

## **GENERAL INFORMATION – FUNERAL/CEMETERY PLANNING**

### **A. GLOSSARY OF TERMS**

**Ashes or Cremated Remains** – the product of reducing the human body through cremation

**Casket/Coffin** - A box or chest for burying human remains.

**Cemetery Services** - Opening and closing graves, crypts, or niches; setting vaults; setting markers; and long-term maintenance of cemetery grounds and facilities.

**Columbarium** - A structure with compartments or niches (small spaces) for placement of ashes or cremated remains in urns or other approved containers. It may be outdoors or part of a mausoleum.

**Cremation** - Exposing human remains and the container holding them to extreme heat and flame and processing the resulting bone fragments to a uniform size and consistency.

**Crypt** - A space or compartment in a mausoleum or other building to hold cremated or whole human remains.

**Entombment** - Burial in a mausoleum.

**Funeral Ceremony** - A service commemorating the deceased with the body present.

**Funeral Services** - Services provided by a funeral director and staff, which may include consulting with the family on funeral planning; transportation, shelter, refrigeration, and embalming of remains; preparing and filing notices; obtaining authorizations and permits; and coordinating with the cemetery, crematory, or other third parties.

**Funeral Planning and Memorial Society of Manitoba** – See [www.funeralsocietyymb.org](http://www.funeralsocietyymb.org)

**Grave** - A space in the ground in a cemetery for the burial of human or cremated remains.

**Graveside Service** - A service to commemorate the deceased held at the cemetery prior to burial.

**Interment** - Burial in the ground, inurnment, or entombment.

**Inurnment** - The placing of cremated remains in an urn.

**Mausoleum** - A building in which human remains are buried (entombed) in compartments or crypts.

**Memorial Service** - A ceremony commemorating the deceased without the body present.

**Memorial Society** - A consumer organization that provides information about funerals and disposition but is not part of the province-regulated funeral industry.

**Niche** - A space or compartment in a columbarium, mausoleum, or niche wall to hold an urn.

**Perpetual Care Fund** - Moneys collected from cemetery property purchasers and placed in trust for the maintenance and upkeep of the cemetery. The province monitors the fund and establishes the minimum amount that must be collected; however, the cemetery is permitted to collect more than the minimum to build the fund. Only the interest earned by such funds may be used for the care, maintenance, and embellishment of the cemetery.

**Urn** - A container to hold cremated remains. It can be placed in a columbarium or mausoleum, or it can be buried in the ground.

**Vault** - A cover that completely encloses a casket in a grave.

## **B. COMMON QUESTIONS AND ANSWERS**

### ***What are funeral and cemetery services?***

A funeral home will pick-up the body from the place of death, prepare and in some cases embalm the body for viewing or otherwise, provide the casket and floral arrangements, prepare the death certificate and obituary notice, provide cremation services, the use of vehicles, host or conduct services, and will counsel the bereaved.

The cemetery will bury the body in lots, plots or compartments including spaces for the storage of cremated remains, open and close the lot, plot or compartment, and provide markers and vaults as needed.

In most cases, funeral homes and cemeteries are two separate entities which means that both may have to be visited to make arrangements and prepare separate written contracts outlining the commodities and services provided by each of them.

### ***What is embalming and is it mandatory?***

Embalming is a surgical technique used to disinfect, preserve and restore the human body to an acceptable physical appearance, but it does not prevent decomposition of a body. It is not mandatory; however as a practical matter embalming may be authorized before a public viewing period. It may also be necessary if transfer to another city, province or country is occurring over an extended period of time.

### ***Are prices regulated?***

No, the market is competitive and consumers may make their choice by visiting and inspecting funeral establishments and cemeteries to compare services, restrictions, rules,

property condition and management. Funeral homes and cemeteries may provide itemized price lists that permit easy comparison of costs.

***Why should I prearrange my funeral?***

Planning in advance for ones' own death can spare loved ones the anguish of making difficult decisions while in a state of grief. Shopping ahead of time, getting correct information and planning in advance allows a consumer to make informed decisions before they purchase, and may save them money.

***How can I prearrange my funeral?***

There are several options and they are:

1. By purchasing a prearranged funeral contract as contemplated by *The Prearranged Funeral Services Act*. This will permit a consumer to obtain a price guarantee and that protects them and their family from future price increases.
2. By listing your funeral arrangements and purchasing a whole life insurance policy to be paid to the funeral director upon death equal to the cost of the pre-arranged funeral plan.
3. By listing your funeral plan and storing in a safe place for your next of kin and setting money aside in a bank account.
4. By listing your service with a memorial society or funeral home set up for the safe record keeping of your prearranged funeral plan.

It a good idea to review and revise your decisions from time to time and to make sure that your family is aware of your wishes. Put them in writing, give copies to family members and your lawyer and keep a copy in a handy place.

***Are such plans transferable if I move?***

In all cases they are transferable but Option 1 will require the acceptance of your contract by the funeral director at the new location.

***Are any monies paid in advance held in trust?***

*The Prearranged Funeral Services Act* requires monies received by a funeral director to be deposited in trust in the month following the receipt of the funds. The funeral director may withhold 12% to cover administration costs but not all funeral directors do so. Monies can only be removed from trust upon the provision of a death certificate to the trust company or upon a request by a person for a refund. Income earned on the fund is not refundable and is taxable in the hands of the funeral director

Monies paid to an insurance company are handled like any other insurance policy. They are not held in trust and are not refundable.

***Can I cancel a prearrangement made under The Prearranged Funeral Services Act?***

Yes, and if cancelled within 3 years you may only receive 88% of your money back. If cancelled after 3 years you are entitled to a 100% refund but again, no interest income.

***Are all funeral directors holding trust monies licensed?***

Yes. The Public Utilities Board of Manitoba issues a license to those funeral directors providing the Option 1 service and also, the Board audits such trust accounts on a yearly basis.

Option 2 requires a license issued under the Insurance Act as administered by the Superintendent of Insurance. No license is required for provider of Options 3 and 4.

***Do all options require the payment of monies up front?***

No, Option 1 may be paid in full or by time payments as agreed between you and the funeral director. Option 2 will require premiums to be paid or an up-front cash amount. Option 3 requires no money be set aside unless so chosen by the person. Option 4 may require a small registration fee collected by a Society.

***What happens if a product, i.e. casket, is no longer manufactured at the time of need?***

A funeral director must provide a substitute of comparable or higher value and quality at no extra charge. If a lesser quality is provided an adjustment must be made to the price.

***Do I need to use the services of a funeral director?***

There is no law that states that you must use a funeral director, however if the death was caused by a communicable disease then special procedures may be required which can only be provided by a trained person. If you wish to handle the matter on your own, you need to consider the storage or transportation of the deceased from the place of death, construction or purchase of a container or casket, obtaining the necessary permits; etc.

***What is cremation?***

Cremation is a process whereby the body is burned in a combustible casket or other container by extreme heat to cremated remains. The ashes or cremated remains usually weigh between 2-4 kilograms and are then placed in a small cardboard box or temporary urn. There may still be a funeral or memorial service.

***Can I purchase cremation services directly from a crematory?***

In most cases a crematorium only sells their services to a funeral director. This is not mandatory and therefore a person should shop around.

***Can I view a cremation process?***

Yes, in almost all cases a family member or other person, on the family's behalf, may view the process, upon request.

***Can I prearrange my cemetery services?***

Yes, but there are no trusting requirements and cancellation provisions will vary by cemetery. The deed for the cemetery space would normally be delivered immediately and if a purchaser changes their mind the space may be purchased back by the cemetery or must be sold privately. Markers may be manufactured at time of purchase and stored until time of need, but if the purchaser changes their mind, could be delivered to the purchaser or to another location. Open and closing cannot be delivered until the time of need and accordingly, will only be refunded at the discretion of the cemetery owner.

***Are all cemeteries licensed or regulated?***

No, The Public Utilities Board of Manitoba only licenses those cemeteries operating for profit. Cemeteries owned by religious denomination, by municipalities or by individuals, i.e. on family farms, are not licensed. However, these cemeteries must be kept in good order and repair or such owners may be prosecuted.

***What is the definition of perpetual care – what are the responsibilities of licensed cemetery owners?***

Perpetual care means the preservation, improvement, embellishment, and maintenance, in perpetuity and in a proper manner of lots, plots, tombs, monuments, or enclosure, in a cemetery or of compartments in a columbarium or mausoleum. By law, licensed cemetery owners are required to set aside money in an irrevocable trust account based on the selling price of the space. Only the interest earned by the perpetual care fund can be used for maintenance. The Board audits these accounts as well.

***Can I scatter cremated remains myself?***

Yes, but only at a location with the owner's permission and discretely.

***How does a cemetery operate and can its rules of operation be changed?***

In addition to an applicable license, a cemetery operates under a set of rules and regulations which should be provided to you upon the purchase of a lot, plot, or enclosure in a columbarium or mausoleum. Alternatively they should be available for inspection at the cemetery. These rules and regulations will provide for such matters as the mandatory use of vaults; the use of real and artificial flowers; the use, type and size of markers and sizes; size of graves, and hours of business. Because of continuing changes in customs, practices, economic conditions and products, cemeteries usually reserve the right to change rules and regulations from time to time, but are only permitted to do so on a go forward basis.

***What if a cemetery is not being maintained?***

If a licensed cemetery, persons should contact the owner first and if that does not resolve the matter, The Public Utilities Board.

If the cemetery is owned by a religious denomination, municipality or individual and if it is not a prosecutable offense, the matter should be resolved with the owners.

***Can anyone establish a cemetery?***

A cemetery is defined as land that is set apart or used as a place for the burial of dead human bodies or other human remains or in which dead human bodies or other human remains have been buried. With the municipality's approval a cemetery may be established and if it is a for profit cemetery an application will need to be made to The Public Utilities Board for license.

It is highly recommended that all cemeteries be established by separate title and always be in a location allowing for ease of access.

***Are vaults mandatory?***

Vaults are not required by law, but because they keep the ground from settling after burial and make mowing and maintenance easier, cemeteries may have their own policies requiring them as set out in their Rules and Regulations.

***Is there a provincial registry of all burials?***

No, each cemetery owner will need to be contacted. The following link to the Manitoba Genealogical Society Inc. [www.mbgenealogy.com](http://www.mbgenealogy.com) may be of assistance.

***Are funeral directors licensed and must they follow a Professional Code of Ethics?***

Funeral directors are licensed by the Board of Administration under *The Embalmers and Funeral Directors Act* administered by Vital Statistics. Issues of professional ethics should be raised with the Board of Administration.

***If I want legal information what statutes apply in this area?***

1. *The Embalmers and Funeral Directors Act*
2. *The Cemeteries Act*
3. *The Prearranged Funeral Services Act*
4. *The Public Health Act*

***Are there any agencies other than the death care service providers that can assist a person with these decisions?***

Yes, the Funeral Planning and Memorial Society of Manitoba can provide some assistance and can be reached at 613 St. Mary's Road, Winnipeg, Manitoba, R2M 3L8, Tel: (204) 452-7999, [www.funeralsocietymb.org](http://www.funeralsocietymb.org)