

## **Part II**

### **Purchase, Sale and Transfer of Interment Rights**

#### **Purchase of Interment Rights**

21. (1) A licence to use a grave or niche in the Cemetery may be purchased from the Cemetery office upon full payment of the proper fees (including the fee for Perpetual Care). The Licensee shall have the right to use the grave for the burial of human remains or cremated human remains in accordance with the provisions of the Bylaw and the Regulations, as may from time to time be in effect and shall acquire no other rights whatsoever.
- (2) No person may purchase more than eight graves or niches.

#### **Proof of Interment Rights**

22. The use of any grave or niche must be authorized in writing by the Licensee or that person's authorized decision-maker. The Cemetery Superintendent may request proof of purchase to identify the Licensee of the grave or niche or to prove the right to use the grave or niche.

#### **Refund of Interment Rights**

23. A license to use a grave or niche may be cancelled and a refund issued provided that:
  - (a) the request is made in writing from the original Licensee or that person's authorized decision-maker;
  - (b) the grave or niche has not been used for interment; and
  - (c) any markers or Monuments on the grave or niche are removed.

#### **Amount of Refund**

24. (1) Refunds for the cancellation of a license shall be issued on the basis of 100% of the opening and closing fees paid and 85% of the grave or niche and Perpetual Care fee paid.
- (2) The rights to a refund, as described in the preceding subsection, are subject to the City being reimbursed for any and all costs in the event that a Monument has been placed on the grave or a niche has been inscribed, or any other similar costs incurred by the City to return the grave or niche to a state where it could be sold to another.

### **Sale of Interment Rights**

25. The license to use a grave or niche cannot be sold by a Licensee.

### **Transfer of Interment Rights**

26. The license to use a grave or niche may be transferred to an immediate family member, namely: a spouse, son or daughter, parent or grandparent, brother or sister, uncle or aunt, or niece or nephew, provided that:
- (a) the Licensee or his authorized decision-maker advises the Cemetery office in writing of the name and address of the new Licensee; and
  - (b) the associated Cemetery administrative fee is paid in full.

### **Limits of Perpetual Care**

27. The fees for a license to use a grave or niche shall include payment of Perpetual Care; however, the City shall not be bound to expend on any grave in any year an amount greater than the annual interest earned on the amount paid for Perpetual Care.

### **Availability of Graves**

28. Licenses for graves or niches shall be allocated and sold to members of the general public on a "first-come, first-served" basis, provided that the purchaser agrees to adhere to all relevant bylaws and these Regulations.

### **Request for Specific Graves**

29. The Cemetery Superintendent may consider requests for specific graves or graves in specific locations by persons provided that:
- (a) the request does not disrupt the Cemetery's maintenance and operating plans; and
  - (b) in case of dispute, the Cemetery Superintendent's decision shall be final.

### **Designated Areas**

30. (1) Groups or organizations (including ethnic, religious or members of the Canadian Armed Forces) may request to have a number of graves allocated without advance payment in specific areas of the Cemetery, subject to the provisions of this section.

- (2) The location and size of the area shall be subject to the following criteria:
  - (a) the graves are not currently needed by members of the general public;
  - (b) the number of graves shall be based on the expected need for the projected remaining years of available graves at the Cemetery;
  - (c) the request does not disrupt the maintenance and operating plan of the Cemetery;
  - (d) the area has not previously been reserved by another group; and
  - (e) in case of dispute, the Cemetery Superintendent's decision shall be final.
- (3) When the Cemetery is sold out of graves to the general public, and some of the allocated graves are unused, the graves shall be re-allocated for sale to the general public.
- (4) Designated cemetery areas may not be used to discriminate against any individual if that individual meets the eligibility requirements and complies with the interment practices for the area as approved by the Cemetery Superintendent.
- (5) Family columbarium shall only be permitted in areas designated for this by the Cemetery Superintendent at Woodlawn.