

**ST. MARY THE VIRGIN CHURCH
CEMETERY BOARD
BY-LAWS**

Operator / Licence No. 3291602 Site No. 02901 / CM-02901

St. Mary the Virgin Church Cemetery (*Cemetery*), situated Lot 8, Concession 3 of Ottawa Front in the City of Ottawa, 2750 Navan Road, RR #4 Gloucester, Ontario, is land deeded in 1875 by Richard and Anna Bridget Dagg, to the Diocese of Ontario of the United Church of England and Ireland and their assignees, for the use as a Church and Cemetery, for the sum of One Dollar (\$1.00).

This land is held in trust by the Diocese of Ottawa (*Diocese*) for the Anglican Church of Canada.

For approximately 148 Years from 1875 to 2023, the Church of St. Mary the Virgin operated at various times as St. Mary the Virgin Parish, or as part of a multi-point Parish. In 2023, The Diocese amalgamated the Church of St. Mary the Virgin Anglican as part of St. Helen's Anglican Church in the Parish of Orleans (*Church/Parish*), which is administered by the corporation executive (*corporation*).

The *Corporation* address:

Cemetery Board – St. Mary the Virgin
c/o The Parish of Orleans
St. Helen's Anglican Church
1234 Prestone Drive
Orleans ON K1E 3X9

The *Cemetery* is administered, on behalf of the *Corporation*, by a *Board* of Trustees (*Board*) elected by the membership of the Church (*Vestry*) at the Annual Vestry of the Parish. Five (5) to seven (7) trustees are to be elected at the annual Vestry. The Board shall be responsible to Vestry for the operation of the Cemetery.

The Cemetery is legislatively required to be operated in conformance with *Funeral Burial and Cremation Services Act*, S.O. 2002, c. 33, as amended (*Act*), of the Province of Ontario, and with any Regulations (*Regulations*) created by the *Act*.

The Cemetery is also governed by the Canons, By-Laws and Regulations of the *Diocese*.

The Act is administered by the *Bereavement Authority of Ontario (BAO)* established as a Delegated Administrative Authority on January 16, 2016, under the *Safety and Consumer Statutes Administration Act*, 1996, and *Ontario Regulation 187/09*. The BAO administers provisions of the *Funeral, Burial and Cremation Services Act, 2002 (Act)* which is consumer protection legislation respecting funerals, burials, cremations and related services within the Province of Ontario.

The *Board* shall establish *By-laws* for endorsement by the *Corporation*, which will come into effect upon approval by the governing *BAO*, as determined by the *Act*.

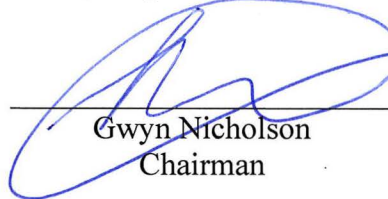
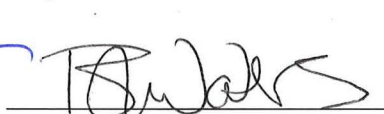

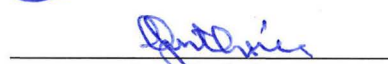
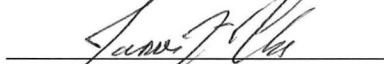
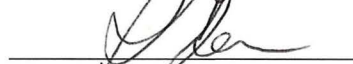

The *Board* may establish *Cemetery Rules*, which shall come into effect, and be attached to the *By-laws* as *Schedule "A"*, upon approval by the governing *BAO*, as determined by the *Act*.

BY-LAWS

1. The *Cemetery* shall be operated in such a manner as to preserve the *Cemetery's* identity with the *Church*, and its historical link with the former community of Blackburn (now Blackburn Hamlet), Ottawa (Gloucester), Ontario, and is primarily intended for the use of those persons who are current or former members of the *Church*, who have close relatives buried in the *Cemetery*, or who have a historical relationship with the former community of Blackburn, and its environs by having resided there when it was largely a farming community.
2. Interment Rights to graves or plots may be offered for sale by the *Board*.
3. The *Board* shall nominate a slate of Trustees to the *Corporation*, for consideration along with other nominees from the *Parish*, for election at the annual *Vestry*. The *Board* shall be responsible to *Vestry* for the operation of the *Cemetery*.
4. The *Board* shall consist of a Chair, Secretary-Treasurer, *Vestry* representative, and at least two (2) other members. The Incumbent is an Ex-Officio member of the *Board*.
5. The *Board* shall hold at least four (4) meetings per year, to be held on dates canvassed and mutually agreeable to the majority of the *Board*. Quorum for the Meeting shall be the majority of the *Board*. Voting shall be based on a simple majority of those in attendance at the Meeting.
6. The *Board* is responsible for ensuring that:
 - a. The *Cemetery* is operated in accordance with the *Act*, *Regulations*, *By-laws* and *Cemetery Rules*.
 - b. The uses of the *Cemetery* are consistent with the use and practices of an Anglican Church Cemetery.
 - c. The *Cemetery* is developed and maintained in a businesslike manner, to ensure the financial viability of the *Cemetery*, and the requirements of the *Act*.
 - d. Records are accurately maintained, and that the *Corporation* office is provided with copies of the minutes, financial statements, burial records, and major correspondence.
 - e. An annual financial statement is provided for audit by the *Corporation*.

- f. Legislated reports and returns are submitted as required.
- g. Cheques shall be signed by two Members of the *Board*.
- h. The *Board* shall, from time to time, under authority of the *Act*, establish a "Fee Schedule for Interment Rights and Related Services" (*Fee Schedule*), which shall come into effect and be attached to the *By-laws* as Schedule "B", in accordance with the legislated requirements.

Move, adopted, and signed at the City of Ottawa, Ontario this 27th Day of May 2024.

 _____ Gwyn Nicholson Chairman	 _____ Venerable Rhonda Waters Incumbent	 _____ Don Saunders Secretary-Treasurer
 _____ Ian Guthrie Recording Secretary	 _____ Jim Clark Director	 _____ Brian Glenn Director
	 _____ Jean Lockett Director	

**ST. MARY THE VIRGIN CHURCH
CEMETERY BOARD
CEMETERY RULES**

Operator / Licence No. 3291602 Site No. 02901 / CM-02901

Schedule "A" of the BY-LAWS

INTERMENT RIGHTS:

1. Purchase:

Interment Rights may be purchased from the Secretary-Treasurer upon application in the prescribed form, and payment in full, of the fee in Schedule "B".

The Secretary-Treasurer shall issue a Certificate of Interment Rights (*Certificate*), to the Interment Rights Holder (*Holder*) in the prescribed form.

2. Consumer Protection:

Pursuant to the *Consumer Protection Act, S.O. 2002, c 30* Sched. A, a consumer may cancel a Contract for Services, within a 30 Day "Cooling Off Period, following the signing of the Contract and Payment of Fees for goods and services.

- a. **Goods & Services:** Interment Rights are the only pre-need products or services provided by the Cemetery Board. All other services are "At Need".
- b. **Within 30 Days:** Upon written request, the full cost of the *Interment Rights* will be returned, including *Care & Maintenance*.
- c. **After 30 Days:** The *Care & Maintenance* Fees will have been submitted, and any repurchase or return to the Board, would be subject to Paragraph 3 "Repurchase of Unused *Interment Rights* by the Board.

3. Repurchase of Unused Interment Rights by the Board:

Interment Rights may be re-purchased by the Board for no more than the current selling price, less the current Care & Maintenance Fee.

4. Resale or Transfer of Unused Interment Rights:

Interment Rights may be resold by the *Holder* to a third party, subject to the following conditions:

- a. The *Interment Rights* may be sold for no more than the current selling price, less the current Care & Maintenance Fee.
- b. The Board must be notified in writing, in advance of the sale.
- c. The Board has right of first refusal to reclaim those Interment Rights.
- d. The sale must be to a person who would be qualified to purchase Interment Rights, as described in Paragraph 1 of the By-laws.

- e. The administrative and financial requirements of Paragraph 7 are applicable.

5. Transfer or Bequest of Unused Interment Rights to Family Members:

- a. Unused *Interment Rights* may be transferred to Family Members.
- b. Unused *Interment Rights* may be bequeathed, upon the death of the *Holder*, when accompanied by a copy of the *Holder's* Probated Will, or other documentation satisfactory to the *Board*.
- c. The administrative and financial requirements of Paragraph 7 are applicable.

6. Transfer to Family Members where there is no Last Will & Testament.

Where a *Holder* dies intestate in respect of property and leaves issue surviving him or her:

- a. The unused *Interment Rights* may be transferred to the surviving spouse or lawful partner.
- b. Where there is no spouse, or the spouse or lawful partner indicates in writing that he or she does not wish to exercise his or her rights, these rights may be transferred to his or her issue, who are of the nearest degree in which there are issue surviving him or her, upon the written agreement of the other surviving issue at the same degree. *Succession Law Reform Act* R.S.O. 1990, Chap. S.26, as amended.
- c. The administrative and financial requirements of Paragraph 7 are applicable.

7. Administrative and Financial Requirements Relating to Transfers and Sale:

- a. In all cases, *the* original copy of the *Certificate* shall be surrendered to the Secretary-Treasurer.
- b. The Board has first refusal on the Transfer or Resale of a Plot.
- c. In the case of a resale to the Board, the price shall be the current selling price for a Plot at the time that it is returned to the Board, minus the Care & Maintenance Fee in effect at the time of the resale.
- d. In the case of a Resale to another party, the Care & Maintenance Fee shall be paid at the rate in effect at the time of Sale. The cost of the Resale cannot exceed the listed price for a Plot at the time that the resale takes place.
- e. In the case of Transfer or Bequest within a Family, the Care & Maintenance Fee shall be paid at the rate in effect at the time of Transfer. This provision is not applicable where it can be established, to the satisfaction of the *Board*, that the Care & Maintenance Fee has been paid at the time of the original purchase.
- f. *The Fee for the Transfer or Sale, in accordance with Schedule "B".*
- g. Once the Administrative & Financial Requirements have been satisfied, the *Board* shall re-issue a new Certificate of Interment Rights to the new Holder:

8. Abandoned Interment Rights:

- a. Where Interment Rights remain unused for 20 years after purchase, the *Board* may make application in accordance with the legislated requirements, to have them legally declared Abandoned. Once declared Abandoned, the Interment Rights are returned to the *Board* for resale.

INTERMENTS:

1. No interment shall take place until all *fees* have been paid in full, including Care & Maintenance, Location, Opening & Closing Fees.
2. No interment of anyone other than the *rights holder*, to take place without the written consent of the *rights holder*.
3. Each interment shall be arranged with the Board and the *Parish* Priest-in-Charge, to enable coordination of the opening and closing and of Priestly Services as applicable.
4. Interment shall be officiated by the *Incumbent* or an alternative clergy approved by the *Incumbent*, unless they authorize non-clergy attendance.
5. Casket Interments shall be made only in the location and direction indicated by the *Board*, to reflect the orientation of previous burials and headstones in the immediate vicinity of the burial, or the traditional orientation of an Anglican Cemetery. Full casket interments should be kept tight to the foot of the grave to facilitate placement of a headstone footing. Caskets shall not be stacked.
6. Ashes shall be interred in an Urn container, and buried in an Urn Plot, or in an Urn Plot located over an existing casket. Urn containers shall not be disturbed to accommodate a subsequent casket interment.
7. Animal remains shall not be interred in the Cemetery.

DISINTERMENT AND MOVING:

1. No body may be moved or disinterred without the written consent of the local Medical Officer of Health and the *Holder* or the personal representative of the *Holder*, except on an order from the Court, Coroner, Attorney General, Solicitor General or an authorized delegate, as provided for in the *Act or Regulations*.
2. No cremation urn shall be moved or disinterred without the written consent of the *Holder* or the personal representative of the *Holder* and the *Incumbent*.
3. No aforementioned movement or disinterment shall take place without the presence of the *Incumbent* or their representative to safeguard the spiritual requirements, and without a member of the *Board* to safeguard the administrative requirements.

4. Where a body or urn has been disinterred and removed from the *Cemetery*, for re-interment elsewhere, the *Interment Rights* shall be surrendered to the *Board* without compensation, and the Administrative Fee paid, prior to such removal.
5. Where the body or urn is exhumed and re-interred after examination by the Courts or Coroner, the Administrative Fee shall be paid for both the exhumation and re-interment.
6. Applicable *Fees* shall be paid prior to disinterment or re-interment.

ORNAMENTATION OF PLOTS:

1. Where any trees or shrubs situated on any Plot, Grave, or Urn Plot are, in the opinion of the *Board*, detrimental to the adjacent lots, general appearance of the grounds, or prejudicial to the development and operation of the *Cemetery*, the *Board* may order them to be removed, or may have them removed without further notice or compensation to the *Holder*.
2. Where the erection of borders, fences, railings, walls or hedges around Plots, Graves, or Urn Plots, are, in the opinion of the *Board*, considered to be detrimental to the efficient and economic maintenance of the cemetery, the Board may order them to be removed, or may have them removed without further notice or compensation to the *Holder*.
3. No person shall do any work upon a burial Plot, Grave or Urn Plot without the permission of the *Board*.

PLOT DIMENSIONS:

1. **Measurements:** All measurements are in Imperial as per the original layout, with any Metric Dimensions as informative only:

3 in.	75 mm
6 in.	150 mm
1 ft.	300 mm
2 ft.	600 mm
3 ft.	900 mm
4 ft.	1,200 mm

2. **Legacy Layout & Dimensions:**

- a. Unlike traditional Soldier Row Alignments, the Cemetery was originally organized into 16 ft. x 16 ft. Family Plots, capable of containing 8 – 4 ft. x 8 ft. Grave Plots.
- b. Starting in the early 1980s, 2 ft. x 2 ft. Urn Plots were offered for Interment Rights.

- c. The resulting staggering of headstones has led to difficulties in accommodating increased size Caskets and resulting excavation.

LEGACY PLOT NO. NORTH – NAVAN RD 16 ft. x 16 ft.	
4 ft. 8 ft. Grave 1	8 ft. Grave 5
4 Ft. Grave 2	Grave 6
4 Ft. Grave 3	Grave 7
4 Ft. Grave 4	Grave 8

LEGACY GRAVE NO. URNS NORTH – NAVAN RD 4 ft. x 8 ft.			
2 ft. 2 ft. Urn 1	2 ft. Urn 2	2 ft. Urn 3	2 ft. Urn 4
2ft Urn 5	Urn 6	Urn 7	Urn 8

3. **2024 Layout of Unused Plots & Graves:**

- The *Funeral, Burial & Cremation Services Act 2002*, O. Reg 30/11, s. 154(1) requires a minimum length for a Casket Burial of 8 ft. exclusive of Headstone Space.
- To accommodate Increased Casket Sizes and rationalize the layout of Grave Markers the following dimensions will be utilized effective the passing of this By-Law.
- The East half of the 10 ft. of the 16 ft. x 16 ft. Plots to be utilized as Grave Plots for Casket Plots – 8 ft. for the Casket and 2 ft. Marker Shelf.
- The West half of the 6 ft. of the 16 ft. x 16 ft. Plots is to be utilized for Urn Plots.
- Grave Plots for Caskets shall measure 4 ft. x 10 ft. oriented East West, with Headstones to be contained in Western 2 ft. Marker Shelf, for viewing from the East.
- Urn Plot dimensions are 2 x 2 ft. and can only utilize Flat Markers.
 - Urn Plots may be provided over a pre-existing casket, either by provision in a Will, pre-direction to the Board, or on the consent of the family.
 - Caskets cannot be placed beneath ~~pre-existing~~ previously interred Urns.
 - Urns may have a maximum 1 ft horizontal and 1 ft. vertical dimension.
- Mini-Columbaria are not Permitted.
- Sketch of 2024 Layout:

2024 GRAVE NO. URNS – West Half of Plots NORTH – NAVAN RD URNS ONLY – FLAT MARKER 4 ft. x 6 ft.		
2 ft. Urn 1	2 ft. Urn 2	2 ft. Urn 3
2ft Urn 4	Urn 5	Urn 6

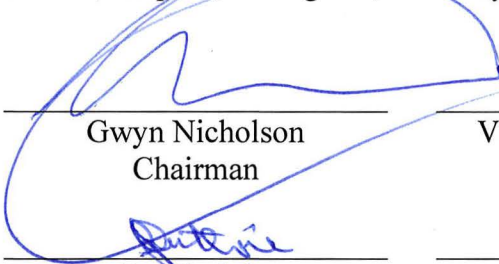



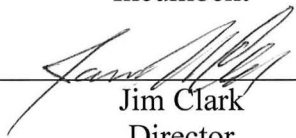
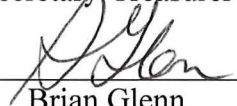
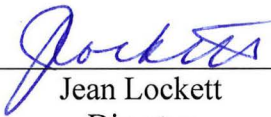
2024 GRAVE NO. URNS – East Half of Plots GRAVE WITH MARKER CASKET / URN / MARKER LOCATIONS NORTH – NAVAN RD 4 ft. x 10 ft.				
2 ft. Urn 1	2 ft. Urn 2	2 ft. Urn 3	2 ft. Urn 4	2 ft. Marker
2ft Urn 5	Urn 6	Urn 7	Urn 8	Marker

MONUMENTS & MARKERS:

1. The Internment Rights Holder or designate is responsible for:
 - a. The installation of the Marker and for any foundation bases as are required,
 - b. Maintaining the markers in a level and safe condition.
 - c. The maintenance, repair and adjusting of their Markers.
2. Markers may be either:
 - a. Upright monument (vertically plumb) for a full Grave Marker.
 - b. Flat marker (horizontally level) for an Urn Marker or Foot Marker. *A flat marker may not be sloped, to limit the possibility of damage to equipment or the marker, or injury to persons, during grounds maintenance.*
3. Upright monuments shall be set upon adequate concrete bases, and no foundation shall be less than 4 ft. in depth, or the full depth of the grave, and shall fully support the base of the Monument.
4. Foundations for a single grave shall have a maximum thickness of 1.5 ft. and width of 3 ft. 6 in. to be contained within the 2 x 4 ft. shelf space at the West End of the Grave, tight to the West End. Graves for a double casket Plot for a couple may have a maximum width greater than 3 ft. 6 in.
5. *Monuments* shall have a maximum height of 4 ft. in. (1,200 mm), inclusive of base, above Grade and be located wholly upon the Base.

6. Monuments or flat markers shall only be erected in the location, with the inscription facing the direction established by this By-Law or the *Board*, either to reflect the orientation of previous burials in the vicinity.
7. *Monuments* or *flat markers* shall not bear any inscriptions or symbols, which are objectionable, profane or otherwise disrespectful, and only bear inscriptions consistent with the dignity of an Anglican *Cemetery*, as determined by the *Board*, in consultation with the *Incumbent*. The *Board* may order them to be cleaned or removed, or may have them removed without further notice or compensation to the *Holder*.
8. Where *monuments*, *flat markers* have not been erected in full compliance of the *Cemetery By-laws* and/or *Cemetery Rules*, or in the opinion of the Board have become unsafe, unstable, or in poor repair, the *Board* may order that they be moved, removed, set down flush with the ground, or corrected at the *Holder's* or installer's own expense. Where this order has not been complied with, within a specified or a reasonable period of time, the monument or marker and base may be moved, removed, or corrected by the *Board*, without compensation to the *Holder*. *Funeral, Burial & Cremation Services Act 2002*, O. Reg 30/11, s. 159(1)
9. Children under the age of full adult criminal and civil responsibility are not permitted on the grounds, except in charge of an adult, who shall be responsible for their safety and good conduct.
10. Interments may only take place during that part of the year where, in the opinion of the *Board*, the grounds are sufficiently clear of snow and ice as to enable location of control markers, and the ground is sufficiently free of frost, to enable excavation.

Moved, adopted, and signed at the City of Ottawa, Ontario this 27th Day of May 2024

 _____ Gwyn Nicholson Chairman	 _____ Venerable Rhonda Waters Incumbent	 _____ Don Saunders Secretary-Treasurer
 _____ Ian Guthrie Recording Secretary	 _____ Jim Clark Director	 _____ Brian Glenn Director
	 _____ Jean Lockett Director	

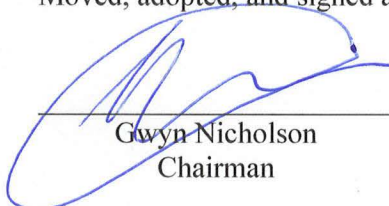
**ST. MARY THE VIRGIN CHURCH
CEMETERY BOARD
TARIFF OF FEES
Schedule "B" of the BY-LAWS**

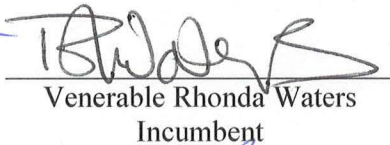
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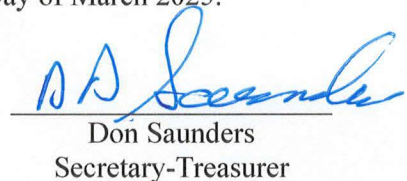
The tariff of fees schedule for burials, and related services, shall be as follows, or as amended from time to time under authority of the Funeral, Burial, and Cremation Services Act, and shall include the Care and Maintenance Fund (C&M) of 40% or Minimum as provided in the Act, plus applicable Taxes:

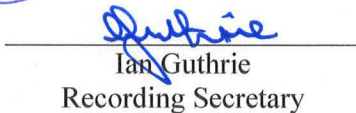
a.	4. x 8 ft. Grave Plot (32 sq. ft.) – Including \$800.00 C&M (Legacy)	\$2,000.00
b.	4 x 10 ft Grave plot (40 sq. ft) – Including \$1,120.00 C&M (2024)	\$2,800.00
c.	2 x 2 ft. Urn Plot (4 sq. ft.) - Including \$200.00 C&M	\$500.00
d.	Opening and closing – burial (grave) plot (location & excavation)	\$1,100.00
e.	Opening and closing – urn plot (location & excavation)	\$400.00
f.	Flat marker less than 173 sq. in. - C&M	\$0.00
g.	Flat marker 173 sq. in. or more - \$100.00 C&M	\$100.00
h.	Upright monument 4 ft. height or length or less – \$200.00 C&M	\$200.00
i.	Upright monument more than 4 ft. – Not Permitted	N/A
j.	Marker Location Fee	\$250.00
k.	Administrative Fee – Re-Issue, Transfer, or Document Change	\$35.00
l.	Provincial and Federal Taxes, where applicable, are in addition to these fees.	

Moved, adopted, and signed at the City of Ottawa, Ontario this 31st Day of March 2025.

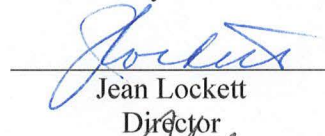

Gwyn Nicholson
Chairman


Venerable Rhonda Waters
Incumbent


Don Saunders
Secretary-Treasurer


Ian Guthrie
Recording Secretary


Jim Clark
Director


Jean Lockett
Director


Brian Glenn
Director