

Interment Rights Procedure

The Interment Rights, or Burial Rights, for a plot or niche give the Rights Holder the right to say who can be interred or buried. Interment Rights also include the right to erect a memorial and direct inscriptions. If there is more than one Rights Holder, then ideally all parties must give their consent before any interments take place or a memorial is erected (except where one of the current owners is being interred).

The Interment Rights Holder of record is the person that is named on the official Deed/Certificate of Interment Rights. Usually, but not always, the Interment Rights Holder of record is/was the person who purchased the interment rights. This becomes an issue when the Interment Rights Holder is deceased and other family members wish to use the plot.

What Happens When the Interment Rights Holder is Already Deceased?

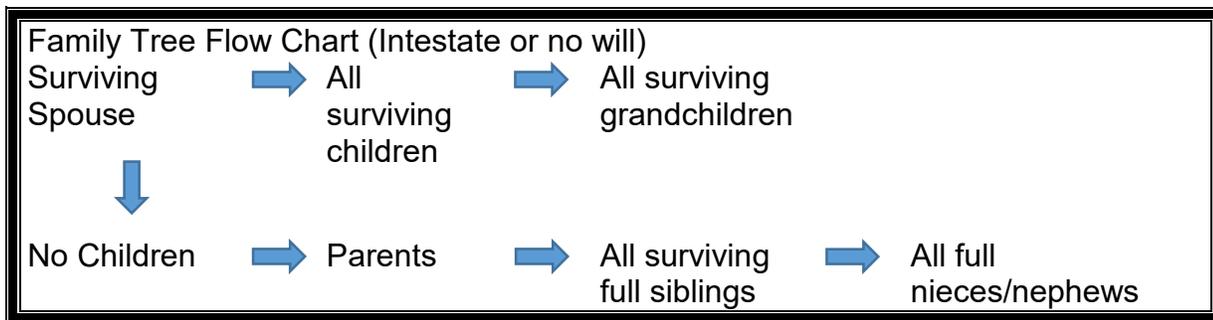
When the Interment Rights Holder dies, the Rights are considered an asset of the estate and as such are distributed to the beneficiaries of the deceased's estate. The Rights must then be confirmed and registered in the new owner's name for the transfer to be completed.

The Interment Rights do not automatically transfer to the "children or spouse etc". Interment Rights to a plot cannot be given or taken without first notifying The Town of Blind River – the cemetery owner/operation and the owner of the land itself.

Situations often arise where family members want to arrange for a further burial (other than for the Interment Rights Holder) to take place or for an additional inscription to be placed on the memorial but the registered owner is deceased. As stated, a living Rights Holder is required to give permission for another burial to take place or for a memorial to be erected or altered. In order for the burial or memorial request to proceed, the Interment Rights need to be transferred to the person(s) entitled to those Interment Rights.

Who is Entitled to the Burial Rights?

If the Interment Rights Holder left a will, and did not specifically bequeath the Rights, then the main beneficiary of the deceased's estate is entitled to the Interment Rights. If the estate is divided equally between a number of beneficiaries, they are all entitled to a share in the Interment Rights. If the Rights Holder did not leave a will (died intestate), then the persons entitled to the Rights are the direct next of kin following their blood line and in accordance with the Succession Law Reform Act, 990.



How to Transfer or Confirm Interment Rights

Any original documents confirming or supporting family ownership of a plot or niche or other satisfactory evidence of ownership will be required in addition to an application with supporting documents which may include a Statutory Declaration. This is a sworn statement explaining that the registered Rights Holder is deceased and names who is entitled to the Interment Rights and why. In the event of a family dispute regarding entitlement or rights, a legal opinion should be sought from an Estate lawyer.

If you are the registered Rights Holder and would like another person to also be an owner, you can assign the Rights making you joint owners with the following benefits:

- In the future, when one Rights Holder dies, this leaves a remaining living Rights Holder and no further legal transfer is required
- Ensures there is a “living” Rights Holder to take care of any future burials/memorialization
- Where a “family” plot has sufficient space, it provides continuity through the generations

Upon the death of a sole Interment Rights Holder, the estate executor or family is encouraged to transfer the rights of remaining graves to a “living” Rights Holder at no charge.