



Beechwood, Funeral, Cemetery and Cremation Services

Burial Right FAQs

Beechwood, Funeral, Cemetery and Cremation Services serve the needs of the local community and all Canadians.

Beechwood can satisfy all of your wishes from visitations, informal gatherings, life celebrations, memorial services, catered receptions, to custom memorials and/or memorialization. Beechwood is here to provide you with everything you need to make the right decisions for you and your loved ones.

These services can all be arranged in advance of need or at the time of someone's passing. Beechwood also has a wonderful Executor Assistance program.



1. When I buy a cemetery property, do I own the land?

No. As an Interment “Rights Holder” what you own is an “interment right”. This gives you the right to determine who can be buried in your grave, crypt, or niche and what memorialization, if any, will be placed there, providing it’s permitted within the cemetery’s bylaws. The land remains the property of the cemetery.

2. How long do I own my Interment Rights?

Ontario law requires that every interment right be sold in perpetuity. This means you and your heirs will own the interment rights forever.

3. How do I know that the cemetery will be maintained forever?

Ontario law requires that a percentage of the purchase price for each interment right sold must be placed into a care and maintenance trust fund. These contributions can never be removed.

The interest generated by these investments are paid out to the cemetery to provide for the ongoing maintenance of the grounds. If the income generated isn’t enough to maintain the cemetery, the legislation allows the cemetery’s assets to be transferred to the local municipality who then takes on the responsibility of maintaining the cemetery grounds in perpetuity.

4. Can there be more than one Rights Holder?

Yes. Interment rights can be arranged for one individual or for multiple individuals.

5. How can I change the Rights Holder?

As the cemetery records are the official book of record, any changes must be registered with the cemetery. If you want to change or add Rights Holders, you need to bring the current Interment Rights Certificate with you to the cemetery office because written authorisation from the Rights Holders listed on the certificate will be required to make any changes. The cemetery will update its records and provide a replacement Interment Right Certificate reflecting the new Rights Holder(s). A fee will be charged to register the changes.

6 . What happens when the registered Interment Rights Holder dies?

If a sole owner dies, he or she can be automatically buried and any future interest in the right becomes part of the sole owner's estate. Where there are multiple owners, if one owner dies, the surviving Rights Holder(s) has(ve) to give their permission for the burial as well as placing or inscribing a memorial and future interest in the deceased's portion of the right becomes part of the deceased owner's estate.

Note – If a Power of Attorney existed for a Rights Holder, it becomes immediately null and void at his or her death and the individual holding the Power of Attorney no longer has any authority regarding the interment right.

When a person dies, his or her property (including the interment rights) becomes part of his or her estate. If further use is to be made of the interment right, and the last surviving Rights Holder has died, his or her estate must be cleared with the cemetery office as follows:

- If there was a Will, and the deceased was a burial rights holder, the Executor (or co-Executors) will have signing authority for the interment rights until the estate has been probated and distributed.
- If there was no Will, succession laws apply, and any new Rights Holders (minimum 18 years of age) will be established at no charge in the following order:
 - Spouse
 - Children - if no Children, then,
 - Grandchildren - if no Grandchildren, then,
 - Great-Grandchildren - if no Great-Grandchildren, then,
 - Parents - if no Parents, then,
 - Brothers and Sisters - if no Brothers or Sisters, then,
 - Grandparents, if no Grandparents, then,
 - Uncles, Aunts, Nieces and Nephews.





7. Can I pre-authorise who can be buried within the interment rights?

Yes, an Allocation document, in which the Rights Holder pre-authorises who can be buried in the future, specifies the location of the burials. The document also allows memorialization for those named and can be completed with the cemetery office. Having this document in place avoids having to obtain permission or direction at the time of an interment.

8. Who can be buried/entombed/inurned in a grave/crypt/niche/urn space?

Anyone – they don't have to be in your family - can make use of a grave, crypt, niche or urn space, but the written permission of the registered Rights Holder(s) is required.

9. What happens if I pre-purchase Interment Rights at a cemetery, but change my mind or move away from the area?

If you change your mind for any reason within 30 days of your purchase and you haven't used your interment rights, we will refund 100% of what you paid. In the case of pre-paid supplies or services, we will refund payments received provided that those supplies or services haven't been serviced, supplied, utilised, or customised.

After 30 days, you can still cancel your purchase, as long as your interment rights haven't been used. We will refund what you paid, less the portion contributed to the Care and Maintenance Fund, and less an administration fee, in accordance with the law.

The Process: Transferring the Interment Rights Back to Beechwood:

- o The Rights Holder informs Beechwood of his/her desire to transfer the interment rights back to Beechwood.
- o Beechwood identifies the refund amount and requests written consent from all Rights Holders.
- o Should the Rights Holder(s) wish to proceed and written consent is provided, Beechwood will issue the refund amount to the Rights Holder (or, if there is more than one Rights Holder, the amount divided equally among the Rights Holders registered on the cemetery records, unless otherwise directed by all of the Rights Holders).

10. Can I sell my cemetery property to someone else?

Yes. We permit the private sale of interment rights. However, this may not be the case at other cemeteries in Ontario. Under the Funeral, Burial and Cremation Services Act (2002) of Ontario (“FBCSA”), cemetery operators can choose either to permit or prohibit the private re-sale of interment rights.

While we permit this, there are specific conditions which must exist and certain steps required to ensure the transfer of ownership is registered in the cemetery’s records. In order to re-sell interment rights privately, a Rights Holder must follow a specific procedure, complete the appropriate paperwork, and register the re-sale or transfer on the cemetery records.

Here are the required conditions, the options available to you and the process you will need to follow at Beechwood:

Required Conditions:

- The interment rights have been paid in full.
- An Interment Rights Certificate has been issued by Beechwood to the Rights Holder.
- No burials, entombments or memorials have taken place within any of the graves, niches or crypts identified on the Interment Rights Certificate.
- All memorials have been removed.



The Process: Selling the Interment Rights privately

The private sale of the interment rights will be recognised by Beechwood when the following have been completed:

- The Rights Holder(s) (seller(s)) registered on the cemetery records return the current Interment Rights Certificate* to Beechwood with an Endorsement of Sale or Transfer document (either on the back of the Interment Rights Certificate or issued by the cemetery) completed and signed by the Right Holder(s) and the third party transferee(s).
- The Rights Holder(s) pay the current Beechwood administration fee.
- If Beechwood is required to restore the associated memorialization rights before completing the sale or transfer, a restoration fee will be charged by Beechwood.
- Beechwood agrees that the documentation and the transfer of ownership have been registered on the cemetery records, in accordance with the Cemetery By-laws.

Beechwood will then issue a new Interment Rights Certificate to the transferee(s) (the “new Rights Holder(s)”) within 30 days.

* If the original Interment Rights Certificate can't be found, Beechwood may issue a duplicate Interment Rights Certificate to facilitate the sale or transfer endorsement. An administration fee may apply.

11. What happens if an Interment Rights Holder becomes incapacitated and can't sign for matters relating to the interment right?

Often a Power of Attorney is granted to allow someone to oversee the individual's affairs. For cemetery purposes, we will accept a General Power of Attorney or Property Power of Attorney. Once we have reviewed the document, the person with the Power of Attorney can sign in place of the Interment Rights Holder.

12. What happens if the Interment Rights Holder has a legal name change?

The cemetery office will require proof of the name change so that our records can be updated. Proof can be one of the following:

- marriage certificate;
- driver's license, social insurance card or health card (if the legal name change is shown).



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*Owned by The Beechwood Cemetery Foundation
and operated by The Beechwood Cemetery Company.*

About us

Beechwood, Funeral, Cemetery and Cremation Services is owned by The Beechwood Cemetery Foundation and operates on a not-for-profit basis. Governed by a volunteer Board of Directors, it is the only organization of its kind in Ottawa.

In choosing Beechwood, Funeral, Cemetery and Cremation Services, you can take comfort in knowing that all funds are used for the maintenance, preservation and enhancement of this National Historic Site. The Beechwood Cemetery Foundation was created for the purpose of safeguarding Beechwood's future and increasing public awareness of Beechwood, as well as the important historical persons buried within it.



BEECHWOOD

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