeal the registrar's proposal to revoke the approval to the Tribunal, by mailing or delivering, within 15 days after service of the notice of proposal, a written request for a hearing to the registrar and to the Tribunal.

(5) If the cemetery operator appeals the proposal to revoke the approval, the approval remains in effect until the Tribunal makes a decision.

(6) If the cemetery operator does not appeal the proposal to revoke the approval, the approval is revoked on the day following the expiry of the time for appeal.

PHYSICAL STANDARDS FOR CEMETERIES**In-ground graves**

154. (1) A cemetery operator shall ensure that an in-ground grave, in which the remains of a deceased person who was at least 16 years of age are to be buried, is at least 2.44 metres or eight feet long and 0.91 metres or three feet wide, excluding space for a marker.

(2) If the remains of a deceased person are buried in an in-ground grave, the cemetery operator shall ensure that the remains are buried at least 0.61 metres or two feet beneath the natural level of the ground surface.

(3) Subsections (1) and (2) do not apply to cremated human remains.

Buildings

155. A cemetery operator shall ensure that,

- (a) any building other than a small scale columbarium or a small scale mausoleum to be installed in the cemetery is at least 4.57 metres or 15 feet away from any in-ground grave or scattering ground; and
- (b) any new in-ground graves or scattering grounds are placed at least 4.57 metres or 15 feet away from any building other than a small scale columbarium or small scale mausoleum.

Access to lots and scattering grounds

156. A cemetery operator shall ensure that all lots and scattering grounds are placed in a part of the cemetery that is reasonably accessible by members of the public.

Drainage

157. A cemetery operator shall ensure that the cemetery contains the sewers and drains that are necessary to provide proper drainage.

Markers

158. (1) No cemetery operator shall require an interment or scattering rights holder to provide a marker for a lot or scattering ground to which the rights relate.

(2) Despite subsection (1), a cemetery by-law may require an interment or scattering rights holder to provide a marker if,

- (a) the marker is required for religious reasons or is a cornerstone;
- (b) the cemetery by-laws require that the marker be provided;
- (c) the interment or scattering rights were purchased after the day on which this Part comes into force; and
- (d) the cemetery by-law requiring the marker had been approved and was in force at the time of the purchase of the interment or scattering rights.

(3) An interment rights holder or a person authorized to act on the holder's behalf may install a marker on a lot if the installation of the marker does not contravene the cemetery by-laws.

(4) A scattering rights holder or a person authorized to act on the holder's behalf may install a marker on a scattering ground if the cemetery by-laws specifically permit the installation of the marker and the installation is done in accordance with the by-laws.

Repair of markers

159. (1) If a cemetery marker presents a risk to public safety because it is unstable, the cemetery operator shall do whatever is necessary to remove the risk, including repairing, resetting or laying down the marker.

(2) A cemetery operator shall only use reversible processes to preserve and stabilize a marker.

Installation of cemetery supplies

160. (1) A cemetery operator shall not refuse to install or to permit installation of cemetery supplies if the supplies and their installation comply with the cemetery by-laws.

(2) In subsection (1),

“cemetery supplies” includes interment vaults, markers, flowers, liners, urns, shrubs and artificial wreaths and other articles intended to be placed in a cemetery.

INTERMENT AND SCATTERING

Interment and scattering

161. (1) No cemetery operator shall inter human remains in a lot, other than the remains of the interment rights holder, without the written consent of the interment rights holder.

(2) No cemetery operator shall scatter cremated human remains in a scattering ground, other than the remains of the scattering rights holder, without the written consent of the scattering rights holder.

(3) No cemetery operator shall,

- (a) sell or provide interment or scattering rights for a limited term, or offer to do so;
- (b) inter or permit the interment of human remains for a limited term, or offer to do so; or
- (c) scatter or permit the scattering of cremated human remains for a limited term, or offer to do so.

(4) A burial permit under the *Vital Statistics Act* is not required for the interment of products of conception that do not constitute a still-birth under that Act and for which no burial permit under that Act is therefore required to be issued.

Disinterment and removal of human remains

162. (1) No person shall disinter human remains except in accordance with the Act and one of the following: this section, section 178 or 179 or a site disposition agreement mentioned in section 184.

(2) No person shall remove scattered cremated remains from a scattering ground except in accordance with this section.

(3) No person shall disinter any human remains unless,

- (a) the prior consent of the interment rights holder has been obtained; and
- (b) except if the remains are cremated human remains, prior notification has been given to the medical officer of health.

(4) No person shall remove scattered remains without the prior consent of the scattering rights holder.

(5) Subsections (3) and (4) do not apply to a disinterment or removal that is,

- (a) made pursuant to a direction under section 102.1 of the Act; or

- (b) ordered by the registrar under subsection 88 (7) of the Act pursuant to a cemetery closure.
- (6) The registrar may consent under subsection (3) or (4) in the place of the interment or scattering rights holder if,
 - (a) the whereabouts of an interment or scattering rights holder are not known;
 - (b) the interment or scattering rights holder is not readily ascertainable; or
 - (c) the interment or scattering rights holder is not able to consent.
- (7) Before consenting under subsection (6), the registrar shall consider whether any known person may have an interest in the disposition of the remains, and if there is such an interested person, shall order that the person proposing to do the disinterment or removal give notice of it to the interested person in the form and manner that the registrar specifies.
- (8) If a person requests the consent of the registrar under subsection (6), a person who objects to the disinterment or removal may file a written objection, with reasons, with the registrar, at any time before the registrar consents to the disinterment or removal.
- (9) If a person files an objection with the registrar under subsection (8), the registrar shall determine whether the person has an interest in the remains.
- (10) Before consenting to a disinterment or removal, the registrar shall take into account the reasons for objecting that a person with an interest in the remains has.
- (11) The registrar's consent to a disinterment or removal may be subject to the terms and conditions that the registrar considers appropriate.
- (12) The registrar shall give notice of the registrar's decision to,
 - (a) the person requesting the registrar's consent,
 - (b) any interested person who was given notice under subsection (7);
 - (c) any person filing an objection under subsection (8); and
 - (d) the cemetery operator.
- (13) A person receiving notice of the registrar's decision under subsection (12) may appeal the decision to the Tribunal by mailing or delivering, within 15 days after being served with the decision, a written request for a hearing to the registrar and to the Tribunal.
- (14) If a person appeals the registrar's decision, the Tribunal shall hold a hearing and may uphold the registrar's decision or substitute its decision for that of the registrar.
- (15) The registrar's decision to consent to disinterment or removal shall not take effect until,
 - (a) the time for appealing the decision has expired; or
 - (b) if an appeal is brought, the Tribunal has made an order upholding the registrar's decision to consent to the disinterment or removal.
- (16) A medical officer of health may attend at, supervise or direct a disinterment or removal.
- (17) If a medical officer of health determines that remains are those of a person who died of a communicable disease within the meaning of the *Health Protection and Promotion Act*, the remains shall be dealt with in accordance with that Act.
- (18) No person shall remove a dead human body from a cemetery unless a certificate of a medical officer of health or the cemetery operator has been obtained and affixed to the container holding the body, confirming that the Act and the regulations have been complied with.
- (19) A burial permit under the *Vital Statistics Act* is not required for the reinterment of a dead human body that has been disinterred in accordance with the Act and the regulations.
- (20) Nothing in this section shall prohibit a cemetery operator from removing human remains placed in a cemetery without permission of the cemetery operator if the removal is authorized by the cemetery by-laws and if the removal is done in accordance with the cemetery by-laws.

Interment and scattering rights certificates

- 163.** (1) A certificate of interment or scattering rights shall include,
- (a) the name and location of the cemetery in which the interment or scattering is to take place;
 - (b) the name of the interment or scattering rights holder;
 - (c) the location and dimensions of the lot or scattering ground to which the interment or scattering rights relate;
 - (d) the date on which the interment or scattering rights are purchased or transferred, as the case may be;

- (e) the amount paid by the purchaser for the interment or scattering rights;
 - (f) the amount deposited into the care and maintenance fund or account for the interment or scattering rights;
 - (g) a statement that, if the interment or scattering rights holder resells or transfers the interment or scattering rights, the endorsed certificate must be returned to the operator before the operator is required to issue a new certificate;
 - (h) in a conspicuous manner on the certificate, a statement whether any restrictions or obligations exist with respect to the installation of markers and if so, a statement of what they are or a reference to the by-laws containing them;
 - (i) if the interment rights are in a private structure, the total number of niches, crypts or compartments in the structure; and
 - (j) if the scattering rights are in a private scattering ground, the total number of scatterings permitted in the scattering ground, including whether the number is unlimited.
- (2) A cemetery operator shall issue a new certificate of interment or scattering rights to a new holder of the rights after the cemetery operator has received the endorsed certificate under subsection 115 (3).
- (3) A cemetery operator may charge a reasonable fee to recover the cost of issuing the new certificate.

Assisted burials

164. (1) Upon receiving a written direction from a delivery agent, as defined in the *Ontario Works Act, 1997*, a cemetery operator who has an available lot shall,

- (a) provide a lot for the interment of the remains of any person mentioned in the direction;
- (b) provide opening and closing services in conjunction with the interment; and
- (c) install a marker if,
 - (i) one is provided to the operator,
 - (ii) the operator installs markers for other persons at the cemetery, and
 - (iii) the cemetery by-laws permit the installation.

(2) Upon receiving a written direction from a delivery agent, as defined in the *Ontario Works Act, 1997*, a cemetery operator who offers scatterings in the cemetery and who has a common scattering ground available for a scattering shall,

- (a) scatter, or permit the scattering of, the cremated remains of any person mentioned in the direction; and
- (b) install a marker if,
 - (i) one is provided to the operator,
 - (ii) the operator installs markers for other persons at the cemetery, and
 - (iii) the cemetery by-laws permit the installation.

(3) Despite subsections (1) and (2), if a cemetery restricts interment and scattering of human remains to members of a defined religious organization, the cemetery operator is not required to inter or scatter the remains of a deceased person who is not a member of that religious organization or to permit the interment or scattering.

CARE AND MAINTENANCE FUND OR ACCOUNT

Disposition of fund or account on cemetery closing

165. (1) When a certificate of closing issued by the registrar under section 90 of the Act is registered in the appropriate land registry office, the trustee of a care and maintenance fund or account for the cemetery shall pay out the amount on deposit in the fund or account, as the case may be, in accordance with subsection (2).

(2) The trustee shall repay to the cemetery operator all or part of the original deposit made under section 86 of this Regulation that the cemetery operator has not already recovered under subsection 87 (7) of this Regulation and shall deal with any trust money remaining in accordance with section 91 of the Act.

Payment upon installation of marker

166. (1) For the purposes of subsections 53 (9) and (10) of the Act, the prescribed amount is as follows:

1. \$0, in the case of a flat marker measuring less than 1,116.13 square centimetres (173 square inches).
2. \$50, in the case of a flat marker measuring at least 1,116.13 square centimetres (173 square inches).
3. \$100, in the case of an upright marker measuring 1.22 metres (four feet) or less in height and 1.22 metres (four feet) or less in length, including the base.

4. \$200, in the case of an upright marker measuring more than 1.22 metres (four feet) in either height or length, including the base.

(2) A person on behalf of whom a marker is installed in a cemetery to replace a marker that has been damaged and cannot be repaired and the cemetery operator are exempt from subsections 53 (9) and (10) of the Act.

Payment upon installation of private structure

167. (1) In this section,

“price”,

- (a) with respect to a mausoleum or columbarium or land associated with either of them, means the price payable for it, excluding taxes, and
- (b) with respect to the purchase of interment rights, means the price payable for the purchase, excluding taxes, regardless of whether the price is payable by the purchaser of the interment rights or by the person on behalf of whom the mausoleum or columbarium is to be installed.

(2) Subject to subsection (3), the prescribed amount for the purposes of subsections 53 (11) and (12) of the Act is as follows:

1. In the case of a private mausoleum, the greater of,

i. 20 per cent of the sum of,

- A. the total price of the mausoleum, including the prices associated with each stage of the process, from the obtaining of approvals, through design and construction, to and including installation and readiness for interment purposes,
- B. the price of the land associated with the mausoleum, and
- C. the price of all of the interment rights associated with the mausoleum, and

ii. \$500 multiplied by the number of tombs, crypts and compartments in the mausoleum.

2. In the case of a private columbarium, the greater of,

i. 15 per cent of the sum of,

- A. the total price of the columbarium, including the prices associated with each stage of the process, from the obtaining of approvals, through design and construction, to and including installation and readiness for interment purposes,
- B. the price of the land associated with the columbarium, and
- C. the price of all of the interment rights associated with the columbarium, and

ii. \$100 multiplied by the number of niches and compartments in the columbarium.

(3) If, after a cemetery operator pays an amount into a care and maintenance fund or account in respect of a sale or transfer of interment rights for an in-ground grave, the interment rights holder requests the installation of a private mausoleum or private columbarium on the same lot where permitted under the by-laws for the cemetery, the prescribed amount for the purposes of subsections 53 (11) and (12) of the Act is the amount determined under subsection (2) less the amount that the operator paid into the fund in respect of the sale or transfer of the interment rights for the in-ground grave.

Other payments

168. The following amounts are prescribed as the amounts that a cemetery operator is required to pay into a care and maintenance fund or account for the purposes of subsection 53 (14) of the Act:

- 1. In the case of an in-ground grave that is 2.23 square metres or 24 square feet or larger, the greater of 40 per cent of the price of the interment rights as set out on the price list and \$250.
- 2. In the case of an in-ground grave that is smaller than 2.23 square metres or 24 square feet, the greater of 40 per cent of the price of the interment rights as set out in the price list and \$150.
- 3. In the case of a tomb, crypt or compartment in a public mausoleum, the greater of 20 per cent of the price of the interment rights as set out on the price list and \$500.
- 4. In the case of a niche or compartment in a public columbarium, the greater of 15 per cent of the price of the interment rights as set out on the price list and \$100.
- 5. In the case of a scattering ground for which there will be only one scattering rights holder, the greater of 40 per cent of the price of the scattering rights as set out on the price list and \$100.

6. In the case of a scattering ground for which there will be more than one scattering rights holder, the greater of 15 per cent of the price of the scattering rights as set out on the price list and \$25.
7. In the case of a scattering ground for which there will be no scattering rights holders, \$25.

CAPITAL GAINS

Release of capital gains

169. (1) In this section,

“capital gains”, in relation to a contract, means the net realized capital gains earned on the money that the cemetery owner received under the contract and held in trust in relation to the contract, after subtracting total realized capital losses from total realized capital gains;

“contract” means a contract for pre-need supplies or services entered into with a cemetery owner under the *Cemeteries Act (Revised)* or a predecessor of it.

(2) A cemetery operator on whose behalf a trustee holds capital gains in trust may apply to the registrar for approval to have the trustee release the capital gains from trust in accordance with subsection (3) or may have the trustee pay out the capital gains in accordance with subsection (4).

(3) If, on the day immediately before the day this section comes into force, the supplies or services have been delivered or performed under a contract or a contract has been cancelled, the registrar shall approve the release of capital gains on the contract if, upon release, the operator,

- (a) pays the full amount of the capital gains into the care and maintenance fund or account for the cemetery; or
- (b) disburses the capital gains in accordance with the directions of the registrar.

(4) If, on the day immediately before the day this section comes into force, the supplies or services have not been delivered or performed under a contract or a contract has not been cancelled, the capital gains on the contract shall constitute income and if the operator requests the trustee to pay them out under subsection (2), the trustee shall pay them out,

- (a) in the same manner as income, in accordance with the rules in place under the *Cemeteries Act (Revised)*, if the capital gains relate to a contract entered into before April 1, 1992; or
- (b) in accordance with the applicable rules under the Act and this Regulation, if the capital gains relate to a contract entered into on or after April 1, 1992.

NEGLECTED AND ABANDONED CEMETERIES

Neglected cemeteries

170. (1) A local municipality may order a cemetery operator who does not keep the cemetery in good order and repair to restore it to good order and repair within a reasonable time specified in the order.

(2) If the cemetery operator does not restore the cemetery as specified in the order, the local municipality may have the required work done and may recover the costs from the cemetery operator.

(3) The cemetery operator may appeal the order to the registrar within 15 days of being served with it, by sending a written request to the registrar and providing a copy of the request to the local municipality.

(4) On receiving the request, the registrar shall invite submissions from the cemetery operator and the local municipality and shall make all other inquiries that are appropriate in the circumstances.

- (5) On the appeal, the registrar may,
 - (a) confirm the local municipality’s order;
 - (b) reverse the local municipality’s order; or
 - (c) substitute his or her order for that of the local municipality.
- (6) The *Statutory Powers Procedures Act* does not apply to an appeal under this section.

Abandoned cemeteries

171. (1) A person set out in subsection (2) may apply to have a judge of the Superior Court of Justice declare a cemetery abandoned if the owner of the cemetery,

- (a) cannot be found or is unknown;
- (b) is unable to maintain it; or
- (c) is not a licensed operator and there is no licensed operator for the cemetery.

(2) The application may be made,

- (a) by the Crown if the cemetery is on land that is situated in territory without municipal organization;
- (b) by the local municipality within whose geographic boundaries the land of the cemetery is located;
- (c) by the owner or operator of the cemetery; or
- (d) by the registrar.

(3) An applicant shall give notice of the application to the following persons or entities, but is not required to give the notice to the applicant:

- 1. The owner or operator of the cemetery.
- 2. The local municipality within whose geographic boundaries the land of the cemetery is located, if there is one.
- 3. The Crown, if there is no local municipality within whose geographic boundaries the land of the cemetery is located.
- 4. The registrar.

(4) When an application is made to declare a cemetery abandoned, the local municipality within whose geographic boundaries the land of the cemetery is located or the Crown, if there is no such local municipality, shall be responsible for the maintenance of the cemetery until the application is disposed of.

(5) The costs of the application, including the cost of a survey of the land involved, are the responsibility of,

- (a) the owner or operator of the cemetery if the owner or operator makes the application and a judge of the court does not declare the cemetery abandoned; or
- (b) the local municipality within whose geographic boundaries the land of the cemetery is located or the Crown, if there is no such local municipality, in all other cases.

(6) Upon being satisfied that the applicant has established the circumstances justifying an order of abandonment, a judge to whom an application is made shall, by order, declare the cemetery to be abandoned.

(7) When an order declaring that a cemetery is abandoned is registered in the appropriate land registry office, the local municipality within whose geographic boundaries the land of the cemetery is located or the Crown, if there is no such local municipality, becomes the owner of the cemetery with all the rights and obligations in respect of the cemetery and the assets, trust funds and trust accounts related to it that the previous owner or operator had.

(8) An order made under subsection (6) may exempt the new owner of the cemetery from any provision of the Act and regulations to which it would be inappropriate in the circumstances for the new owner to be subject.

CEMETERY CLOSING

Notice of cemetery closing

172. (1) For the purposes of subsection 88 (2) of the Act, a cemetery owner or operator shall give the notice of intention to close a cemetery in accordance with this section.

(2) The notice shall be published,

- (a) once in *The Ontario Gazette*; and
- (b) once a week for two consecutive weeks in a newspaper with general circulation in the locality in which the cemetery is located.

(3) The notice shall be given to,

- (a) each interment and scattering rights holder if the lot or scattering ground to which the rights relate is situated in the part of the cemetery subject to the application for closure;
- (b) the local municipality in which the cemetery is located;
- (c) the municipal heritage committee, if any, established under the *Ontario Heritage Act* for the locality in which the cemetery is located;
- (d) the Archives of Ontario, the Ontario Historical Society, the Ontario Archaeological Society and the Ontario Genealogical Society; and
- (e) the Minister responsible for the administration of the *Ontario Heritage Act*.

(4) If given by mail to a person mentioned in clause (3) (a), the notice is sufficiently given if it is mailed to the last address of the rights holder known to the cemetery owner or operator.

(5) Before publication of the notice under subsection (2), the notice shall be conspicuously posted on a sign at the entrance to the cemetery and, if the closure application relates only to a part of the cemetery, on a sign at the entrance to that part or at the entrance that is nearest to that part.

(6) The cemetery owner or operator shall make reasonable efforts to ensure that the notice posted under subsection (5) remains posted until,

- (a) the effective date of the registrar's order to close the cemetery, if the registrar makes the order for which the cemetery owner has applied; or
- (b) the registrar gives notice to the cemetery owner that the registrar refuses to grant the owner's application for an order to close the cemetery.

(7) For the purposes of subsection 88 (5) of the Act, a person may make submissions to the registrar during the 45-day period that follows the latest of,

- (a) the last day on which it was published under subsection (2);
- (b) the last day on which it was given to the person under subsection (3), if it was given to the person under that subsection; and
- (c) the first day on which it was posted under subsection (5).

Records of closed cemetery

173. (1) If, in an order for the closing of a cemetery, the registrar orders the disinterment or removal of human remains and reinterment or placement of them in a cemetery owned or operated by another person under subclause 88 (7) (b) (i) of the Act, the owner or operator of the cemetery to be closed shall deliver copies of the records relating to the deceased to the other owner or operator.

(2) If the owner or operator of the cemetery to be closed is the owner or operator of another cemetery and continues to maintain the original records, the owner or operator shall deliver copies of the records to,

- (a) the nearest municipal, church, religious or other public archive; or
- (b) the Archives of Ontario, if an archive described in clause (a) refuses to accept the records.

(3) If the owner or operator of the cemetery to be closed is not the owner or operator of another cemetery, the owner or operator shall deliver the original records to,

- (a) the nearest municipal, church, religious or other public archive; or
- (b) the Archives of Ontario, if an archive described in clause (a) refuses to accept the records.

DIVISION C BURIAL SITES

GENERAL

Burial site investigation

174. (1) If the registrar orders under section 96 of the Act that an investigation be made to determine the origin of a burial site, an archaeologist who holds a professional licence issued under Part VI of the *Ontario Heritage Act* shall conduct the investigation.

(2) A person who conducts an investigation of a burial site shall report to the registrar in writing on the origin of the site, and include the following information:

1. A determination of the probable cultural origin or religious affiliation of the persons whose remains are interred and the basis upon which it is made.
2. A description of the boundaries of the burial site.
3. Details of the style and manner in which the human remains are interred.
4. A description of any artifacts that, in the opinion of the investigator, form part of the burial site.
5. An opinion as to whether the burial site was set aside with the apparent intention of interring human remains in accordance with cultural affinities and the basis upon which the opinion is made.
6. Information relevant to the preparation of a site disposition agreement.

(3) The person conducting the investigation shall, within five days after beginning the investigation, advise the registrar of the possible cultural origins of the human remains.

(4) Upon being advised of the possible cultural origins of the human remains, the registrar shall advise those persons who the registrar has reason to believe may be representatives of the person whose remains are interred of the existence of the burial site and the possible cultural origins of the human remains.

Preservation of burial sites

175. (1) If a burial site is discovered and a coroner declares that foul play is not suspected in relation to the human remains at the site,

- (a) the coroner shall ensure that the registrar is notified; and
- (b) the owner of the land shall take whatever steps are necessary to preserve the site, the human remains and any artifacts until a final disposition is made in accordance with the Act and the regulations.

(2) If the coroner declares that foul play is suspected in relation to the discovered human remains, the land ceases to be a burial site.

Burial ground notice

176. (1) At least 30 days before declaring a burial site to be a burial ground under clause 98 (b) of the Act, the registrar shall publish notice of the intended declaration in a newspaper with general circulation in the locality where the burial site is located.

(2) The notice shall be published once a week for two consecutive weeks.

(3) The notice shall invite any representative of the persons whose remains are interred in the burial site to contact the registrar within two weeks after the date of the second published notice.

(4) In addition to the notice mentioned in subsection (1), the registrar shall provide notice of the intended declaration to persons who the registrar believes may be representatives and the notice shall invite the persons to contact the registrar within two weeks of the notice being given.

Notice of registrar's declaration

177. On making a declaration under section 98 of the Act, the registrar shall serve notice of the declaration on,

- (a) the owner of the land on which the burial site is located;
- (b) if the declaration is that the site is an aboriginal peoples burial ground, the representative of each person whose remains are interred at the site;
- (c) if the declaration is that the site is a burial ground, the representative of each person whose remains are interred at the site who has agreed to be identified as a representative; and
- (d) if the declaration is that the site is an irregular burial site, the persons, if known to the registrar, who would be representatives of each person whose remains are interred at the site if it were an aboriginal peoples burial ground or a burial ground.

Dealing with irregular burial site

178. (1) If the registrar declares a burial site to be an irregular burial site, the owner of the land shall,

- (a) ensure that the human remains from the site are interred in a cemetery located in the same local municipality as the site or in an adjoining local municipality; or
- (b) establish the land, or land in close proximity to the site, as a cemetery.

(2) If no person has agreed to be identified as a representative for the purposes of clause 177 (c) of this Regulation, the owner of the land on which the burial ground is located shall deal with the human remains as if the burial ground were an irregular burial site, and subsections 99 (2), (3) and (4) of the Act and clause 179 (a) of this Regulation do not apply to the burial ground.

Dealing with burial grounds

179. Unless a representative of a person whose remains are interred in a burial ground or an aboriginal peoples burial ground consents, no person shall,

- (a) remove the remains or associated artifacts from the site; or
- (b) conduct scientific analysis of the remains or associated artifacts.

Establishment of cemetery

180. If the owner of land on which a burial site is discovered establishes the site or a site in close proximity as a cemetery,

- (a) the owner is exempt from subsections 83 (1) and (2) and clauses 86 (1) (a), (c) and (e) of the Act; and
- (b) the owner shall ensure that no interment or scattering rights for the cemetery are sold.

SITE DISPOSITION AGREEMENT

Referral to arbitration

181. (1) The prescribed time for the purpose of subsection 99 (3) of the Act is 30 days from the date on which the registrar gives notice of the declaration under section 177 of this Regulation.

(2) The parties to an arbitration under subsection 99 (3) of the Act include,

- (a) the owner of the land on which the burial site is located; and
- (b) the representatives of the persons whose remains are interred on the burial site and who have been served with the notice of the registrar's declaration under section 177.

(3) A matter that the registrar refers to arbitration under subsection 99 (3) of the Act shall go to an arbitration board or, upon the request of the parties, to a single arbitrator appointed by the director and selected from the list of arbitrators chosen by the parties.

(4) The arbitration board shall be composed of the following members:

- 1. A member appointed by the owner of the land within five days of the registrar's referral of the matter to arbitration.
- 2. A member appointed by the representatives described in clause (2) (b) within five days of the registrar's referral of the matter to arbitration.
- 3. A member whom the members appointed under paragraphs 1 and 2 shall appoint as the chair of the board within five days of their own appointment.

(5) Upon written agreement, the parties to the arbitration may extend a period of time mentioned in subsection (4).

(6) Within five days of being appointed, the members of the arbitration board shall provide their names to the registrar.

(7) If a member is not appointed within the prescribed time, the director shall make the appointment from a list of arbitrators chosen by the parties and, if no list of arbitrators is provided, the director shall select the arbitrator.

(8) A party to the arbitration is not entitled to challenge the member appointed to the arbitration board by another party or the director.

Arbitration hearing

182. (1) The hearing in the arbitration shall begin within two weeks after the day the chair of the arbitration board or the arbitrator is appointed.

(2) Upon written agreement, the parties to the arbitration may extend a period of time mentioned in subsection (1).

Powers

183. (1) The arbitrator or arbitration board may,

- (a) inspect the burial site;
- (b) appoint an expert to inspect the human remains and any artifacts found on the site and to report to the arbitrator or arbitration board; and
- (c) award costs of the arbitration as between the parties.

(2) The arbitrator or arbitration board shall not order the removal of human remains and associated artifacts from the burial site for scientific study.

(3) The arbitration award shall deal with matters that may be the subject of a site disposition agreement to the extent not already dealt with by the parties, and the award and any other provisions agreed to by the parties shall constitute a site disposition agreement for the purposes of section 94 of the Act.

Contents of site disposition agreement

184. A site disposition agreement respecting an aboriginal peoples burial ground or a burial ground shall contain,

- (a) a legal description of the location of the burial site in which the human remains are interred and, if applicable, a statement that the remains will be left where they are interred and the site established as a cemetery;
- (b) the style and manner in which the human remains are to be disinterred and reinterred, if applicable;
- (c) the time within which the disinterment and reinterment are to take place, if applicable;
- (d) the provisions being made for the future maintenance of the cemetery in which the human remains are to be located;
- (e) the allocation of the costs of carrying out the agreement;
- (f) all other matters that the parties to the agreement agree upon; and

- (g) in the case of an arbitration, all other matters that the arbitration board or arbitrator considers necessary.

DIVISION D CREMATORIUMS

GENERAL

Municipal approval

185. For the purposes of clause 83 (3) (a) of the Act, a building permit issued by a local municipality for a crematorium is evidence of the approval of the municipality to the establishment of the crematorium.

Operation of crematoriums

186. (1) Subject to section 188, a crematorium operator may refuse to cremate a dead human body.

(2) A crematorium operator shall not, without the written and signed consent of the purchaser of the cremation services,

- (a) cremate the remains of more than one person at once;
- (b) cremate human remains together with animal remains; or
- (c) co-mingle cremated remains.

(3) A crematorium operator shall ensure that a metal identification tag accompanies a dead human body and is placed in the container that contains the resulting cremated remains until the remains are released to the purchaser or the purchaser's representative.

(4) The metal identification tag shall contain a personal identifier for the body and the name of the crematorium operator.

No burial permit required

187. A burial permit under the *Vital Statistics Act* is not required for the cremation of,

- (a) human remains that have been disinterred in accordance with the Act and the regulations; or
- (b) products of conception that do not constitute a still-birth under that Act and for which no burial permit under that Act is therefore required to be issued.

Assisted cremation

188. (1) Upon receiving a written direction from a delivery agent, as defined in the *Ontario Works Act, 1997*, a crematorium operator shall provide a cremation for the remains of a person.

(2) Despite subsection (1), if a crematorium restricts cremating to human remains of members of a defined religious organization, the operator is not required to cremate the remains of a deceased person who is not a member of that religious organization.

CREMATORIUM BY-LAWS

Crematorium by-laws

189. (1) A crematorium operator may make by-laws governing the operation of the crematorium, including any rights or entitlements of purchasers of crematorium services or restrictions on the rights or entitlements of such purchasers.

(2) No crematorium operator shall operate a crematorium except in accordance with the by-laws of the crematorium.

(3) No crematorium operator shall cremate animal remains unless the by-laws of the crematorium authorize it.

Content of by-laws

190. (1) The by-laws of a crematorium shall specify the documentation required by the operator in order for a cremation to be carried out.

(2) The by-laws of a crematorium shall provide that, without the written and signed consent of the purchaser of the cremation services, the operator is prohibited from,

- (a) cremating the remains of more than one person at once;
- (b) cremating human remains together with animal remains; and
- (c) co-mingling cremated remains.

Approval or revocation of approval of by-laws

191. Subsections 151 (1) and (2) and sections 152 and 153 apply to a crematorium by-law or by-law amendment, except that references to a cemetery by-law or a cemetery operator in those sections shall be read as references to the crematorium by-law or the crematorium operator respectively.

**PART IV
COMPENSATION FUND**

DEFINITIONS

Definitions

192. In this Part,

“approved securities” means investments authorized under sections 26 and 27 of the *Trustee Act*;

“Board” means the Board of Funeral Services;

“Committee” means the Compensation Fund Committee appointed by the Board under paragraph 5 of subsection 7 (1) of the *Board of Funeral Services Act*;

“Fund” means the compensation fund continued by section 193;

“participant” means an operator of a funeral establishment or an operator of a transfer service;

“Trustee” includes any successor Trustee appointed under subsection 207 (4).

FUND CONTINUED

Fund continued

193. The compensation fund continued under Regulation 468 of the Revised Regulations of Ontario, 1990 (Compensation Fund) made under the *Funeral Directors and Establishments Act*, as that regulation read immediately before its revocation, and known as the Prepaid Funeral Services Compensation Fund is continued as the compensation fund for the purposes of subsection 61 (1) of the Act under the name of the Funeral Services Compensation Fund in English and Fonds d'indemnisation des services funéraires prépayés in French.

COMMITTEE

Management of Fund

194. Except for the duties of the Trustee and the Board under this Part, the Committee shall manage the affairs of the Fund.

Disqualification of Committee members

195. A member of the Committee is disqualified from participating and shall not participate in any deliberation or decision of the Committee with respect to any claim against a participant if the member is the participant or an officer or director of the participant or has a financial interest in the participant.

Employees and contractors

196. (1) The Committee may employ or retain or authorize the employment or retention of the counsel, accountants, appraisers or other experts or advisors that it reasonably requires to assist in administering the Fund.

(2) The Committee may act and shall be protected if it acts in good faith on the opinion or advice of or information from any of the persons employed or retained under subsection (1) and shall not be responsible for any misconduct on the part of any of them.

(3) The Committee may employ or authorize the employment of those persons that it reasonably requires to assist in the efficient consideration and resolution of claims and operation of the Fund.

(4) All fees, costs and expenses incurred by the Committee in employing or retaining persons under this section shall be paid by the Trustee and shall be deducted first from the income of the Fund and, if there is any deficiency, from the capital of the Fund.

FUND

Location of Fund

197. The Fund shall be located in Ontario at all times and the Trustee shall hold the capital and income comprising the Fund at all times in Ontario.

Capital of Fund

198. (1) The capital of the Fund shall be composed of the payments that the participants are required to contribute under this section and all money received from others.

(2) Every operator of a funeral establishment and every transfer service operator shall participate in the Fund.

(3) Each participant shall make an initial payment of \$250 into the Fund at the time the participant applies for a licence.

(4) If the book value of the Fund is less or is anticipated to be less than \$1,000,000 by reason of any proposed payments by the Fund to one or more claimants, the Committee may require each participant to pay the amount that the Committee determines is necessary to bring the level of the Fund up to at least \$1,000,000, to be paid within the time period and in relation to the time period that the Committee determines.

Administration of Fund

199. (1) All money received from participants or others and held in the Fund and all income on the money, including any rights or benefits accruing from the investment of the money, shall constitute the Fund to be dealt with and distributed in accordance with this Part.

(2) The Trustee shall hold the Fund in trust for the benefit of the holders of claims that the Committee approves under section 202.

(3) No payment shall be made out of the Fund to satisfy or settle any claim or judgment or other court order resulting from the fraud, negligence or wilful misconduct of the Trustee.

(4) The Committee shall maintain a record of payments or other amounts received from, on behalf of or in respect of each participant and shall credit the payments and amounts to one or more participants.

(5) The Committee's decision in respect of crediting under subsection (4) is final.

(6) No credit of a payment or amount to the Fund with respect to a participant gives the participant any right to that payment or amount or any part of it.

(7) The Trustee shall keep the Fund invested in approved securities.

(8) The Trustee shall collect and receive all income from the Fund.

(9) The Trustee shall maintain books and records that clearly identify all approved securities and property howsoever held by it that are part of the Fund.

(10) Records of all transactions mentioned in this section with respect to the administration of the Fund shall be based on a fiscal year ending October 31.

Financial statements

200. (1) The Committee shall deliver a copy of the financial statements of the Fund certified by the Committee to each member of the Board and to the registrar within 30 days after the end of each fiscal year or as soon after that as is reasonably practicable.

(2) The financial statements of the Fund shall include, where applicable, at least the following information:

1. The amount owing under section 198 by any participant to the Fund that has not been paid when due.
2. The amount of all receipts and the sources of them.
3. The amount of all payments on behalf of participants.
4. A statement of all receipts and disbursements for claims in respect of each participant who failed to meet any of the participant's obligations or liabilities under section 198 during the fiscal period to which the statements relate.
5. A statement of all credits and debits to the capital of the Fund.
6. A statement of all fees, costs, charges and expenses paid from the income or capital of the Fund or owing by the Fund for expenses incurred during the fiscal period to which the statements relate.
7. All other information with respect to the Fund, in addition to that described in paragraphs 1 to 6, that the Board or the registrar requires.

(3) The Trustee shall provide a quarterly statement to the Committee of the assets of the Fund at book value and fair market value and a statement of any acquisitions and dispositions of investments during the quarter to which the statement relates.

(4) The Board shall ensure that the financial statements of the Fund are available to any participant for inspection upon request during the normal office hours of the Board.

Reporting

201. (1) The Committee shall, when required by the Minister, provide to the Minister the information, books, records or documents respecting the affairs of the Fund that the Minister specifies.

(2) If the Board considers it advisable, it may direct that the affairs of the Fund be audited.

(3) The Committee shall assist the Board in performing an audit mentioned in subsection (2) and shall provide all books and records and other information that are required in that connection.

CLAIMS AGAINST FUND

Claims against Fund

202. (1) Subject to subsection (8), a person is entitled to payment of compensation from the Fund if the person makes a claim in accordance with this section and satisfies the Committee that the person has suffered a financial loss and has not otherwise been fully compensated because,

- (a) a prepaid contract the person had with a participant, who was an operator licensed under the *Funeral Directors and Establishments Act*, was cancelled and all the funds and accrued income that were owing to the person were not paid in accordance with section 34 of that Act;
- (b) a prepaid contract the person had with a participant, who was an operator licensed under the *Funeral Directors and Establishments Act*, was not fulfilled and as a result it was necessary for the person to obtain funeral services, funeral supplies or transfer services other than under the prepaid contract;
- (c) a payment was not made to the person by a participant, who was an operator licensed under the *Funeral Directors and Establishments Act*, in accordance with section 35 of that Act;
- (d) a refund was not made to the person by a participant, who was an operator licensed under the *Funeral Directors and Establishments Act*, in accordance with section 36 of that Act;
- (e) a contract with a participant was cancelled and all the funds and accrued income that were owing to the person were not paid in accordance with Part V of the *Funeral, Burial and Cremation Services Act, 2002*;
- (f) a contract with a participant was not fulfilled and as a result it was necessary for the person to obtain supplies or services other than under the contract; or
- (g) a refund was not made to the person by a participant in accordance with Part V of the *Funeral, Burial and Cremation Services Act, 2002*.

(2) References in subsection (1) to the *Funeral Directors and Establishments Act* are references to that Act as it read on the day before this Part comes into force.

(3) A claimant may make a claim under this section within six months of the date that the person could have reasonably been expected to have known that payment was due.

(4) A claimant may make a claim by giving written notice of the claim to the registrar who shall give a copy of the claim to the Committee.

(5) As a condition precedent to making payment of a claim or any part of it, the Committee may require the delivery and execution of those documents that the Committee, in its discretion, considers necessary, including documents that are necessary for transferring to the Committee the interest of the claimant in the claim so as to subrogate the Committee to the position of the claimant against the participant.

(6) Despite subsection (3), if circumstances warrant it, the Committee may grant an extension of time for making a claim against the Fund and the decision of the Committee as to any extension is final and not subject to review.

(7) The Committee shall determine the eligibility and the amount of any claim made by a claimant and shall direct the Trustee to pay any claim or any part of it that meets the requirements of this section and, subject to section 203, the decision of the Committee is final.

(8) No amount shall be paid out of the Fund until the claimant assigns to the Fund any judgment or other right of any kind that the claimant has against the participant or any other person in respect of the claimant's claim.

(9) Despite subsection (7) and subsection 203 (6), the Trustee shall not pay out of the Fund more than \$40,000, exclusive of costs, to each claimant in respect of each transaction for one or more claims against any one participant.

(10) For the purposes of subsection (8), a partnership and the members of it are deemed to be one participant and a corporation and the officers of it are deemed to be one participant.

(11) If an amount is recovered from any source in partial satisfaction of the total claim against a participant, the maximum amount authorized by subsection (8) is reduced by the amount so recovered.

(12) If it appears to the Board or the Committee that a person will be entitled to claim against the Fund, and that the person has been placed in circumstances where immediate funds or service are necessary to alleviate undue inconvenience of the person, the Committee, with the concurrence of the Board, may direct the Trustee to pay out of the Fund an amount sufficient to alleviate the immediate inconvenience.

(13) If the Committee approves a claim, the Trustee shall pay the claim out of the Fund to the persons entitled.

(14) If the Trustee makes a payment out of the Fund, the Committee is subrogated, for the amount of the payment, to all rights and remedies to which the person receiving the payment is entitled in respect of the claim for which the payment was made, including rights and remedies that the person has,

- (a) as judgment creditor or execution creditor in respect of any judgment that has been assigned under subsection (8) against the participant or any other person; or
- (b) in the event of the death, insolvency, bankruptcy or other disability of the participant or other person, against the personal representative or other person administering the estate of the participant.

Hearing by Tribunal and decision

203. (1) If the Committee determines that a claim or any part of it made under section 202 is not a proper claim, it shall serve notice of its decision, together with written reasons, on the claimant.

(2) The notice of the Committee's decision shall inform the claimant that the claimant is entitled to a hearing by the Tribunal if the claimant mails or delivers to the registrar and the Tribunal within 15 days after the notice is served on the claimant, notice in writing requiring a hearing.

(3) If a claimant who is served with a notice of the Committee's decision does not request a hearing, the decision of the Committee is final.

(4) If a claimant requests a hearing before the Tribunal with respect to a determination of the Committee, the Tribunal shall appoint a time for and hold the hearing.

(5) The claimant who requests the hearing and such other persons as the Tribunal may specify are parties to the hearing.

(6) After holding the hearing, the Tribunal may confirm the determination of the Committee or may set aside the determination of the Committee with respect to all or any part of a claim and direct the Trustee to pay the amount determined by the Tribunal.

(7) The Committee shall report to the registrar with respect to the determination of each claim.

TERMINATION OF PARTICIPATION IN THE FUND

Voluntary cancellation of licence

204. A participant whose licence the registrar cancels under section 21 of the Act shall be deemed to be no longer participating in the Fund on the day that the registrar cancels the licence.

Default of participant

205. (1) If a participant fails to meet an obligation or liability under section 198, the Committee shall forward notice in writing of the failure to the participant and the registrar.

(2) A participant who receives a notice under subsection (1) shall satisfy the failure or make arrangements satisfactory to the registrar within 10 days from the date of the notice.

(3) This section does not apply where the failure is due to insolvency, bankruptcy or a voluntary or compulsory winding up of a participant.

Documents to file

206. A participant who ceases to participate in the Fund shall file with the Committee and the registrar the financial statements and other evidence that the Committee in its discretion requires to establish that,

- (a) the affairs of the participant are settled;
- (b) there are no claims against the Fund; and
- (c) the participant has made arrangements satisfactory to the Committee to ensure that all liabilities and obligations of the participant that could give rise to claims against the Fund have been met and discharged.

TRUSTEE

Appointment

207. (1) With the approval of the Board, the Committee shall appoint a trust corporation registered under the *Loan and Trust Corporations Act* as the Trustee.

(2) The Trustee may resign as Trustee by giving 90 days notice in writing to the Board.

(3) The Committee or the Board may require the removal of the Trustee on giving 90 days notice in writing to the Trustee.

(4) If the Trustee resigns, is removed or is unable to act, the Committee, with the approval of the Board, shall appoint another trust corporation registered under the *Loan and Trust Corporations Act* as a successor Trustee.

(5) Upon accepting the appointment as successor Trustee, the successor shall, subject to subsection (6), have vested in it without further act or formality, all rights and powers given under this Part to the Trustee who resigned, was removed or was unable to act.

(6) Upon the written request of the Committee, the Trustee ceasing to act shall execute and deliver an instrument in writing transferring to the successor Trustee all the rights, powers and Fund assets reposing in or with the Trustee ceasing to act and shall do all other acts or things necessary or desirable for the vesting of the Fund assets in the successor Trustee.

(7) A Trustee ceasing to act shall render to the Board and to the Committee an account of its administration.

(8) The trustee of the compensation fund under the *Funeral Directors and Establishments Act* on the day before the day this Part comes into force shall be deemed to be the Trustee until a new trustee is appointed under this section.

General powers

208. (1) The Trustee may act upon any resolution, certificate, statement, instrument, opinion, report, notice, request, consent, letter, telegram, cablegram or other paper or document believed by it on reasonable grounds to be genuine and to have been signed, sent or delivered by or on behalf of the proper parties.

(2) The Trustee may employ or retain the counsel, accountants, appraisers or other experts or advisors that it may reasonably require for the purpose of discharging its duties under this Part and may act on the opinion or advice of or information obtained from any of them and shall not be responsible for any misconduct on the part of any of them.

Investments

209. (1) In administering the Fund, the Trustee shall deal with the property of the Fund in accordance with the *Trustee Act*.

(2) The Trustee shall not be required to give any bond or other security for the performance of its duties.

(3) Except if the loss results from its own fraud, negligence or wilful misconduct, the Trustee shall not be responsible for any loss in the property of the Fund of whatever character, including a loss resulting from,

- (a) the making of any investments;
- (b) the retention in good faith for any length of time of securities or other property of whatsoever character purchased or acquired by it, even if the securities or property are not income producing; or
- (c) any mistake in judgment made in good faith.

Fees and expenses

210. (1) The Trustee's fee for performing its duties under this Part shall be the fee that is mutually agreed upon between the Board and the Trustee.

(2) In addition to the fee mentioned in subsection (1), the Trustee is entitled to be reimbursed for all expenses that the Trustee reasonably incurs in the performance of its duties under this Part.

(3) All fees and expenses of the Trustee and the expenses that the Committee directs be paid from the Fund shall be deducted first from the income of the Fund and, if there is any deficiency, from the capital of the Fund.

Reports to Committee

211. The Trustee shall furnish the Committee with all information, records and documents in its possession in connection with this Part and its administration of the Fund that the Committee reasonably requests.

PART V DELEGATION OF REGULATION-MAKING AUTHORITY TO THE MINISTER

Delegation of regulation-making authority

212. The authority to make regulations relating to the matters described in the following provisions of the Act is delegated to the Minister:

1. Paragraph 22 of subsection 113 (1) with respect to governing the maximum amount that an operator may specify on a price list,
 - i. as a refundable deposit to inter unclaimed cremated human remains,
 - ii. for providing one or more services under subsection 164 (1) or (2) of this Regulation,
 - iii. for receiving human remains from an irregular burial site, and
 - iv. for providing a service under subsection 188 (1) of this Regulation.
2. Paragraph 54 of subsection 113 (1) with respect to exempting any person, class of person or class of licensee from section 54 of the Act.
3. Paragraph 17.2 of subsection 113 (2).
4. Paragraph 20 of subsection 113 (2) with respect to payments for providing one or more services under subsection 164 (1) or (2) of this Regulation.

5. Paragraph 29 of subsection 113 (2).
6. Paragraph 6 of subsection 113 (3).
7. Paragraph 8 of subsection 113 (3) with respect to payments for providing a service under subsection 188 (1) of this Regulation.

PART VI TRANSITIONAL MATTERS

DEFINITION

Definition

213. In this Part,

“former Act” means,

- (a) the *Cemeteries Act (Revised)*, including a predecessor Act to it and a private Act relating to a cemetery, or
- (b) the *Funeral Directors and Establishments Act*, as it read on the day immediately before Part IV of the *Funeral, Burial and Cremation Services Act, 2002* comes into force, including a predecessor Act to that *Funeral Directors and Establishments Act*.

LICENCES

Funeral Establishment Operator

214. (1) A person who, on the day immediately before section 8 of the Act comes into force, operates premises that are established for the purpose of temporarily placing human remains so that persons may attend and pay their respects is deemed to be licensed under the Act as a Funeral Establishment Operator – Class 2 with respect to those premises.

(2) The premises mentioned in subsection (1) do not include,

- (a) premises whose primary functions do not include being used for the purpose of temporarily placing human remains so that persons may attend and pay their respects but that are occasionally used for that purpose; or
- (b) premises that are identified as the premises of a person licensed as a Funeral Establishment Operator – Class 1.

(3) A deemed licence mentioned in subsection (1) expires on the December 31 that is at least three months after the day section 14 of the Act comes into force.

Transfer Service Operator

215. For the purposes of subsection 13 (3) of the Act, a person licensed to operate a transfer service under the *Funeral Directors and Establishments Act* on the day immediately before the day section 12 of the Act comes into force is deemed to be licensed under the Act as a Transfer Service Operator – Class 2.

Funeral Director

216. (1) A person licensed as a funeral director under the *Funeral Directors and Establishments Act* on the day immediately before section 9 of the Act comes into force is deemed to be licensed as,

- (a) a Funeral Director – Class 1, if the person is licensed under that Act in the class authorizing the performing of embalming; and
- (b) a Funeral Director – Class 2, if the person is licensed under that Act in the class not authorizing the performing of embalming.

(2) A deemed licence mentioned in subsection (1) expires on the December 31 that is at least three months after the day section 14 of the Act comes into force.

Sales Representative

217. (1) A person is deemed to be licensed as a sales representative for a cemetery operator, crematorium operator or transfer service operator, as the case may be, if the person is employed as a sales representative for the operator on the day immediately before section 14 of the Act comes into force.

(2) Subsection (1) does not apply to a person employed as a sales representative for an operator who is exempt from clause 4 (2) (a) of the Act by reason of subsection 7 (1) of this Regulation.

(3) A deemed licence mentioned in subsection (1) expires on the December 31 that is at least three months after the day section 14 of the Act comes into force.

Funeral preplanner

218. (1) A person who, on the day immediately before section 9 of the Act comes into force, is employed in the sale of funeral supplies or services on behalf of a funeral establishment licensed under the *Funeral Directors and Establishments Act*, other than a funeral director licensed under that Act, is deemed to be registered as a funeral preplanner intern for that funeral establishment.

(2) A deemed registration mentioned in subsection (1) expires on the day that is 12 months after the day section 14 of the Act comes into force.

Outstanding applications for licences

219. An application for a licence or a renewal of a licence under a former Act that has not been finally determined on the day section 14 of the Act comes into force is deemed to be an application for a licence or renewal of licence under the Act, as the case may be, and shall be determined as if it were an application for licence or renewal of licence, as the case may be, under the Act.

Educational requirements for a licence

220. An education program and examination set or approved by the Board under section 3 or 11 of Regulation 470 of the Revised Regulations of Ontario, 1990 (Licensing and Business Practices) made under the *Funeral Directors and Establishments Act* on the day immediately before the day section 14 of the Act comes into force is deemed to be an educational program set by the registrar under section 42 of this Regulation for the purposes of licensing funeral directors or transfer service operators until the registrar directs otherwise.

REPORTING AND FILING OBLIGATIONS

Notification to registrar of employees

221. An operator who, under this Part or section 13 of the Act, is deemed to be licensed shall notify the registrar in writing, within 30 days of the day section 13 of the Act comes into force, of the names of all persons employed by the operator and engaged in activity that results in the person being deemed to be licensed as a sales representative or registered as a funeral preplanner intern under section 217 or 218, as applicable.

Obligations under a former Act

222. Despite the repeal of a former Act, an obligation to provide or file documents with the Registrar appointed under the former Act shall continue as an obligation to provide or file the documents with the registrar under the Act.

CONSUMER PROTECTION

Contracts

223. (1) Subject to subsection (2), Part V of the Act does not invalidate a contract entered into under a former Act before the day Part V of the Act comes into force.

(2) If a contract entered into under a former Act before the day Part V of the Act comes into force is renewed or amended after that day, it shall comply with the Act.

Trust money

224. An operator who holds a licence under the Act or who, under this Part or section 13 of the Act, is deemed to hold a licence under the Act may hold trust money obtained under a former Act in a trust account or a pooled trust fund or account established under the Act only if,

- (a) the records maintained for the account or fund permit the separate tracking and reporting on funds in the account or fund as funds under a former Act or funds under the Act;
- (b) the account or fund is for licensed supplies or services the operator is licensed to provide; and
- (c) if it is a pooled trust fund or account, the requirements of section 80 of this Regulation are met.

ENFORCEMENT

Inspections

225. (1) A person authorized to conduct an inspection under section 67 of the Act may conduct an inspection for the purposes of determining whether a person,

- (a) has contravened or failed to comply with a former Act or a regulation made under a former Act if no final determination has been made in respect of the contravention or failure to comply;
- (b) has contravened or failed to comply with a term or condition of a licence issued under a former Act if no final determination has been made in respect of the contravention or failure to comply; or
- (c) is complying with an order made under a former Act.

(2) During an inspection under subsection (1), an inspector may exercise any of the powers of inspection available under section 67 of the Act.

Investigators

226. An investigator may conduct an investigation with respect to matters described in clause 225 (1) (a), (b) or (c) of this Regulation and for that purpose may exercise any of the powers of investigation available under section 70, 70.1 or 71 of the Act.

Receivers, managers and trustees

227. (1) A manager or a receiver and manager appointed under a former Act no later than the day before the day on which section 77 of the Act comes into force is deemed to be a receiver and manager appointed under that section.

(2) A trustee of a care and maintenance fund or account appointed under a former Act no later than the day before the day on which section 53 of the Act comes into force is deemed to be a trustee appointed under that section.

MISCELLANEOUS

Outstanding proceedings

228. (1) A complaint, hearing or appeal that was commenced under a former Act and that has not been finally determined on the day the Act comes into force shall be continued under the former Act.

(2) An abandonment or closure application that was initiated under the *Cemeteries Act (Revised)* and that has not been finally determined on the day section 114 of the Act comes into force shall be dealt with in accordance with that Act.

Application to other burial sites

229. The Act and the regulations apply to,

- (a) a burial site under the *Cemeteries Act (Revised)* that is not an irregular burial site under that Act and for which a site disposition agreement has not been concluded; and
- (b) an irregular burial site under the *Cemeteries Act (Revised)* that has been identified to the registrar before the day the Act comes into force and that has not been dealt with.

Fees

230. A fee paid for a matter under a former Act shall be deemed to have been paid in relation to a fee owing for the matter under section 108 of the Act if the fee paid is in relation to a period of time that includes time following the day that section comes into force.

PART VII AMENDMENT AND COMMENCEMENT

Amendment

231. Section 135 of this Regulation is revoked and the following substituted:

Prohibitions against soliciting

135. A long-term care home, as defined in the *Long-Term Care Homes Act, 2007*, is prescribed for the purposes of subsection 29 (2) of the Act.

Commencement

232. (1) Subject to subsections (2) and (3), this Regulation comes into force on the day it is filed.

(2) Sections 1 to 230 come into force on the latest of,

- (a) the day section 113 of the Act comes into force;
- (b) the day section 138 of the Act comes into force;
- (c) the day section 76 of Schedule D to the *Ministry of Government Services Consumer Protection and Service Modernization Act, 2006* comes into force; and
- (d) the day this Regulation is filed.

(3) Section 231 comes into force on the latest of,

- (a) the day subsection 113 (1) of the Act comes into force;
- (b) the day subsection 2 (1) of the *Long-Term Care Homes Act, 2007* comes into force; and
- (c) the day this Regulation is filed.

ONTARIO REGULATION 31/11

made under the

INSURANCE ACT

Made: February 9, 2011

Filed: February 11, 2011

Published on e-Laws: February 15, 2011

Printed in *The Ontario Gazette*: February 26, 2011

Amending O. Reg. 347/04

(Agents)

Note: Ontario Regulation 347/04 has previously been amended. For the legislative history of the Regulation, see the Table of Consolidated Regulations – Detailed Legislative History at www.e-Laws.gov.on.ca.

1. (1) Ontario Regulation 347/04 is amended by adding the following section:

Life insurance to fund expenses for funeral, cemetery, etc.

17.1 (1) In this section,

“licensed services” and “licensed supplies” have the meanings assigned by subsection 1 (1) of the *Funeral, Burial and Cremation Services Act, 2002*; (“fournitures autorisées”, “services autorisés”)

“contract to fund funeral, burial or cremation expenses” means a contract of life insurance the proceeds of which are intended to be used primarily to fund, directly or indirectly, the purchase of licensed services or licensed supplies. (“contrat servant à financer des frais funéraires, d’enterrement ou de crémation”)

(2) An agent who holds a life insurance licence,

(a) shall not contact, by telephone or in person, any person for the purpose of soliciting the making or negotiation of a contract to fund funeral, burial or cremation expenses unless the person has requested the agent to contact him or her for that purpose;

(b) shall not contact by any means any person who is in a hospital, nursing home, home for the aged or hospice for the purpose of soliciting the making or negotiation of a contract to fund funeral, burial or cremation expenses unless the person has requested the agent to contact him or her for that purpose; and

(c) shall disclose in writing to every prospective purchaser of a contract to fund funeral, burial or cremation expenses that the purchase under the contract does not constitute the purchase of licensed services or licensed supplies.

(2) Clause 17.1 (2) (b) of the Regulation is amended by striking out “nursing home, home for the aged” and substituting “long-term care home”.

2. (1) Subject to subsection (2), this Regulation comes into force on the later of,

(a) the day section 29 of the *Funeral, Burial and Cremation Services Act, 2002* comes into force; and

(b) the day this Regulation is filed.

(2) Subsection 1 (2) comes into force on the latest of,

(a) the day section 29 of the *Funeral, Burial and Cremation Services Act, 2002* comes into force;

(b) the day section 194 of the *Long-Term Care Homes Act, 2007* comes into force; and

(c) the day this Regulation is filed.

RÈGLEMENT DE L'ONTARIO 31/11

pris en application de la

LOI SUR LES ASSURANCES

pris le 9 février 2011

déposé le 11 février 2011

publié sur le site Lois-en-ligne le 15 février 2011

imprimé dans la *Gazette de l'Ontario* le 26 février 2011

modifiant le Règl. de l'Ont. 347/04

(Agents)

Remarque : Le Règlement de l'Ontario 347/04 a été modifié antérieurement. Ces modifications sont indiquées dans l'Historique législatif détaillé des règlements codifiés sur le site www.lois-en-ligne.gouv.on.ca.

1. (1) Le Règlement de l'Ontario 347/04 est modifié par adjonction de l'article suivant avant l'intertitre «Dispositions transitoires» :

Assurance-vie finançant les frais funéraires, d'enterrement et de crémation

17.1 (1) Les définitions qui suivent s'appliquent au présent article.

«contrat servant à financer des frais funéraires, d'enterrement ou de crémation» Contrat d'assurance-vie dont le produit est destiné principalement à financer, directement ou indirectement, l'achat de services autorisés ou de fournitures autorisées. («contract to fund funeral, burial or cremation expenses»)

«fournitures autorisées» et «services autorisés» S'entendent au sens du paragraphe 1 (1) de la *Loi de 2002 sur les services funéraires et les services d'enterrement et de crémation*. («licensed services», «licensed supplies»)

(2) L'agent qui est titulaire d'un permis d'assurance-vie :

- a) ne doit pas communiquer, par téléphone ou en personne, avec un tiers afin de solliciter la conclusion ou la négociation d'un contrat servant à financer des frais funéraires, d'enterrement ou de crémation, à moins que le tiers ne lui ait demandé de le faire;
- b) ne doit pas communiquer de quelque façon que ce soit avec une personne qui se trouve dans un hôpital, une maison de soins infirmiers, un foyer pour personnes âgées ou un hospice afin de solliciter la conclusion ou la négociation d'un contrat servant à financer des frais funéraires, d'enterrement ou de crémation, à moins qu'elle ne lui ait demandé de le faire;
- c) informe par écrit tout souscripteur éventuel visé par un contrat servant à financer des frais funéraires, d'enterrement ou de crémation du fait que la souscription qui y est prévue ne constitue pas l'achat de services autorisés ou de fournitures autorisées.

(2) L'alinéa 17.1 (2) b) du Règlement est modifié par substitution de «un foyer de soins de longue durée» à «une maison de soins infirmiers, un foyer pour personnes âgées».

2. (1) Sous réserve du paragraphe (2), le présent règlement entre en vigueur le dernier en date des jours suivants :

- a) le jour de l'entrée en vigueur de l'article 29 de la *Loi de 2002 sur les services funéraires et les services d'enterrement et de crémation*;
- b) le jour de son dépôt.

(2) Le paragraphe 1 (2) entre en vigueur le dernier en date des jours suivants :

- a) le jour de l'entrée en vigueur de l'article 29 de la *Loi de 2002 sur les services funéraires et les services d'enterrement et de crémation*;
- b) le jour de l'entrée en vigueur de l'article 194 de la *Loi de 2007 sur les foyers de soins de longue durée*;
- c) le jour de son dépôt.

ONTARIO REGULATION 32/11
made under the
FUNERAL DIRECTORS AND ESTABLISHMENTS ACT

Made: February 9, 2011
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GENERAL

DEFINITIONS

Definitions

1. In this Regulation,

“funeral preplanner” has the same meaning as in section 1 of Ontario Regulation 30/11 (General) made under the *Funeral, Burial and Cremation Services Act, 2002*;

“personal licence” means a personal licence as defined in section 1 of Ontario Regulation 30/11 (General) made under the *Funeral, Burial and Cremation Services Act, 2002*, in circumstances when the licensee is employed by an individual licensed to operate a funeral establishment or transfer service under that Act.

BOARD AND COMMITTEE COMPOSITION AND QUORUM

Duties

2. For the purposes of clause 3 (5) (c) of the Act, the Board shall oversee students, trainees and interns seeking to qualify for licensing as a funeral director or funeral planner.

Board

3. (1) For the purposes of subsection 4 (1) of the Act, the Board shall be composed of,

(a) eight individuals who hold a personal licence, at least one of whom,

(i) is licensed as a funeral director,

(ii) is not also licensed to operate a funeral establishment or a transfer service, and

(iii) is not also a person in charge of the day-to-day operations of the business of a funeral establishment operator or a transfer service operator; and

(b) five individuals who are not licensees within the meaning of the Act or the *Funeral, Burial and Cremation Services Act, 2002*.

(2) For purposes of subsection 4 (4) of the Act, a quorum of the Board is seven members, at least two of whom are individuals described in clause (1) (b).

Executive Committee

4. (1) For purposes of subsection 8 (1) of the Act, the Executive Committee shall be composed of at least three members of the Board, at least one of whom is an individual described in clause 3 (1) (b).

(2) For purposes of subsection 8 (3) of the Act, a quorum of the Committee is two members.

Licensing Committee

5. (1) For purposes of subsection 9 (1) of the Act, the Licensing Committee shall be composed of at least three members of the Board, at least one of whom is an individual described in clause 3 (1) (b).

(2) For purposes of subsection 9 (3) of the Act, a quorum of the Committee is two members.

Discipline Committee

6. (1) For purposes of subsection 11 (1) of the Act, the Discipline Committee shall be composed of at least four members of the Board, at least two of whom are individuals described in clause 3 (1) (b).

(2) For purposes of subsection 11 (3) of the Act, a quorum of the Committee is three members.

Compensation Fund Committee

7. (1) For purposes of subsection 12 (1) of the Act, the Compensation Fund Committee shall be composed of at least three members of the Board, at least two of whom are individuals described in clause 3 (1) (b).

(2) For purposes of subsection 12 (3) of the Act, a quorum of the Committee is two members.

PROFESSIONAL MISCONDUCT**Professional misconduct**

8. For the purposes of subsection 16 (2) of the Act, professional misconduct of a funeral director includes,

- (a) an act or omission inconsistent with the Act, any predecessor of the Act, the *Funeral, Burial and Cremation Services Act, 2002* or the regulations made under any of those Acts;
- (b) failing to respect the confidentiality of information concerning a client except with the consent of the client or the client's personal representative unless required to do so by law;
- (c) charging fees that are excessive in relation to the funeral services, funeral supplies or transfer services requested, performed or provided;
- (d) submitting a false or misleading account;
- (e) making or promising any benefit to a third party for procuring patronage;
- (f) accepting any commission or benefit, including a benefit to which a third party may be entitled, without making disclosure as required under the *Funeral, Burial and Cremation Services Act, 2002* and the regulations made under that Act;
- (g) charging fees for funeral supplies not purchased from the funeral establishment of the funeral director;
- (h) submitting an account before making a contract in accordance with any predecessor of the Act or with the *Funeral, Burial and Cremation Services Act, 2002*, as applicable;
- (i) charging interest on an account without notifying the client of the terms of interest before making a contract, excluding interest granted by the judgment of a court;
- (j) selling or attempting to sell an account to a third party within thirty days of signing a contract for that account, except upon the sale of a funeral establishment and excluding an agent retained to collect unpaid accounts;
- (k) failing to carry out the terms of a contract;
- (l) counselling or assisting any person to contravene the Act, any predecessor of the Act, the *Funeral, Burial and Cremation Services Act, 2002* or the regulations under any of those Acts;
- (m) acting or holding itself out as a funeral director using any name other than the name shown on the licence;
- (n) being the person in charge of the day-to-day operations of the business of a funeral establishment operator, that operates or holds itself out as a funeral establishment using any name other than the name shown on the licence;
- (o) signing or issuing a certificate, report or other document that contains a statement the funeral director knows or ought to know is false, misleading or otherwise improper;
- (p) requiring, without reasonable grounds, that a person purchase specific funeral services, funeral supplies or transfer services as a condition of obtaining funeral services, funeral supplies or transfer services;
- (q) refusing services to any person, except where a funeral director has reasonable grounds to refuse the services and is willing to provide a reasonable alternative;
- (r) embalming a body without specific instructions from the purchaser of the service or the beneficiary's personal representative;
- (s) failing to reply within a reasonable time to a written inquiry received from the Registrar;
- (t) engaging in the practice of funeral directing while impaired by alcohol or a drug; and
- (u) acting in a manner relevant to the practice of funeral directing that, having regard to the circumstances, would reasonably be regarded as unprofessional conduct.

REVOCATIONS AND COMMENCEMENT**Revocations**

9. Regulations 467, 468, 469 and 470 of the Revised Regulations of Ontario, 1990 are revoked.

Commencement

10. This Regulation comes into force on the latest of,

- (a) the day section 138 of the *Funeral, Burial and Cremation Services Act, 2002* comes into force;
- (b) the day subsections 80 (4) and 81 (1) and (2) and sections 84, 85, 86 and 87 of Schedule D to the *Ministry of Government Services Consumer Protection and Service Modernization Act, 2006* come into force; and
- (c) the day this Regulation is filed.

9/11

ONTARIO REGULATION 33/11

made under the

ENERGY CONSUMER PROTECTION ACT, 2010

Made: February 9, 2011

Filed: February 11, 2011

Published on e-Laws: February 15, 2011

Printed in *The Ontario Gazette*: February 26, 2011

Amending O. Reg. 389/10
(General)

Note: Ontario Regulation 389/10 has previously been amended. For the legislative history of the Regulation, see the Table of Consolidated Regulations – Detailed Legislative History at www.e-Laws.gov.on.ca.

1. Clause 14 (1) (a) of Ontario Regulation 389/10 is revoked and the following substituted:

- (a) the contract is entered into before, on or after January 1, 2011, and,
 - (i) the consumer has a right to cancel the contract, whether the right arises under the contract or otherwise,
 - (ii) the consumer gives the supplier notice of cancellation of the contract, whether or not the consumer complies with any other requirements, if there are any, relating to the cancellation of the contract (such as the payment of a cancellation fee), and
 - (iii) the supplier does not, within 10 days after receiving the notice of cancellation, notify the appropriate energy distributor of that fact; or

2. This Regulation comes into force on the later of March 1, 2011 and the day it is filed.

9/11

NOTE: Consolidated regulations and various legislative tables pertaining to regulations can be found on the e-Laws website (www.e-Laws.gov.on.ca).

REMARQUE : Les règlements codifiés et diverses tables concernant les règlements se trouvent sur le site Lois-en-ligne (www.lois-en-ligne.gouv.on.ca).

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