

# Consumer Information Guide to **FUNERALS, BURIALS AND CREMATION SERVICES**





Losing a loved one can be a difficult and stressful time.

Whether you need to arrange a funeral, burial or cremation service now, or you are planning ahead for yourself or someone else, this guide can help you make an informed choice.

If you are planning for yourself, it is important to discuss your wishes with your family and legal representative so that when the time comes, the arrangements can be made according to your wishes. You may also want to consider any religious, cultural or social customs that you observe.

Ontario's *Funeral, Burial and Cremation Services Act, 2002*, regulates funerals, burials, cremations and related services in Ontario. The Act ensures that you are dealing with qualified and licensed professionals who provide a variety of affordable options.

To learn more, visit the **Ministry of Consumer Services** at [www.ontario.ca/consumerservices](http://www.ontario.ca/consumerservices) and the **Board of Funeral Services** at [www.funeralboard.com](http://www.funeralboard.com).



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# 1 BEFORE YOU GET STARTED WITH MAKING ARRANGEMENTS

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## TERMS YOU NEED TO KNOW

**Service provider** or **Provider** refers to an operator of a cemetery, crematorium, funeral home or transfer service. You may obtain a list of licensed cemeteries and crematoriums from the **Ministry of Consumer Services** at [www.ontario.ca/consumerservices](http://www.ontario.ca/consumerservices) and a list of licensed funeral homes, funeral directors and transfer services from the **Board Of Funeral Services** at [www.funeralboard.com](http://www.funeralboard.com).

**Supplies** may include caskets, markers and monuments, vaults, urns and flowers.

**Services** may include a funeral, visitation, opening and closing of a grave and cremation.

### WHO HAS THE LEGAL AUTHORITY TO DECIDE?

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One of the first things to determine after someone dies is who has the authority to decide what will happen to the deceased person's body. Here is a list, in order, of who may act as legal representative to make decisions:

1. Estate trustee, also called an executor or executrix, who is named in the deceased person's will (or an administrator appointed by the court)
2. Spouse
3. Adult children.

If you are the legal representative, the *Provider* may ask you to provide photo identification and proof of your authority, such as a will or court order, before making arrangements. To learn more about wills and estates law, please visit [www.ontario.ca](http://www.ontario.ca) and follow links to the Ministry of the Attorney General.

## WHEN IS IT NECESSARY TO USE A PROVIDER?

Depending on the services you choose, the deceased person may be moved to a funeral home, a transfer service, a cemetery or a crematorium. Unless you or your family intend to carry out the services yourselves, only a *Provider* may offer funeral and transfer services. If you choose burial or cremation, you must involve a cemetery or crematorium. If you are going to move a body out of Ontario, you should speak to a funeral home or transfer service provider.



## HOW CAN EACH PROVIDER HELP?

This chart outlines the types of services usually offered by different *Providers*:

Provider	What they usually offer
<b>Funeral home</b>	<p><b>A full range of funeral services and supplies, such as:</b></p> <ul style="list-style-type: none"> <li>• Coordinating religious and non-religious funeral and memorial services, receptions and the rental of facilities</li> <li>• Removing the body from the place of death</li> <li>• Washing, embalming and dressing the body</li> <li>• Placing the body in a casket and delivering it to a cemetery or crematorium</li> <li>• Registering the death</li> <li>• Transporting the body to or from a place of worship</li> <li>• Arranging to transport the body of the deceased out of Ontario</li> <li>• Caskets, urns, vaults and flowers.</li> </ul>

Provider	What they usually offer
<b>Transfer service</b>	<p><b>A basic range of transfer services and supplies, such as:</b></p> <ul style="list-style-type: none"> <li>• Removing the body from the place of death</li> <li>• Placing the body in a casket and delivering it to a cemetery or crematorium</li> <li>• Registering the death</li> <li>• Arranging to transport the body of the deceased out of Ontario</li> <li>• Caskets, urns and vaults.</li> </ul> <p>Depending on class of licence, they may be permitted to:</p> <ul style="list-style-type: none"> <li>• Wash and dress the body</li> <li>• Transport the body to or from a place of worship.</li> </ul> <p>They cannot arrange or provide funeral services.</p>
<b>Cemetery</b>	<p><b>Cemetery services and supplies, such as:</b></p> <ul style="list-style-type: none"> <li>• In-ground graves</li> <li>• Crypts in a mausoleum</li> <li>• Niches in a columbarium</li> <li>• Monuments</li> <li>• Places to scatter cremated remains</li> <li>• Vaults, urns, flowers and openings and closings of graves, niches or crypts.</li> </ul>
<b>Crematorium</b>	<p><b>Cremation services and supplies, such as:</b></p> <ul style="list-style-type: none"> <li>• Cremation</li> <li>• Viewing of cremation</li> <li>• Flowers, monuments and urns.</li> </ul>

**Note:** You may purchase certain supplies, such as caskets, monuments, markers and flowers from persons who are not licensed under the Act. If you do, you should first check with the *Provider* to make sure these are acceptable.

## HOW TO CHOOSE A PROVIDER



When choosing a *Provider*:

- Consider recommendations from family or friends
- Talk with more than one *Provider* about their services. Make sure you are comfortable that they understand and are able to meet your needs
- Ask the *Provider* for a price list and written price estimate to compare prices and services
- Get a copy of the cemetery or crematorium's by-laws
- Compare locations and facilities.

## DONATING THE BODY OR ORGANS:

To donate organs for transplant, or the entire body for scientific research, arrangements must be made quickly and directly with health professionals. To learn more, visit the Trillium Gift of Life Network's website at [www.giftoflife.on.ca](http://www.giftoflife.on.ca). Alternatively, you can also speak to a funeral home or transfer service *Provider*.

# 2 MAKING SOME IMPORTANT DECISIONS

When making arrangements, there are many things to consider. The following are some important decisions you will have to make. The costs and available options may help you decide what choices to make.

## WHAT ARE SOME FUNERAL OR MEMORIAL SERVICE OPTIONS?

A celebration of someone's life may help surviving family and friends grieve the loss of a loved one. You can choose a funeral, memorial service or graveside service. A service may be private, attended only by people invited to be present, or it may be public so that anyone can attend. You can also have a public or private visitation (also called viewing), a funeral procession or any other social or cultural custom.

## IS A CASKET NEEDED AND WHAT'S AVAILABLE?

You may buy or rent a casket or provide your own as long as it is safe, appropriate for the intended use and meets the requirements of the cemetery or crematorium. Caskets vary in price and style. They can look simple or fancy. They may be made of a variety of materials. Prices may range from a few hundred dollars to several thousand.

Keep in mind that some caskets cannot be used for cremation, because they are made of materials that will not burn. The casket must also meet cemetery and crematorium by-laws.

A *Provider* may not refuse to serve you or charge you extra if you provide your own casket, though it must be safe for use.

## **WHAT IS EMBALMING AND IS IT REQUIRED?**

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Embalming is the process of replacing blood and bodily fluids with a chemical solution to temporarily preserve the body. In Ontario, you are not required by law to embalm a body. A *Provider* may recommend preservation of the body between the time of death and the time of visitation, burial or cremation. You may choose to have the body washed and dressed without embalming. Ask your funeral home representative to explain the process of embalming so you can make an informed choice.

However, if a deceased person is being transported to another country for funeral, burial or cremation, then embalming and a very tightly sealed casket or container may be required by the receiving country or the company transporting the body, such as an airline.

## **WHAT ARE SOME BURIAL AND CREMATION OPTIONS?**

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With **burial**, the deceased is placed in a grave with or without a casket or in a shroud. Alternatively, the body may be placed in a casket within a crypt. If the body or cremated remains are going to be buried in Ontario, they must be buried in a registered cemetery. A solid container may be required to transport the body. Check the cemetery's by-laws for its specific burial requirements.

**For burial in a grave:** you may purchase a vault or outer liner to protect the casket. This container is placed in the ground and is usually made of concrete or fiberglass. Generally, it is not mandatory to use a vault or outer liner unless required by the medical officer of health.

**For burial in a crypt (entombment):** the casket is placed in a sealed crypt in a mausoleum. A mausoleum is usually an above-ground structure that houses a number of crypts. It is usually made of a combination of concrete, stone or marble. Not all cemeteries have mausoleums.

With **cremation**, the deceased person is placed in a casket or container and fire is used to reduce the body to an ash or granular substance. The cremated remains are then placed in a small box or urn along with a metal identification tag. You may provide your own urn or purchase one from a *Provider*. Check the crematorium and cemetery by-laws for the type and size of container allowed. Also remember that once you choose cremation services, you must also make arrangements for what you wish to have done with the cremated remains.

## **WHAT CAN BE DONE WITH CREMATED REMAINS IN ONTARIO?**

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Here are some choices:

- You may buy rights to bury or scatter the cremated remains in a designated part of a cemetery. Cremated remains may only be buried in a registered cemetery. Scattering rights may not be available at all cemeteries
- You may buy rights to place the cremated remains in a compartment in a columbarium, called a niche. A columbarium is a structure that houses a number of niches
- You may scatter the cremated remains on private property with the consent of the land owner
- You may also hire a *Provider* to scatter the cremated remains for you. Only a *Provider* is permitted to charge you for the service of scattering the cremated remains
- You may also choose to scatter the cremated remains on unoccupied Crown lands and Crown lands covered by water. For more information, visit the Ministry of Consumer Services' website at [www.ontario.ca/consumerservices](http://www.ontario.ca/consumerservices) and select "Cemeteries and Funerals". If you wish to scatter cremated remains on municipally-owned lands, check municipal by-laws first.

If you choose to take or transport the cremated remains out of Ontario, you must follow the laws that apply in any other province or country. Contact a *Provider* for assistance.

## WHAT ARE INTERMENT RIGHTS OR SCATTERING RIGHTS AND HOW CAN I BUY THEM?

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An interment right refers to the right to bury human remains in a grave, crypt or niche. If you are named on the interment rights certificate, you are the interment rights holder. If you are an interment rights holder, you may request a burial or disinterment, or place a decoration, marker or monument on the grave, as long as you follow the cemetery's by-laws.

Depending on the cemetery's by-laws, you may sell or transfer your interment rights to someone else or sell them back to the cemetery.

A scattering right refers to the right to scatter cremated remains in a cemetery. If you hold the right, you are the scattering rights holder and you may scatter cremated remains in a designated place within the cemetery, as long as you follow its by-laws.

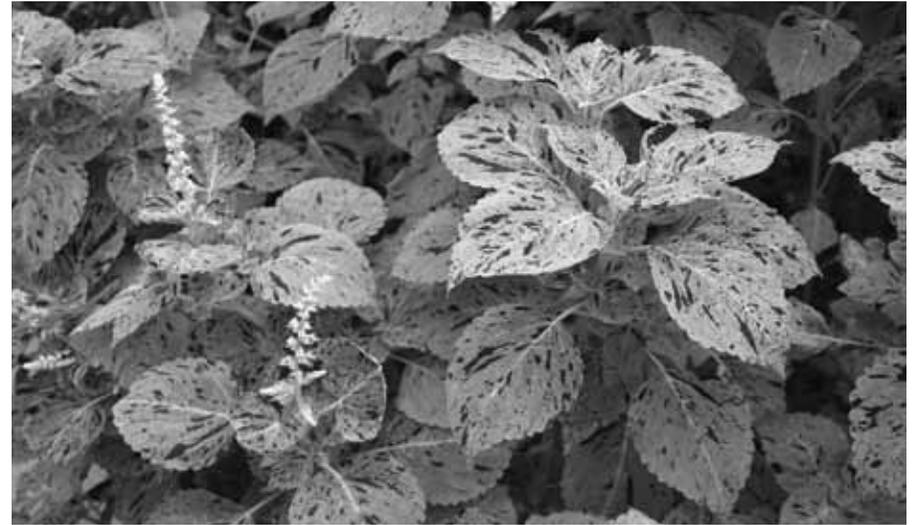
Depending on the cemetery's by-laws, you may also sell or transfer your scattering rights to someone else or sell them back to the cemetery.

**To buy interment rights or scattering rights:** Before you make a purchase, each cemetery will give you:

- A copy of its current price list
- Its by-laws, and
- An explanation of any restrictions on the rights you are buying (such as any restrictions on memorialization options, monuments, etc.).

Contact a cemetery directly, compare prices and review the by-laws before you decide. Your contract will specify how many interments (bodies or cremated remains) or scatterings you are entitled to with each interment or scattering right.

**Note:** Part of the money you pay for interment and scattering rights will be placed in a care and maintenance trust fund. The income this fund earns is used to maintain the cemetery for the future. The care and maintenance contribution depends on the type and cost of the rights.



**Reselling interment or scattering rights:** You may resell interment or scattering rights to someone else if the cemetery by-laws allow it. If you resell to someone else, you must inform the cemetery. They will then transfer the rights to the new owner. You cannot resell rights for a price greater than the price on that cemetery's current price list. If the by-laws do not allow you to sell the rights to someone else, the cemetery must buy the rights from you at market value (the price on the cemetery's current price list), less any payments that were made to the cemetery's care and maintenance fund. A cemetery may charge a fee when you resell your interment or scattering rights to another person. The cemetery does not have to buy back rights for a grave in a plot (which is a group of graves originally bought as a unit) if one of those graves has been used.

## WHAT IF I CAN'T AFFORD THE COSTS?

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If you do not have enough money to pay for funeral or transfer services or for cremation or burial, you can apply to your local municipality for financial assistance. Speak to your municipality before you sign a contract, as you may not be eligible for assistance. Usually, the municipality will limit your choice of casket, urn or grave and the services you will be able to request.

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# 3 YOUR CONTRACT

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When you make arrangements with a *Provider*, you may want to bring someone you trust along with you. Making arrangements can be stressful. You may welcome the help and support of a family member or friend. Once you choose the services and supplies you want, you will be asked to sign a contract with the *Provider*.

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## BEFORE YOU SIGN A CONTRACT

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- Make sure you are dealing with a licensed *Provider* by asking to see their licence
- Review the *Provider's* price list to make choices you can afford
- Review the cemetery's or crematorium's by-laws
- Make sure the contract sets out the things you have agreed to buy or rent, such as:
  - Services, facilities and vehicles
  - Casket, urn, vault, grave, crypt or niche and monument
  - Any other payments (for newspaper notices, police escorts, honorarium for religious officials, etc.).

The contract should also include taxes to be paid and tell you if the *Provider* is receiving any commission or benefit from other parties for recommending them to you.

At the time of purchase, the *Provider* must disclose to you that if, at the time of need, the supplies and services you have contracted for are not available, then supplies and services of equivalent value will be provided without additional cost.

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## CANCELLING A CONTRACT

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By law, you may cancel your contract at any time before the services or supplies have been provided.

Here is the cancellation process in most cases:

1. You must give written notice to the *Provider* that you want to cancel the contract
2. Within 30 days of providing written notice, the *Provider* will give you your money back for anything that you have paid for but not yet received
3. The amount of your refund will depend on when you cancel and whether the *Provider* has incurred costs.

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## CANCELLING A CONTRACT FOR INTERMENT OR SCATTERING RIGHTS

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You may cancel contracts for interment and scattering rights and receive a full refund of the amount paid within 30 days if you have not used the rights. After 30 days, you will get a refund of the amount paid, less the amount paid into the cemetery's care and maintenance trust fund.



### TIP

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For the contract to be valid (this may be referred to as “enforceable” in your contract), you and the *Provider* must both sign the contract. The *Provider* will explain your cancellation and refund rights. Make sure you get a copy of the contract after it is signed. If you buy supplies and services from a cemetery or crematorium, the *Provider* will also give you a copy of its by-laws. The by-laws set out any special rules that you must follow, including any restrictions on the purchase of supplies and services.

## YOUR CONTRACT CHECKLIST

The *Provider* will give you a copy of the contract. Make sure the contract includes:

- The name of the person who is paying for the contract (the purchaser)
- The name of the person for whom the services or supplies are to be provided (the recipient)
- The name of the company you are dealing with (the *Provider*)
- A description of the services and supplies you have chosen and a description of when, under what circumstances and in what manner they are to be provided
- The price of each supply or service, taxes and the total price
- All payment, cancellation and refund policies, including the right to change your mind and cancel the contract
- For interment rights, make sure the contract also includes the location and description of the grave, crypt or niche
- For scattering rights, make sure the contract also includes the location and description of where the scattering may occur
- A copy of the cemetery's or crematorium's by-laws
- A certificate of interment rights or scattering rights once these rights are paid in full. The certificate must include the name of the person who can legally authorize an interment or scattering.



## 4 PRE-ARRANGING AND PREPAYING

Many people plan ahead to prepare for their death. Many people also pay in advance for their final arrangements, although this is not required. Here are some common questions you may have about pre-arranging and prepaying.

### WHY IS PLANNING AHEAD A GOOD IDEA?

- It saves your family and friends from having to make many difficult decisions during a time of grief
- It gives you a say in planning your own arrangements
- It gives you time to assess and compare your options
- It helps family and legal representatives who will be making arrangements at the time of need.

**Important:** After your death, your legal representative (such as the estate trustee, etc.) may, by law, change your pre-arranged funeral, burial or cremation plans. It is important to discuss your wishes with him or her and your family.

## DO I HAVE TO PAY IN ADVANCE?

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No, it is a choice. You can simply pre-arrange your services or supplies without prepaying. Some *Providers* may keep a record of your arrangements without cost; ask your *Provider* about this service. If you decide to prepay, your *Provider* will ask you to sign a contract. See “Your Prepayment Checklist” in this guide.



It’s a good idea to learn as much as you can before you talk to a *Provider*. The “Important Information and Funeral Planning Guide” will help you gather the information you need to plan a funeral. You can find a copy at [www.funeralboard.com](http://www.funeralboard.com).

## HOW CAN I PREPAY MY CONTRACT?

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With most *Providers*, there are two ways to prepay:

1. You can pay the money to the *Provider* to be held for you “in trust.” This means your money will be held safely for you at a bank, trust company or with an independent trustee. It will earn income over the years until it is needed to pay for the services or supplies you have requested. The income earned will be used to offset any increase in costs.
2. You can buy insurance from an insurance company. Your *Provider* may have an insurance program in place. With this option, you should buy enough insurance to cover the costs of your pre-arranged services or supplies at the time of need. The insurance company will then pay the *Provider* for the services and supplies at the time of your death. If you buy insurance directly from an insurance company without involving a *Provider*, you will still need to have a contract in place with a *Provider* if you want the insurance money to be used for particular services and supplies.

**Note:** Buying an insurance policy to pay for pre-arranged services or supplies is only one step. You must also pre-arrange with a *Provider*. So you will sign two contracts:

- A prepaid contract with your *Provider* for the services and supplies you choose
- An insurance contract (called “the policy”) with the insurance company to pay the *Provider* for the services and supplies. The insurance contract will set out the rules you and the insurance company must follow. This includes any fees you may have to pay, your right to cancel the insurance contract and any rights to a refund you may have.

Ask your *Provider* to explain the advantages and disadvantages of the trust and insurance options they offer. Only a licensed *Provider* is allowed to accept prepayment funds, so check to make sure that your *Provider* is licensed. Each *Provider* is required to carry proof of their licence under Ontario’s *Funeral, Burial and Cremation Services Act, 2002*.

**Important:** If you don’t understand what your *Provider* is asking you to sign or to pay for, stop. Ask more questions. Or, find another *Provider* who will explain things more clearly to you.



If you are paying over many months or years, payment terms may vary. Ask about any fees, interest or financing charges that may apply and the total cost of making multiple payments. In most cases, you will save money by paying in full rather than over time.

## IF I PREPAY, WHAT HAPPENS IF PRICES GO UP?

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At the time of death, the money held in trust, or the insurance proceeds, will be used to pay for the services and supplies set out in the contract. Costs will be based on the prices in effect at the time of death. Whether you will be required to pay more depends on whether your contract is guaranteed (see below). Your *Provider* must give the legal representative a statement to show:

- The amount your insurance will pay for your prepaid services or supplies **OR** the amount held in trust to pay for them (including income earned)
- The current cost of the services or supplies you requested.

If prices have gone up, the income (interest or growth) is used to offset the increase in costs.

Here is what happens:

**If you have a guaranteed contract:** You (or your legal representative) will not be asked to pay more for the services or supplies you requested, as long as you have met all the terms of your contract. Taxes are not guaranteed. You will have to pay extra for any services, supplies or taxes that were not included in the prepaid contract. **All prepaid contracts entered into on or after July 1, 2012 must be guaranteed.**

**If you have a non-guaranteed contract signed before July 1, 2012:** You (or your legal representative) may have to pay more money to cover the higher prices. For example, if you have an existing non-guaranteed contract for which the price of services and supplies is \$8,000 at the time of death, and the value of the trust or insurance is \$7,500, your estate will owe the *Provider* \$500.

## WHAT HAPPENS IF THERE IS MONEY LEFT OVER AFTER EVERYTHING IN THE CONTRACT IS PAID FOR?

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The answer depends on the date of your contract and the laws that applied at the time you signed.

For cemetery or crematorium contracts entered into on or after April 1, 1992 and funeral or transfer service contracts entered into on or after June 1, 1990, leftover money will be paid to the estate. The law does not require a refund be made for contracts entered into before these dates.

## WHAT HAPPENS IF I WANT TO CANCEL OR CHANGE MY PREPAID CONTRACT?

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You, your legal representative or another person named in the contract may cancel or change your prepaid contract at any time before the services or supplies are provided. You must give the *Provider* notice in writing.

You may or may not get all your money back. The following rules apply:

- **If your money was to be held in trust and you cancel within 30 days** of the date you entered into the contract, you get **all** of your money back.
- **After 30 days**, you get **all** of your money back less 10% of the amount in trust, up to a maximum of \$350.
- **If you had an insurance contract through the *Provider***, you may cancel the contract with the *Provider* and you may have to cancel the insurance contract as well. Talk to your *Provider* before you cancel your prepaid contract with them. Most insurance contracts have a “cooling-off” period, which is a specific number of days during which, if you change your mind, you can cancel the contract and get all of your money back. After the cooling-off period, the amount refunded is usually less than the full amount you initially paid. Review the insurance contract or speak to the insurance company for details.

**Important:** Cancellation fees for an insurance policy vary. They can be high. Before you buy or cancel an insurance policy, you should discuss the insurance provider’s cancellation policy.

**Note:** Also, you will have to review the terms of the contract to see how much money, if any, would be refunded if services or supplies have been provided.

## HOW IS MY PREPAID MONEY PROTECTED?

Ontario law protects your prepaid money in several ways:

- When you prepay, your *Provider* must give you a contract that states the total amount of money you have paid now and the terms of payment for any balance you owe
- If you prepay with a funeral home or transfer service, your money is protected by a compensation fund. The fund is used to give back money to consumers if, in rare cases, their prepaid money is not available when it is needed. The fund will cover losses only if you prepaid with a licensed funeral home or transfer service
- If you choose to place money in trust for prepaid services or supplies, the *Provider* is restricted by law to choose very safe investments. You are entitled to know at least once each year where and how the money is invested and how much money you have in your trust account. You may ask the *Provider* for this information
- If you buy an insurance policy to fund your pre-arranged contract, you will pay the insurance company directly. Your money is protected under the *Insurance Act*
- *Providers* are inspected from time to time to see that they comply with the law.

## WHAT HAPPENS AT DEATH?

Your legal representative should take your pre-arrangement documents to the *Provider* to show proof of payment, discuss arrangements and any changes to the contract.

If a service or supply is no longer available, one of two things may happen:

1. Your *Provider* may make a reasonable substitute, but at no extra charge. Substitutions must be similar in style, design and construction to what is included in your contract
2. Your legal representative may cancel that part of the contract. Written authorization or a new contract must be completed for any changes or added items.

## YOUR PREPAYMENT CHECKLIST

Keep the following documents in a safe place where your legal representative(s) can find them easily and give a copy to the person who will likely be making the arrangements.

### Your *Provider* will give you:

- A contract that sets out the services and supplies you requested and their price. This contract must be signed by you and the *Provider*. If the contract includes embalming, you will be asked to provide written consent for this step
- An interment or scattering rights certificate (once these rights are paid in full)
- A receipt for the money you paid to be placed in trust **OR** a copy of your insurance documents
- Copies of any other documents you sign.

### For your own records, you should keep:

- Your cancelled cheques or electronic payment records
- Receipts as proof of payment.

### Remember to ask:

- About the advantages and disadvantages of paying by insurance or paying with your money held in a trust
- Where your money will be invested, the type of investment and how fast you can expect your money to grow each year
- What your refund will be if you cancel your insurance policy
- About the guarantee. All prepaid contracts entered into on or after July 1, 2012 must be guaranteed
- If you can cancel the contract and what fees may apply.

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# 5 TO LEARN MORE

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About **cemeteries and crematoriums:**

**Ministry of Consumer Services**

[www.ontario.ca/consumerservices](http://www.ontario.ca/consumerservices)

(416) 326-8800 | 1-800-889-9768

[consumer@ontario.ca](mailto:consumer@ontario.ca)

About **funeral homes, funeral directors and transfer services:**

**Board of Funeral Services**

[www.funeralboard.com](http://www.funeralboard.com)

(416) 979-5450 | 1-800-387-4458

[info@funeralboard.com](mailto:info@funeralboard.com)

About Ontario's ***Funeral, Burial and Cremation Services Act, 2002***, and its regulations:

[www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)

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