

Indigent Burials Policy



| SECTION | DATE | By-Law Number | Page | Of |
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| Operations & Infrastructure | March 9, 2009 | 31-2009 | 1 | 4 |
| SUBSECTION | Repeals By-Law Number | | Policy Number | |
| Cemetery | | | OI-5-1 | |

Purpose

To Provide the utmost respect for the dignity of the deceased, specifically in treating instances of indigent burials, while being fiscally responsible to the taxpayers of Kenora.

Policy

It is the policy of the Lake of the Woods Cemetery Department to provide for the burial of indigent persons within the boundaries of the City of Kenora.

The municipality will pay the costs for an indigent burial only if the deceased indigent person was not collecting benefits from Ontario Works or the Ontario Disability Support Program at the time of death.

If it can be proven the deceased was a resident of another municipality, the municipality will seek either reimbursement for costs incurred, or arrangements will be made for the other municipality to acquire the remains at their expense.

1. Definitions

Deceased Indigent Person – means any person who was not receiving support through Ontario Works or the Ontario Disability Support Program at the time of death, and 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.

Indigent Burial – means the disposition of the remains of a deceased indigent person in the most cost effective manner possible (in most cases cremation), while respecting the dignity of the deceased and all statutory requirements.

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Municipality – means the Corporation of the City of Kenora.

2. Statutory Requirements

A. The Public Hospitals Act

i) Duty to Cover Costs

Should an indigent person, or dependant of an indigent person, die in a hospital within municipal boundaries, the municipality shall pay to the hospital any expenses it incurred associated with the burial. The hospital is required to provide a detailed accounting of the costs with respect to the indigent burial.

ii) Right of Recourse against Patient

The municipality may recover from the deceased indigent person's estate (or in the case of a dependant of an indigent person, from anyone who is legally responsible for the dependant), the amount of the payment made to the hospital.

iii) Right of Recourse against another Municipality

If it can be proven that the indigent person was a resident of another municipality in Ontario at the time of admission, the municipality may recover payment from the other municipality.

B. The Anatomy Act

i) Duty of Municipality to Bury

A municipality is required to cover the expense of disposing of a deceased indigent person from 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 any entity whose duty it was to dispose of the body.

ii) Notification to come from Inspector/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.

iii) Duty to pay Inspector/Coroner

The municipality is obligated under the Act, to pay a fee to the inspector or coroner for each body so disposed.

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3. Municipality to be Fiscally Responsible

i) In the disposition of the remains of a deceased indigent person, the municipality will only provide:

- Preparation of the deceased's remains for interment (cremation)
- Transportation of the deceased's remains to and from a funeral home which will provide preparation of the deceased's remains
- Open and closing of a burial site in a lot in the Lake of the Woods Cemetery
- Recording the deceased's name, date of birth (if known), date of death and grave location in the Cemetery Registrar
- All statutory requirements (contribution to Care and Maintenance Fund, any hospital fees, payment of inspector or coroner's fee).

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

ii) Costs Incurred

All costs associated with indigent burials are to be invoiced to the Lake of the Woods Cemetery Department and be debited from said Department's Budget. Given that indigent burials are a rare occurrence, no funds will be specifically allocated to cover these costs. In any year where an indigent burial(s) takes place, the costs will be reflected in the Cemetery Budget.

iii) Recovery of Costs

The municipality will 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:

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- The person designated in a written instrument signed by the deceased
- The deceased's surviving spouse
- Any one of the deceased's surviving adult children
- Either one of the deceased's surviving parents
- Any one of the deceased's surviving adult siblings
- Any adult person in the next degree of kinship in the order named by law to inherit the estate of the deceased.

The municipality will make every effort to recover the costs of an indigent burial by:

- Making application to access any residual value in the deceased's estate
- Making application to access the deceased's Canada Pension Plan Death Benefit
- Making application to the municipality in which the deceased was a resident
- Making application to the Last Post Fund, if the indigent person met its eligibility criteria
- Any other means determined appropriate by the municipality.

4. Post-Interment Familial Requests to Move Remains

If, within a period of ten (10) years, any relative of a deceased indigent person whose burial was provided for by the municipality, comes forward to claim the cremated remains, requests to disinter the cremated remains and move them, said relative will only be granted permission for any of the aforementioned requests if s/he agrees to first make restitution to the municipality of the amount expended by the municipality to perform the indigent burial.

Policy Review

This policy shall be reviewed as required by the Operations Department, but in any case, no later than five years following the date of adoption.

Effective Date

This policy shall take effect and come into force upon third and final reading of the applicable by-law.