

## **Funeral Industry Legislation**

The Ontario government has recently passed new legislation to consolidate and improve the supervision of the funeral industry.

The Act steps up the licensing requirements for all aspects of the industry and provides for greater consumer protection. For instance, funeral operators (which include funeral directors and cemetery owners) are now required to maintain price lists in relation to the supplies and services they sell and they are prohibited from selling at a price that is more than the price that is indicated on the price list. The contract with a funeral operator must be in writing to be enforceable and a purchaser of funeral or cemetery services or supplies is entitled to a 30 day cooling off period during which the contract may be cancelled and any money paid under it fully refunded. A person who purchases or holds interment or scattering rights may resell those rights to a third party unless the cemetery's by-laws prohibit the resale. If this resale is prohibited by by-law, then the cemetery owner is required to repurchase the rights from the consumer in accordance with the Act.

Any monies paid in advance to an operator in respect of the sale of supplies and services must be held in trust by the operator. Cemetery operators must maintain a separate fund to ensure the proper care and maintenance of cemetery property in the future.

The Act also establishes a regulatory authority in the form of a discipline committee for all aspects of the funeral industry. Fines can be imposed by the committee for a breach of a code of ethics established by regulation or the committee can provide restitution or compensation to a consumer for a breach of the statute. It is expected that this new legislation will be proclaimed in force in the near future.

John E. Johnson  
613-231-8253  
[john.johnson@nelligan.ca](mailto:john.johnson@nelligan.ca)



**NelliganO'BrienPayne**

Lawyers/Patent and Trade-Mark Agents  
Avocats/Agents de brevets et de marques de commerce