



OACFP

ONTARIO ASSOCIATION OF CEMETERY
AND FUNERAL PROFESSIONALS



OACFP

ONTARIO ASSOCIATION OF CEMETERY
AND FUNERAL PROFESSIONALS

Burial Rights & Interments in Ontario

A GUIDE TO BURIAL RIGHTS & INTERMENT IN ONTARIO

UNDERSTANDING YOUR RIGHTS & RESPONSIBILITIES

WHEN PURCHASING A BURIAL PLOT IN ONTARIO, YOU DON'T ACTUALLY OWN THE LAND—YOU OWN THE *RIGHT* TO DECIDE WHO CAN BE BURIED THERE. THIS IS KNOWN AS **INTERMENT RIGHTS**. UNDERSTANDING THESE RIGHTS CAN HELP YOU AVOID LEGAL AND LOGISTICAL ISSUES WHEN MAKING BURIAL ARRANGEMENTS.

WHAT ARE INTERMENT RIGHTS?

- **INTERMENT RIGHTS** ALLOW YOU TO DECIDE WHO CAN BE BURIED IN A SPECIFIC GRAVE, CRYPT, OR NICHE.
- YOU MAY ALSO HAVE THE RIGHT TO PLACE A HEADSTONE OR MEMORIAL, FOLLOWING CEMETERY RULES.
- THE LAND REMAINS THE PROPERTY OF THE CEMETERY, AND INTERMENT RIGHTS CANNOT BE TRANSFERRED WITHOUT THE CEMETERY'S APPROVAL.

WHO OWNS THE BURIAL RIGHTS?

- THE **INTERMENT RIGHTS HOLDER** IS THE PERSON NAMED ON THE OFFICIAL CEMETERY RECORDS.
- IF MULTIPLE PEOPLE ARE LISTED AS RIGHTS HOLDERS, THEY MUST ALL AGREE TO BURIALS OR CHANGES.

WHAT HAPPENS WHEN THE RIGHTS HOLDER PASSES AWAY?

- INTERMENT RIGHTS BECOME PART OF THE DECEASED'S **ESTATE** AND ARE PASSED ON ACCORDING TO THEIR WILL.
- IF THERE IS **NO WILL**, ONTARIO'S **SUCCESSION LAWS** DETERMINE WHO INHERITS THE RIGHTS.
- IT'S IMPORTANT TO UPDATE THE CEMETERY RECORDS AS SOON AS POSSIBLE AFTER THE RIGHTS HOLDER'S DEATH.

WHO CAN AUTHORIZE A BURIAL?

- THE **INTERMENT RIGHTS HOLDER** MUST GIVE PERMISSION FOR ANY BURIAL.
- IF THE RIGHTS HOLDER IS DECEASED, THE **EXECUTOR OF THEIR WILL** OR THEIR CLOSEST NEXT OF KIN CAN AUTHORIZE IT.

HOW TO TRANSFER BURIAL RIGHTS

IF YOU INHERIT OR WISH TO TRANSFER INTERMENT RIGHTS:

1. **GATHER DOCUMENTS** – THIS INCLUDES WILLS, PROOF OF OWNERSHIP, AND LEGAL AUTHORITY (EXECUTOR DOCUMENTS OR POWER OF ATTORNEY).
2. **NOTIFY THE CEMETERY** – THEY WILL UPDATE RECORDS AND ISSUE A NEW INTERMENT RIGHTS CERTIFICATE.
3. **PAY ANY FEES** – CEMETERIES WILL CHARGE FOR TRANSFERRING RIGHTS.

CAN I SELL MY BURIAL PLOT?

- SOME CEMETERIES **DO NOT ALLOW PRIVATE REALES**—YOU MAY HAVE TO SELL IT BACK TO THE CEMETERY.
- IF PRIVATE SALES ARE ALLOWED, CONDITIONS APPLY (E.G., FULL PAYMENT, NO PREVIOUS BURIALS).

CAN I PRE-AUTHORIZE FUTURE BURIALS?

YES! YOU CAN CREATE AN **ALLOCATION DOCUMENT** TO SPECIFY WHO MAY BE BURIED IN YOUR PLOT, AVOIDING DISPUTES LATER.

CHANGING YOUR MIND

- YOU CAN **CANCEL WITHIN 30 DAYS** FOR A FULL REFUND IF YOU HAVEN'T USED THE INTERMENT RIGHTS.
- AFTER 30 DAYS, YOU MAY RECEIVE A PARTIAL REFUND, DEPENDING ON CEMETERY POLICIES.



OACFP

ONTARIO ASSOCIATION OF CEMETERY
AND FUNERAL PROFESSIONALS

KEY TAKEAWAYS

- YOU OWN BURIAL RIGHTS, *NOT* THE LAND ITSELF.
- RIGHTS CAN BE INHERITED BUT MUST BE OFFICIALLY TRANSFERRED.
- BURIALS REQUIRE APPROVAL FROM THE INTERMENT RIGHTS HOLDER OR ESTATE REPRESENTATIVE.
- SELLING OR TRANSFERRING RIGHTS DEPENDS ON CEMETERY RULES.
- PRE-PLANNING CAN PREVENT FUTURE ISSUES FOR YOUR FAMILY.
- FOR MORE DETAILS, CONTACT YOUR LOCAL CEMETERY OR VISIT THE BEREAVEMENT AUTHORITY OF ONTARIO'S WEBSITE: [HTTPS://THEBAO.CA/](https://thebao.ca/)