



POLICY & PROCEDURE

SECTION: COMMUNITY SERVICES

NO: CS-CE-01

REFERENCE: CEMETERY

Date:
June 26, 2024

Review Date:
June 2026

TITLE: INDIGENT BURIALS

1.0 POLICY

- 1.1 The Corporation of The City of Dryden (the Municipality) is sensitive to the delicate nature of the disposition of human remains and is committed to treating instances of indigent burials with the utmost respect for the dignity of the deceased, while balancing its commitment to fiscal responsibility to the taxpayers of Dryden.
 - 1.2 It is the policy of the Municipality that the Cemetery Department provide for the burial of indigent persons as per the Municipality's statutory obligations and as set out in Procedure CS-CE-01 – Indigent Burials.
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PROCEDURES:

2.0 DEFINITIONS

- 2.1 Deceased Indigent Person: Any person, upon being pronounced dead by the proper medical authority, whose estate does not contain sufficient assets to cover the costs of the disposition of his or her remains, and for whom the Municipality cannot identify any other person or legal entity responsible for the disposition of said remains.

- 2.2 Indigent Burial: The disposition of the remains of a deceased indigent person in the most cost-effective manner possible, while respecting the dignity of the deceased and all statutory requirements.
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3.0 STATUTORY REQUIREMENTS

- 3.1 The following excerpts are paraphrased from the *Public Hospitals Act*, R.S.O. 1990, c. P.40
- (a) Duty to Cover Costs: Should an indigent person, or dependent of an indigent person, die in a hospital within municipal boundaries, the Municipality is required to pay any expenses incurred associated with the burial. The hospital is required to provide a detailed accounting of costs with respect to the indigent burial. If it can be proven that the indigent person was a resident of another Ontario municipality at the time of admission to the hospital, the Municipality may recover payment from said municipality.
 - (b) Right of Recourse Against Patient: The Municipality may recover from the indigent person's estate (or in the case of a dependent of an indigent person, from anyone who is legally responsible for the dependent), the amount of the payment made to the hospital.
- 3.2 The following excerpt is paraphrased from the *Anatomy Act*, R.S.O. 1990, c. A.21
- (a) Duty of the Municipality to Bury: The Municipality is required to cover the expense of disposing of any unclaimed body found within the boundaries of the Municipality, on order from the local inspector or coroner. Costs associated with the burial may be recovered from the deceased's estate or from anyone whose duty it was to dispose of the body.
- 3.3 The following excerpts are paraphrased from the *Anatomy Act*, R.S.O. 1990, Regulation 21
- (a) Notification to come from Inspector or Coroner: The local inspector or coroner must provide the Clerk with a report and warrant when the municipality is required to dispose of an unclaimed body.
 - (b) Duty to pay Inspector/Coroner: The Municipality is obligated to pay a fee of \$40.00 to the inspector or coroner for each body disposed of under the Act.

4.0 FISCAL RESPONSIBILITIES

4.1 The Municipality will be fiscally responsible to the taxpayers of Dryden as follows:

(a) In the disposition of the remains of a deceased indigent person, the Municipality will only provide:

- (i) Preparation of the deceased's remains for interment
- (ii) Transportation of the deceased's remains to and from a funeral home which will provide the preparation of the deceased's remains
- (iii) Opening and closing of a burial site in a lot in the Municipal Cemetery
- (iv) All statutory requirements (contribution to the Care and Maintenance Fund, any hospital fees, payment of the Inspector's or Coroner's fee)

The aforementioned services and obligations will be completed by the Municipality under the direction of the Cemetery Department and, in instances of opening and closing the burial site, at a time that is most convenient and cost-effective for the Municipality.

(b) Costs Incurred: All costs associated with indigent burials are to be invoiced to the Municipality's Cemetery Department and will be debited from that Department's budget. Given that indigent burials are a rare occurrence, no funds will be specifically allocated to cover these costs. In any year when an indigent burial(s) takes place, the costs will be reflected in the Cemetery budget.

(c) Recovery Costs – The Municipality will:

- (i) Not cover costs for an indigent burial if any family member or other legal entity responsible for the costs of the disposition of the deceased's remains can be identified or steps forward to claim the remains or requests any type of service or ceremony. Examples of individuals responsible for the disposition of deceased indigent persons' remains include (but are not limited to):
 - (aa) The person(s) designated in a written instrument signed by the deceased;
 - (bb) The deceased's surviving spouse;
 - (cc) Any of the deceased's surviving adult children;

- (dd) Either of the deceased's surviving parents;
 - (ee) Any of the deceased's surviving adult siblings; and,
 - (ff) Any adult person in the next degree of kinship in the order named by law to inherit the estate of the deceased.
- (ii) Only pay the costs for an indigent burial in excess of the maximum allowable under the *Ontario Works Act*, and/or the *Ontario Works Directives*, if it can be proven that the indigent person was an Ontario Works participant and/or receiving Ontario Disability Support Program payments.
- (iii) Make every effort to recover the costs of an indigent burial by:
 - (aa) Making application to access any residual value in the deceased's estate;
 - (bb) Making application to access the deceased's Canada Pension Plan Death Benefit;
 - (cc) Making application to the municipality in which the deceased was a resident;
 - (dd) Making application to the Last Post Fund, if the indigent person met its eligibility criteria; and,
 - (ee) Any other means determined appropriate by the Municipality.
- (d) Within the period of ten (10) years from the date of interment, if any individual comes forward to claim the remains, requests to disinter the remains and move them, or requests to place a marker or monument to memorialize the deceased, said individual will only be granted permission for any of the aforementioned requests if she/he agrees to first make restitution to the Municipality of the amount expended by the Municipality to perform the indigent burial.

History			
Approval Date:	August 15, 2011	Approved by:	By-law 3907-2011
Amendment Date:	August 5, 2014	Approved by:	CAO
Amendment Date:	August 3, 2016	Approved by:	CAO
Amendment Date:	June 29, 2018	Approved by:	CAO
Amendment Date:	May 26, 2020	Approved by:	CAO
Amendment Date:	June, 2024	Approved by:	CAO

This procedure is subject to any specific provisions of the Municipal Act, or other relevant legislation or Union Agreement.