

By-laws of the Toronto Muslim Cemetery Corporation

Forward

This booklet contains the By-laws of the Toronto Muslim Cemetery Corporation, hereinafter referred to as the “Cemetery”. These By-laws are presented pursuant to the Cemeteries Act (Revised) of Ontario, hereinafter referred to as the “Act”. They have been approved by the Ontario Ministry of Consumer Services, Cemeteries Regulation Unit and by the Directors of the Toronto Muslim Cemetery Corporation.

These By-laws are intended to provide direction for the maintenance and administration of cemetery operations and for the benefit and protection of each person who has purchased or otherwise has an interest in interment rights within the Cemetery.

Interpretation

These By-laws constitute the rules of the Toronto Muslim Cemetery, hereinafter simply referred to as “TMC”, as approved by the Directors. These are not municipal or corporate by-laws in the legislative sense. It is not the intention of these by-laws to offend members of any gender group. All words and personal pronouns relating to words contained in these by-laws must be read and construed as incorporating the correct gender of the person referred to in each case. All words in this by-law must be read and construed as incorporating the singular or the plural in any case applicable. In a matter of disagreement between a Burial Rights Holder and the By-laws, any decision by the Cemetery (management) will be final.

Definition of Terms

Act: As referred to in the By-laws, “Act” means the Cemeteries Act (Revised), R.S.O. 1990, c.4.

Burial: The opening and closing of a grave for the interment of human remains.

By-laws: The rules and regulations by which the Toronto Muslim Cemetery Corporation operates.

Care and Maintenance Fund: As required by Provincial Legislation, a portion of the purchase price of interment rights and a designated amount paid for the installation of markers is placed as capital in an irrevocable trust fund, designated the Care and Maintenance Fund, from which the income is used for general maintenance of the cemetery.

Cemetery: The Toronto Muslim Cemetery Corporation and its property located near the intersection of Leslie Street and Bethesda Road in the City of Richmond Hill in the Regional Municipality of York

Cemetery Administrator: The person or persons duly authorized on behalf of the directors of the TMC to conduct the operation of the Cemetery.

Contract: The document for the provision of Interment Rights and cemetery supplies and services.

Grave: A site within the cemetery in which the purchaser acquires certain rights such as authorizing the burial of human remains and the placement of a memorial set flush to the ground.

Interment Right: The right to require or direct the burial of human remains in a grave.

Interment Rights Certificate: The document issued by the Cemetery when Interment Rights have been purchased that indicates the ownership of the Interment Rights and the memorial options.

Interment Rights Holder: A person or organization that holds the rights to specify or direct the burial or removal of human remains and or markers.

Marker: A flat memorial made of granite that is set flush with the ground.

Memorial: Any object, permanent or otherwise, placed on a grave in recognition of the person interred in the grave.

Plan: The lot layout plan of the Cemetery, filed with the Ministry of Consumer Services.

Purchaser: The individual or organization purchasing the Interment Right or other ancillary services. The Purchaser must be registered as the Interment Rights Holder to exercise the right to direct burials or any other rights associated with the grave.

Register: The electronic or written records maintained by the cemetery in accordance with the Act.

Registrar: The Registrar appointed under the Act.

Removal: The removal of human remains from a grave.

Tariff: The schedule of fees and charges as set out from time to time by the Directors of TMCC and filed with the Ministry of Consumer Services.

Transfer: To make a gift, bequest or other transfer of an Interment Right without consideration.

General Information

- 1. Cemetery Visitation Hours:** The cemetery is open to the public from 8:00 A.M. until one-half hour before sunset.
- 2. Burial Hours:** 9:00 A.M. to 3:00 P.M., Monday through Sunday. Special arrangements may be made for burials to take place outside of regular cemetery operating hours.
- 3. Private Property:** Visitors use the cemetery at their own risk and should be aware of the following:
 - dogs, cats or pets of any type are not permitted in the cemetery
 - vehicles must be operated in a safe and dignified manner within the cemetery grounds
 - no one may damage or deface any property belonging to the cemetery
 - roller blades, skates and skateboards are not permitted in the cemetery
 - cemetery approval is required for special events or any type of filming or photography
- 4. Liability:** The Cemetery assumes no liability or responsibility for loss or damage to any Grave or Marker or any article placed on a Grave beyond their reasonable control and especially from damage caused by the elements, act of God, common enemy, thieves, vandals, explosions, accidents, invasion, insurrection, riots or order of any military or civil authority, whether the damage be direct or collateral. **Note:** The Cemetery assumes liability only, if while performing routine cemetery operations, the Cemetery or its' employees cause damage to any Grave or Marker. Liability is limited to the extent of the damage caused. The Cemetery shall make a reasonable effort to correct any damage that might have occurred.
- 5. Public Access to Information:** All Ontario cemeteries maintain a register, as required by Provincial legislation, which is available to the public. The Cemetery protects the privacy of its interment rights holders and collects and discloses information required by the Cemeteries Act (Revised) and any future legislation that succeeds the Cemeteries Act (Revised).
- 6. Changes in By-laws and Right to Re-survey:** The Cemetery maintains the right to change the By-laws and to re-survey portions of the Cemetery that best serve the interests of the Cemetery and the Interment Rights Holders.

Sale of Interment Rights

7. Ownership of Interment Rights: The ownership of all cemetery land remains with The Toronto Muslim Cemetery Corporation. The purchasers of Interment Rights have the right and privilege to direct the burial of human remains and the placement of flat markers. Payment in full must be made before a burial can be authorized or a marker placed.

8. Transfer of Interment Rights: The Holders of Interment Rights (individual or organization) may transfer Interment Rights to another person or organization. The transfer must be registered with the Cemetery and prescribed forms must be used.

9. Care and Maintenance Fund: Provincial legislation requires that a certain portion of revenue from the sale of Interment Rights and a prescribed amount from the sale of markers, be set aside in an irrevocable fund—the Care and Maintenance Fund—the income from which is used to provide general care of the Cemetery.

Burials

10. Requirement: Only members of the Islamic faith may be interred in the Cemetery.

11. Cremated Remains: The burial of cremated remains within the Cemetery is not permitted.

12. Number of Burials: Two interments may take place in an adult grave. When a grave is used for two interments, the first interment will be placed at a depth which will allow for the second interment, when occasion requires.

13. Burial Containers: A burial container selected for interment must be of a rigid, biodegradable material, i.e. wood or cardboard. Under no circumstances may an individual enter a grave during the course of an interment in order to handle the burial container or human remains, for health and safety reasons.

14. Burial Vaults: Burial vaults of any type are not permitted.

15. Authorization and Documentation:

- **Permission:** The Interments Rights Holder(s) must provide written authorization before a burial can take place unless the burial is for the registered owner of the Interment Rights.
- **Required Information:** Information as required by the Cemetery, in the form of a written statement, must be provided so that an accurate register can be maintained as required by Provincial Legislation.

- **Proof of Registration of Death:** A Burial Permit indicating the death has been registered must be provided on the day of burial and before the interment takes place.
- **Payment:** Payment, in full, is required by the Cemetery before a burial can take place.

16. Opening and Closing: Only authorized cemetery personnel may open or close a grave.

Cemetery staff may temporarily delay any burial if the safety of the public is at risk

Right of passage over individual graves is maintained by the Cemetery so cemetery operations can continue to be performed

All reasonable efforts shall be made to restore adjacent graves and markers within a reasonable period of time after a burial.

17. Removal of Human Remains: With the written consent of the Interment Rights Holder, human remains may be removed from a grave.

Before a removal can take place, a certificate provided by the local medical officer of health must be received at the cemetery office.

Authorized public officials may order a removal without the consent of the Interment Rights Holder(s) or next of kin.

The Cemetery is not responsible for any damage to a burial container that might take place during the course of a removal.

18. Contagious Diseases: If a death is the result of a contagious disease, it is a legal requirement that the Cemetery be notified before the burial takes place. The disinterment of a person who has died from a contagious disease may be made only with the consent of the local medical officer of health or other public officials duly qualified.

19. Pets or Animals: Only human remains may be buried in the Cemetery.

Memorials

20. Markers: Flat markers, installed flush with the ground, up to 24” by 18”(60.96 cm by 45.72cm), are allowed on adult graves and 16 in.(40.64 cm.) by 10 in.(25.4 cm.) on infant graves.

The marker must be made of granite.

Markers are to be installed on graves by cemetery personnel only.

Granite markers must be a minimum of 3” in thickness but not more than 6” thick.

21. Loose Articles: Loose articles of remembrance that are placed on a grave but are deemed a safety hazard or that hinder the overall maintenance of the cemetery are not permitted. These include but are not limited to:

- Articles made of glass or ceramic
- Articles made of corrosive metals
- Sharp objects or loose stones
- Trellises and hanging baskets
- Any type of border, fence or wall
- Chairs or benches

Such items will be removed without notification.

22. Flowerbeds: Flowerbeds 24 in. (60.96 cm.) by 48 in. (121.92 cm.) are allowed in the centre of each grave.

Flowerbeds on infant’s graves must be of an appropriate size to the grave.

Only cemetery personnel may prepare a flowerbed for planting by the Interments Rights Holder.

23. Shrubs: One shrub may be planted in the designated flowerbed space. Shrubs must be of the dwarf variety, so as not to encroach on adjacent interment spaces.

24. Loose Flowers and Wreaths: Fresh cut or artificial flowers, not in a breakable or corrosive container, may be placed on a grave. Dead or unsightly flowers will be removed by the cemetery.

Wreaths may be placed on graves between November 1st and March 31st. They must be removed by March 31st to allow for spring maintenance and clean up.

The Cemetery is not responsible for any damage to or loss of articles placed on a grave.

General Maintenance of Cemetery and Cemetery Lots

25. Work on the Cemetery Grounds: Only those in the employ of the Cemetery shall perform any work on the Cemetery grounds.

No private or outside landscaping company shall be permitted to perform any work on the grounds. Work shall mean all labour performed including planting or removal of trees, flowers, gardening construction, grave openings or any kind of maintenance required for the upkeep of the Cemetery.

The Cemetery Administrator shall be responsible for supervising all aspects of work on the Cemetery Grounds.

26. Compliance with Legislation: Any contractor performing work in the Cemetery must comply with all legislation including Workers' Compensation, Environmental Protection and Occupational Health and Safety. Proof of general liability insurance must also be provided at the request of the Cemetery. All Cemetery by-laws apply to contractors working within the Cemetery.

27. Liability: Any damage caused by contractors will be rectified by the Cemetery at the expense of the Contractor.

Gifts to the Cemetery

The Cemetery gratefully accepts donations of many kinds or can arrange to provide such donations or gifts. All trees and structural gifts, such as benches, birdbaths and sundials must be approved by the Cemetery Administrator and become the property of the Cemetery. They cannot be removed, painted or adjusted in any way or form by individuals. They are located at the approval of the Cemetery Administrator, although every effort is made to accommodate the request of the donor. The donation is recognized for the lifetime of the plant or item.