

## Interment Rights Information

Pursuant to the Funeral, Burial and Cremation Services Act, 2002 and Ontario Regulation 31/11s.161(1) and all amendments thereto, no Cemetery Operator shall be permitted to inter human remains in a lot, other than the remains of the Rights Holder(s), without the written consent of the Rights Holder(s).

### [What does this mean for family plots?](#)

The Town of Saugeen Shores, as the licensed cemetery operator for St Patrick's, Southampton, Burgoyne, and Sanctuary Park Cemeteries, must receive written permission from the Interment Rights Holder on record before any interment or memorialization.

The Interment Rights for a grave or plot give the Rights Holder the right to say who can be buried in the grave. Interment Rights also include the right to erect a memorial and direct inscription. If there is more than one Rights Holder, then ideally all parties must give their consent before any interments take place or a memorial is erected (except where one of the current owners is being buried).

The granting of Interment Rights to a grave does not actually mean you own the land itself but that you have the right to direct burials and memorials in the assigned space, subject to the cemetery by-laws and government regulations. The land remains the property of the licensed cemetery operator.

The Interment Rights Holder of record is the person that is named on the official Deed/Certificate of Interment Rights. Usually, but not always, the Interment Rights Holder of record is/was the person who purchased the interment rights. This becomes an issue when the Interment Rights Holder is deceased.

### [What happens when the Interment Rights Holder is deceased?](#)

When the Interment Rights Holder dies, the rights are considered an asset of the estate and as such are distributed to the beneficiaries of the deceased's estate. The rights must then be registered in the new owner's name for the transfer to be completed.

The Interment Rights do not automatically transfer to the children or spouse, etc. Interment Rights to a plot cannot be given or taken without first notifying the cemetery owner/operator.

Situations often arise where family members want to arrange for a further burial to take place or for an additional inscription to be placed on the memorial, but the registered Rights Holder is deceased. As stated, a living Rights Holder is required to give permission for a burial to take place or a memorial to be erected or altered. In order for

the burial or memorial request to proceed, the Interment Rights need to be transferred to the person(s) entitled to those Interment Rights.

### **Who is entitled to the burial rights?**

If the Interment Rights Holder left a will, the main beneficiary of the deceased's estate is entitled to the Interment Rights. If the estate is divided equally between a number of persons, they are all entitled to the Interment Rights. If the Rights Holder did not leave a will, then the persons entitled to the Rights are the direct next of kin following their bloodline.

### **How to transfer or confirm interment rights**

Contact the Town of Saugeen Shores Cemetery Lead hand for specific guidance and documents. Our Cemetery staff are available to assist and explain what steps or documents are required. Every application is treated on an individual basis.

Any original documents confirming or supporting family ownership of a burial plot/grave or other satisfactory evidence of ownership will be required.

In the event of a family dispute regarding entitlement or rights, a legal opinion should be sought from an Estates lawyer.

If you are the registered Rights Holder and would like another person to also be an owner, you can assign the Rights making you joint owners with the following benefits:

- In the future, when a Rights Holder is deceased, this leaves a remaining living Rights Holder and no further legal transfer is required.
- Ensures there is a "living" Rights Holder to take care of any future burials/memorialization.
- Where a "family" plot has sufficient space, it provides continuity through the generations.

Upon the death of a sole Interment Rights Holder, families are encouraged to transfer the rights of remaining graves to a "living" Rights Holder.