

The By-laws of St. Elias Cemetery

Preface

The Parish of St. Elias Ukrainian Catholic Church in the City of Brampton, in the Regional Municipality of Peel, being a Parish in the Ukrainian Catholic Eparchy of Toronto and Eastern Canada, through the Ukrainian Catholic Episcopal Corporation of Eastern Canada, a corporation incorporated under the laws of the Dominion of Canada, with its head office in the City of Toronto, in the Regional Municipality of York, has purchased certain land in the City of Brampton, in the Regional Municipality of Peel, for the purposes of establishing a church and cemetery.

St. Elias Cemetery is licensed to act as a cemetery in accordance with *Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, Chapter 33*.

The purpose of the said cemetery is to provide a proper and orderly place for burial of: a) members of the Parish of St. Elias Ukrainian Catholic Church in the City of Brampton, b) and other Catholic and Orthodox Christians in accordance with the canons, particular law, and authorized liturgical traditions of the Catholic and Orthodox Churches, and in accord with these by-laws.

The St. Elias Cemetery Board of Trustees, in the discharge of their responsibilities, appeal to the public to aid them by following these by-laws, which have been adopted for the improvement and upkeep of the cemetery, to keep it a becoming and respectful place for the burial of the dead.

In addition to these by-laws, all provincial, municipal or other local regulations shall be observed. It is our hope that by a co-operative effort we can keep the cemetery attractive and peaceful and a place of prayer and remembrances for the reposed.

These by-laws have been approved and filed effective **December 3, 2021** by the Registrar, *Funeral, Burial and Cremation Services Act, 2002*, Bereavement Authority of Ontario.

Section A – Administration

1. St. Elias Cemetery is for non-profit. All monies are used exclusively for the maintenance and improvement of the property.
2. St. Elias Ukrainian Catholic Church in Brampton reserves full and complete control and management of the land, buildings, plantings, roads, utilities, books and records of the cemetery, and complete authority to administer these by-laws. The Pastor of said parish acts in the name of said parish and the cemetery, which are juridic persons according to church/canon law.
3. The Pastor is responsible for the oversight of the cemetery. The Cemetery Board of Trustees acts as an advisory body to the Pastor. The Pastor is bound to seek the advice of all the trustees in the administration and management of the cemetery and where there is not a consensus, the Bishop of the Eparchy of Toronto and Eastern Canada will act as the arbiter.

4. The Board of Trustees for St. Elias Cemetery is to consist of the following members:
 - a) the Pastor as Chairman of the Board of Trustees *ex officio*
 - b) and four other parishioners elected as trustees.
5. All trustees must be canonical members of St. Elias Ukrainian Catholic Church in good standing.
6. Four trustees (the Pastor being excluded) shall be elected by a majority of votes cast by members of St. Elias Ukrainian Catholic Church in the City of Brampton at the annual meeting of the said parish. Their term shall be for one year, which is renewable.
7. The Board of Trustees as a minimum shall hold an annual meeting. The time and place of all meetings of the Board are to be determined by the Pastor who shall give notice at least seven days before all meetings. Any trustee may request the Pastor to call a meeting and the Pastor is required to do such within a month of the request.
8. The minimum number of members of the said Board required to be present to constitute a valid meeting of the said Board shall be three, of which the Pastor shall be one of the three.
9. In the event that a member of the said Board is incapacitated, retires or resigns, his or her position shall be filled by the appointment of a member of St. Elias Ukrainian Catholic Church, by the Pastor of said parish, after the Pastor has consulted with the Board of Trustees. Such a member shall continue in his or her appointment until the next annual meeting of the said parish.
10. An Administrator shall be employed to oversee the daily operation of the cemetery.
11. The Administrator shall have custody, under the Trustees, of the cemetery. No interment or removal of bodies shall take place without notice to the Administrator, and he/she shall see that a proper Burial Permit or other certificates required by law are furnished to him/her in each instance before an interment or removal takes place.
12. The Board distinctly disclaims all responsibility for loss or damage from causes beyond their control and especially from damage caused by the elements of nature, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, accidents, invasion, insurrection, riots, or order of any military or civil authority, whether damage is direct or collateral.
13. The Board shall take reasonable precautions to protect the property of interment rights holders but they assume no liability or responsibility for the loss of, or damage to, any article of any type that is placed on any lot.
14. These by-laws may be at any time changed, amended, altered, appealed, rescinded or added to, upon the approval of the Board of Trustees of St. Elias Cemetery and the Bereavement Authority of Ontario.
15. Right to resurvey
 1. The following rights and privileges are hereby expressly reserved to the Board of Trustees upon approval of the Bereavement Authority of Ontario to be exercised at any time or from time to time for the erection of buildings, or for any purpose or use connected with, incident to, or convenient for, the care of, preservation of, or preparation for the disposal or interment of human remains or another cemetery purpose.
 2. To resurvey, enlarge, diminish, alter in shape or size, or otherwise to change all or any part or portion of the cemetery.

3. To lay out, establish, close, eliminate, or otherwise modify or change, the location of roads, walks or drives, provided ingress and egress to and from any lot is preserved or is allocated to the rights holder and further provided that the foregoing complies with the rules and regulations of the local by-laws.
4. Easements and rights of way over and through all of said cemetery premises for the purpose of installing, maintaining, or operating pipe lines, conduits or drains for sprinklers, drainage, electric or communication lines or for any other cemetery purpose provided that no burials shall have taken place in these areas.
5. No easement or right of interment is granted to any rights holder in any road, drive or walk within the cemetery, but such road, drive, or walk may be used as a means of access to the cemetery and its buildings as long as the administration devotes such road, drive or walk to that purpose.

Section B – Definitions

1. “Cemetery” means the St. Elias Cemetery, on Part of the West Half of Lot 11, Concession 5 W.H.S., in the City of Brampton, in the Regional Municipality of Peel.
2. “Bereavement Authority ” means the Bereavement Authority of Ontario.
3. “Board” means the duly appointed or elected Board of Trustees for St. Elias Cemetery.
4. “Chairperson” means the Chairperson of the Board of Trustees for St. Elias Cemetery, i.e. the Pastor of St. Elias Ukrainian Catholic Church in the City of Brampton.
5. “Administrator” means the person appointed by the Board of Trustees as the Administrator of St. Elias Cemetery. The Administrator may appoint other persons to oversee work done on the cemetery.
6. “Parishioners or Members” means those persons, whose names are currently enrolled in the annual Parish Census, and are in the habit of regularly attending Divine Services, and have been assigned and regularly use collection envelopes. Such regularity must be for a minimum of at least one year.
7. “Immediate family” means a spouse, dependent parent, dependent parent-in-law, dependent children, and dependent grandchildren.
8. “Lot” means an area of land in the cemetery containing, or set aside to contain human remains.
9. “Adult Lot” means any burial space intended for an adult.
10. “Infant Lot” means any burial space intended for an infant, and having a minimum size of .61 meters (24 inches) by 1.22 meters (4 feet).
11. “Cremation Lot” means any burial space intended to receive not more than 2 (two) cremated remains and having a minimum size of .61 meters (24 inches) by .61 meters (24 inches).
12. “Interment Rights” includes the right to require or direct the interment of human remains in a lot.
13. “Interment Rights Holder” means a person with interment rights with respect to a lot or that person’s legal representative.
14. “Plan” means the plan of the cemetery, approved by the Bereavement Authority.
15. “Contract” means for purposes of these by-laws, all purchasers of interment rights, or other cemetery supplies and services must receive a copy of the contract they and the

cemetery operator have signed detailing the obligations of both parties, and acknowledging receipt and acceptance of the cemetery by-laws, a copy of the Consumer Information Guide and the Price List.

16. “Certificate of Interment Rights” means the certificate issued by St. Elias Cemetery to the purchaser of interment rights.
17. It is a requirement under the *Funeral, Burial and Cremation Services Act, 2002* (FBCSA) and Ontario Regulation 30/11 and 184/12 (O. Reg. 30/11 & 184/12) that a prescribed amount or a percentage of the purchase price (excluding tax) of all interment rights sold, transferred, assigned or permitted; and prescribed amounts for monuments and markers, is contributed into the care and maintenance fund. Interest earned from this fund is used to provide care and maintenance of lots, plots, markers and monuments at the cemetery.
18. “General Operating Account” means the account that has been set aside for the administration, maintenance of the cemetery and for services rendered in connection with its operation.
19. “Trust funds” means those funds in which a trustee may invest, which are defined in the *Trustee Act, R.S.O. 1989*.
20. “Monument or Marker” means any permanent memorial projecting above ground level.
21. “Marker” means any permanent memorial of bronze or granite set flush with the surface of the ground.
22. “Lot marker” means any marker set flush with the surface of the ground and used to indicate the location of a lot. These are put in place by the administration and are not to be removed.

Section C – Sale and Transfer of Interment Rights

1. No person shall sell or re-sell interment rights unless that person does so on behalf of this licensed cemetery.
2. Those wishing to make a selection of a lot or arrange for an interment shall call at the office a minimum of two full working days before an interment to complete arrangements.
3. Since the Church does not wish to separate those who were united in life, the interment of non-parishioners, who are neither Catholic nor Orthodox Christians but are the “immediate family” of rights owners, is permitted.
4. The burial of the dead being a work of mercy, the Pastor having consulted with the Board of Trustees may give permission for deceased indigent persons to be buried in the cemetery. The cost of such burial shall be borne by Social Services.
5. Interment rights for lots may be purchased from the cemetery at the rates filed with the Bereavement Authority. The prices for interment rights include the applicable portion for deposit to the Cemetery’s Care and Maintenance Fund.
6. The deposit to the Care and Maintenance Fund shall be as specified:
 1. in the case of an in-ground grave for the burial of an adult— 40% of the selling price,
 2. in the case of an in-ground grave for the burial of a child or of cremated remains— 40% of the selling price,
 3. Flat marker (smaller than 1,116.13 cm²/173 in²) \$0.
 4. Flat marker (1,116.23 cm²/173 in² or larger) \$100.00.

5. Upright marker (1.22 m/4 ft. or less in height and 1.22/4 ft. or less in length, including base) \$200.00.
6. Upright marker (more than 1.22 m/ 4 ft. in either height or length, including base) \$400.00.
7. All prices are excluding tax.
7. Payment for Interment Rights shall be made at the Cemetery Office prior to interment.
8. The Cemetery Board shall provide each Rights Holder at the time of sale with:
 1. a copy of the Contract,
 2. a copy of the current Cemetery By-laws,
 3. a copy of the Bereavement Authority's "Consumer Information Guide,"
 4. upon payment in full, a Certificate of Interment Rights,
 5. the cemetery Price List.
9. Purchasers of Interment Rights acquire only the right and privilege of burial of the dead and of constructing monuments or placing markers, subject to the cemetery by-laws that are from time to time in force and approved by the Bereavement Authority, once payment has been made in full.
10. Interment Rights may be transferred only to those permitted burial in this cemetery.
11. To ensure the correctness of records of ownership and interments, no transfer of any interment rights or any interest therein shall be binding upon the Cemetery until notice is given in writing to the Administrator, specifying the name and address of the proposed transferee and date of transfer, and such particulars have been entered into a register for that purpose. Upon receipt of such notice, and payment of an administration fee, the transfer shall be made.
12. In cases of transmission of ownership by will or bequest of interment rights the management reserves the right to require the production of a notarial copy of the will or other evidence sufficient to prove ownership.
13. Any person who becomes by succession the rights holder shall for purposes of burial rights be subject to all church/canon law, which may in some cases prohibit the exercise of the burial rights.
14. Each rights holder shall notify the administration of any change in his/her post office address. Notice sent to a rights holder at the last address according to the administration's records shall be deemed to have been received by him/her when in the ordinary course of post it would have reached him/her at the address in the administration's records.
15. Each rights holder shall also notify the administration of change in phone numbers and email addresses.
16. An interment rights holder may require, by written demand, the cemetery to repurchase the rights at any time before they are used. The cemetery shall repurchase the rights within thirty days from the date that the request was received.
17. The repurchase price of the interment rights shall be the current amount less the amount paid by the cemetery owner to the Care and Maintenance Fund. There will also be an administration fee.
18. The cemetery is not required to repurchase the interment rights for more than four lots held by the same interment rights holder in a twelve-month period.
19. NO REFUND will be made for any lot if any interment rights have been exercised.
20. Cemetery supplies and services are not sold on a pre-need plan.

21. If any interment rights have not been used after a 20-year period has passed, they may be considered abandoned. The cemetery may apply to the Bereavement Authority for a declaration that the interment rights are abandoned after making inquiries and giving reasonable notices to find the interment rights holders or beneficiaries. Upon being satisfied that the rights are abandoned, the Bereavement Authority shall issue a declaration to that effect. If there is not an appeal by the end of the time period allowed for appeal, the cemetery may resell the lot in question.
22. Any person whose interment rights have been resold after being declared abandoned may apply for redress. Upon receiving an application for redress, the Bereavement Authority shall order the cemetery to provide better or equivalent interment rights in the cemetery or to refund the amount that it would cost to purchase better or equivalent interment rights in another cemetery if no interment rights are available in the cemetery, in the closest cemetery appropriate to the religious or ethnic affinities of the person whose interment rights have been resold.

Section D – Interments and Disinterments

1. Only religious services approved by the authorized liturgical tradition of the Catholic and Orthodox Churches are permitted within the cemetery.
2. Only those holding faculties from their Local Ordinary shall conduct liturgical services of the Catholic and Orthodox Churches.
3. The Pastor of St. Elias Parish may permit certain Christian services, neither Catholic nor Orthodox after the Pastor has received permission from his Local Ordinary. Such permission from the Pastor must be given in writing before the service can be conducted at the cemetery.
4. Funerals shall not be admitted to the cemetery when accompanied or escorted by regalia or banners of societies, organizations or lodges, which are banned by church/canon law. Societies, organizations or lodges which are not banned by church/canon law may make use of their regalia or banners, only if they have obtained written permission from the Pastor at least two working days before the funeral or service to be held in which they expect to participate.
5. If required, written evidence of eligibility for Catholic burial according to church/canon law shall be furnished. (This applies only to Catholics.)
6. In each case of burial, a written statement giving the name, date, and place of birth; date and place of baptism; late residence (with street address or lot number); age, name of deceased's executor(s); time of interment, in what lot interment is to take place, name of funeral director; name of proper parish and pastor, and church in which the funeral is to be served must be furnished, so that an accurate record can be kept. Any remains, which have been cremated in violation of the provisions of church/canon law, shall not be interred in the cemetery.
7. Winter burials shall take place weather permitting.
8. Only one interment of a human body may be made in any one adult or infant grave.
9. Only single depth burial is permitted.
10. In keeping with tradition, all bodies are interred with the feet to the east.
11. Up to two interments of cremated remains may be made in cremation lots as well as adult lots.

12. If there is to be an interment of cremated remains in an adult lot this must be prearranged at the time of purchase of burial rights so the interment of a coffin will not conflict with the interment of the cremated remains. Cremated remains may be interred or inurned only after the interment of a coffin has taken place.
13. Remains to be buried in a lot must be enclosed in a container/coffin sealed securely, and of sufficient strength to permit burial with the container remaining intact. The container/coffin must be of a size to permit burial within the size of the lot.
14. A burial shroud of sufficient strength may be used in lieu of a container.
- 15. Burial vaults are not permitted.**
16. The interment rights holder must authorize all interments in writing except the interment of the interment rights holder whose executor must authorized the interment in writing.
17. The administration shall designate a person to be in attendance at each interment. Interments shall not take place without this designated person in attendance.
18. A burial permit issued by the Division Registrar, showing that the death has been registered, and the fee for the opening of the lot according to the fee found in the Price List, must be deposited with the administrator before an interment can take place.
19. In the case of a cremation interment or inurnment, the cremation certificate and the prescribed fee for this service according to the Price List must be deposited with the administrator before the interment or inurnment can take place.
20. Any person ordering an interment, inurnment, disinterment or removal shall be responsible for the cemetery charges for these services. If such charges are not paid in full before the said action, the administration may refuse to permit the interment, inurnment, disinterment or removal.
21. No lot shall be opened for interment, inurnment or disinterment by any person not in the employ of, or under the direction of the administration, except under special circumstances, and by permission of the administration.
22. A separate fee found in the Price List is charged for opening and closing of the lot or columbarium, and the registration of the burial.
23. No person shall remove human remains, except cremated remains, from a cemetery unless a certificate of a Medical Officer of Health or the Bereavement Authority of Ontario confirming that all laws and regulations have been complied with is affixed to the container. A burial certificate under the Vital Statistics Act is not required to reinter human remains that have been disinterred according to the Funeral, Burial and Cremation Services Act and its Regulations.
24. In special circumstances the removal of human remains may also be ordered by certain public officials without the consent of the interment rights holder and/or next of kin(s) as per *FBCSA*, Section 102.1.
25. The cemetery will exercise all due care in making burials and interments but is not responsible for damage to any casket, urn or other container sustained during disinterment.
26. No interment or inurnment shall be permitted in any lot where the burial rights have not been paid in full.
27. Funeral corteges within the cemetery shall follow the route indicated by the administrator.
28. The cemetery reserves the right, at its cost, to correct any error that may be made by it in making interments, in the description of the lot, or the transfer or conveyance of any

interment rights. The cemetery may either cancel such grant and substitute other interment rights, or lot of equal value and similar location, as far as is reasonably possible; or refund all money paid on account for such purchase. Notice will be given personally to the rights holders. If necessary, it may be mailed to the rights holders or their legal representatives, at their last appearing address in the record books of the cemetery. In the event any such error may involve the disinterment of remains, the cemetery shall first obtain the approval of any regulatory authority and the interment rights holder.

29. The cemetery shall not be held responsible for any errors made for any funeral arrangements made over the phone. These arrangements are to be made in writing. Unless this requirement is expressly waived, each rights holder or his/her representative shall attend at the cemetery to arrange for interment. In the case of a lot, which has already been purchased, and paid in full, the administration may accept the order to open a grave by telephone or email.
30. Notice of each interment to be made shall be given to the administrator at least 48 hours in advance, 16 hours of which must be regular working hours. The administration cannot be held responsible for having lots prepared for funerals unless such notice is given.
31. No interment shall be made on Sundays, Great Feasts or Statutory Holidays unless the cemetery is ordered to do so by a representative of the Ministry of Health.
32. Extra charges are included in the Price List for:
 1. Sunday, Saturday, Great Feast or Statutory Holiday interments,
 2. Winter burials,
 3. Funerals reaching the cemetery after 4:00 pm on ordinary weekdays.

Section E – Care of Lots – General

1. All lots shall be maintained and kept properly graded, sodded and mowed by employees of the administration.
2. Mounds will not be permitted over graves.
3. No person including rights holders shall do any work upon a burial lot without the permission of the administration.
4. Miniature conifers and plantings may be cultivated on adult lots, but only such varieties that are in keeping with the general plan of the grounds and subject to the approval of the administration. No miniature conifers growing within any lot may be removed or altered without the consent of the administration.
5. Miniature conifers are permitted only on adult lots having a memorial and only one shall be planted on either side of the memorial. The administrator must approve all miniature conifer plantings.
6. The height of miniature conifers or any annual planting shall at no time exceed 0.91 of a meter (3 feet) above adjacent ground level.
7. The diameters of miniature conifers at their widest point, including all foliage shall at no time exceed 35.56 cm (14 inches) or extend onto or obstruct adjacent lots.
8. The administrator must furnish rights holders desiring outside gardeners to do work on their lots with written permission for the same. Gardeners or florists or their employees shall not enter the cemetery on Sundays, Great Feasts, or Statutory Holidays for business purposes.

9. If any miniatures conifers or plantings situated in any lot shall have become by means of their roots or branches or in any other way, detrimental to the adjacent lots, drains, roads or walks, or prejudicial to the general appearance of the grounds or inconvenient to the public, the administration may remove such trees, shrubs, or plantings at its own discretion.
10. The administration reserves the right to regulate the method of decoration of lots so that uniform beauty may be maintained. The use of boxes, shells, toys, ornaments, glass, crockery jars, containers, wood or metal cases, solar lamps, etc. shall not be permitted on any lot. And such articles if so placed shall be removed by the administration and all costs borne by the rights holder.
11. All flower vases and memorial lights/lanterns must be installed with the approval and under the direction of the administration. If the item is not securely fastened to the ground, or in keeping with the uniform beauty of the cemetery, it will be removed.
- 12. Any unapproved item placed on a lot will be removed by the administration. It is the responsibility of the rights holder to check with the administrator before placing any item on a lot.**
13. Implements or materials used in doing any work within the cemetery shall be removed without delay and if this is not done, the administrator or cemetery employee shall remove the same.
14. No interment rights holder shall change the grading of their lot, and in case of any such change, the administration may restore the lot to its original grade at the expense of the interment rights holder.
15. No unauthorized person shall sod lots or move or remove lot markers.
16. The administration shall not be responsible for loss or damage to any articles left upon any lot.

Section F – Care of Lots – Flowers

1. Flowers shall be delivered at the grave in sufficient time to permit arrangements before the funeral arrives.
2. The cemetery reserves the right to remove all flowers, potted plants, wreaths and baskets of flowers when they become withered or unsightly, or for any other reason that are in the best interest of the cemetery.
3. If floral arrangements are not called for within three days after a funeral by those lawfully entitled to them, the administration may remove and dispose of them in any manner it sees fit.
4. Flowers, wreaths, and plantings are not permitted on cremation plots, except at the time of the funeral service or other liturgical services and must be removed three days thereafter. Approved and properly installed vases that are part of the bronze or granite memorial are permitted.
5. The administration shall not be liable for vases, floral pieces, baskets or flowers in which or to which such floral pieces are attached.
6. All permanent flower vases for ground installation shall be of bronze. Vases are to be integral to the marker and are to be provided with a container so designated and of sufficient strength as to protect the vase in an inverted position in the ground.

7. The container shall be of a resilient, corrosion-resistant material, and shall be securely attached either by a locking mechanism or by not less than three non-corrosive fasteners. The bottom of the container shall be sealed except for a drainage hole no larger than 3.81 cm (1.5 in.) in diameter.
8. **Fresh cut flowers and natural dried flowers are permitted on lots from May 1 through October 30 in containers referred to in No. 7.**
9. **Only organic wreaths containing no plastic or ribbons are allowed from November 1 through April 30.** Everything must be biodegradable. To preserve the proper appearance of the grounds, after one week flowers and wreaths will be removed. And to allow for spring clean up, wreaths must be removed before April 1 of each year, otherwise the administration will remove them.
10. Vases, urns and flower stands not properly cared for may be removed from the lot.
11. Plantings may be placed on adult lots only in an area .09144 meters by .09144 meters (3 ft by 3 ft) at the east end of the lot and set aside for a monument or marker or cross. There must be a 15.24 cm (6") boarder of grass on the north and south sides of the lot. **Refer to the diagram in the Appendix.**
12. Plantings may be placed on infant lots only in an area 45.72 cm by 45.72 cm (18 in by 18 in) at the east end of the lot. **Refer to the diagram in the Appendix.**
13. To preserve the orderly appearance of the cemetery, any flowerbed of the previous year, which has not been planted by June 30, may be sodded by the administration and the cost charged to the interment rights holder.
14. Flowerbeds are required to be cleared of tender plants after the first frost of the autumn. Interment rights holders desiring to take any plants away should do so before their removal becomes necessary.

Section G – Monuments and Markers General Information

1. No monument or other structure shall be erected or permitted on a lot until accrued charges have been paid in full.
2. No monument or other structure shall be erected or permitted on a lot without the approval of the Administrator.
3. No monument or marker will be delivered to the cemetery without the Request for Installation Form containing the following information and signed by the rights holder:
 1. The interment rights holder's name, address, telephone number and email.
 2. Instructions for placement of the marker or monument, specifying the lot location and stating that the person signing has seen the mounted marker and approves of its design, lettering, finish and other details.
 3. The dimensions in the case of a flat marker.
 4. In the case of a monument:
 1. The dimensions of the die; height, width, length.
 2. The dimensions of the base; height, width, length.
 3. The overall size of the monument.
 4. A description of the monument; colour and design.

5. The appropriate amount for the Care and Maintenance Fund in relation to the size of the marker/monument as set out by the Bereavement Authority of Ontario, must accompany the monument.
 6. An order permitting installation signed by the Administrator granting permission for the design and installation.
 7. A certificate stating the alloy content of the bronze by analysis and the kind of finish and method of securing the same.
 8. A certificate stating the type of fasteners and the composition and strength of the base.
4. All images on monuments and markers and wording must conform to traditional iconography and be approved by the Administrator.
 5. All monuments, markers and crosses are placed at the east end of the lot abutting the lot line.
 6. **Photographs or etchings of the deceased are not permitted.**
 7. **All markers and monuments must bear a suitably sized cross, a minimum of ¼ of the height of the monument. It is to be larger than any other graphics including decorative text. No other symbol is to be positioned above the cross.**
 8. No inscription or decoration shall be placed on any monument or marker, which is not in keeping with the dignity and decorum of the cemetery. Any monument or other item not approved by the Board of Trustees will be removed and the cost born by the rights holder.
 9. All installations of monuments and markers shall be arranged for by the rights holder through monument dealers or contractors subject to the conditions of the by-laws.
 10. **The cemetery will place foundations, and the rights holder will pay for the cost, before the monument or marker is erected.**
 11. Persons who are not employed by the cemetery in placing or erecting the monuments or markers or other structures or bringing in materials in regard to such work shall be within the cemetery deemed to be agents of the rights holder and it shall be the responsibility of the rights holder to see that they comply with all the regulations of the cemetery.
 12. **Monument suppliers must receive permission from the administration at least 2 full days before delivery and the administration will determine the day and time of day of the delivery.**
 13. No monument or other form of memorial shall be placed or erected in the cemetery without written permission from the administration given in accordance with the regulations set out by the administration.
 14. The design, symbolism, craftsmanship, quality and material of memorials, inscriptions, and monuments to be placed in the cemetery, shall be subject to the written approval of the administration before manufacture.
 15. All memorial work, or placement or removal of memorials shall be done with the permission of the administration obtained on the written request of the rights holder, and a permit shall be issued by the administration, without which any such memorial work, placement or removal shall be done.
 16. No more than one wooden cross will be permitted on each grave.
 17. These crosses may bear brass and brass-enamelled icons at their centre point, the design subject to cemetery approval.

18. A single cross and single marker may be used on no more than two adjacent lots, and only if the rights holders of the lots agree in writing.
19. No monument, marker or memorial of any kind shall be placed, moved, altered or removed without permission from the Administrator.
20. All candleholders, lamps and vases must be fixed securely to either the monument or marker or to the ground in the permitted flowerbed. If a translucent section is necessary, it must be made of an unbreakable, heat-resistant glass or of a plastic material that is fire resistant.
 1. Candleholders must be included in determining the overall size of the memorial.
 2. A maximum of two candles or vases shall be placed on the base of a memorial. They must be centred on the end or ends of the base.
 3. A candleholder must be adequately drained to prevent any collection of water.
 4. Candleholders must be fully enclosed on all sides by a door or lid.
21. Every person installing a monument or marker in the cemetery shall pay the prescribed amount, as set out by the Bereavement Authority of Ontario, to the St. Elias Cemetery's Care and Maintenance Fund before installing a monument or marker. Contact the Administrator.
22. If a monument or marker in the cemetery presents a risk to public safety the cemetery administration shall do whatever is necessary with the marker to remove the risk. The cost of such to be paid by the rights holder.

Section H – Monuments

1. For the purpose of the regulations, a monument shall be understood to mean any permanent memorial projecting above the ground level.
2. Minor scraping of the base portion of the upright monuments due to turf mowing operation is considered by the cemetery to be normal wear.
3. The cemetery will take reasonable precautions to protect the property of interment rights holders, but it assumes no liability for the loss of, or damage to, any monument, or part thereof except where such damage or loss is due to its negligence.
4. The administration reserves the right to determine the maximum size of monuments, their number and their location on each lot. They must not be of a size that would interfere with any future interments.
5. Only one monument may be erected on a single lot.
6. The maximum size monument allowed on a single lot:
 Height 91.44 cm or 36 inches overall, including base.
 Length 91.44 cm or 36 inches overall, including base.
 Depth 20.32 cm or 8 inches overall.
 The maximum size monument allowed between two adjacent lots:
 Height and Depth as above. Length 121.92 cm or 48 inches overall, including base.
7. A monument that consists of a cross design may have a maximum height of 121.92 cm or 48 inches overall, including base.
8. The monument must be on a granite base. The height of the base shall be a minimum of 15.24 cm (6 inches), of which half of it shall project above ground level. The surface of the base must be both wider and longer than the monument in order to provide a

minimum border of 5.08 cm (2 inches) of the surface of the base exposed on all sides. Bottoms of the base shall be smooth sawn.

9. The maximum width of a base is controlled by the width of the lot where it will be installed. No base shall be closer than 15.24 cm (6 inches) to the lot width sidelines on which it is to be installed.
10. All monuments are placed at the east end of the lot (all lots are on a east-west axis).
11. The west face of the monument bears the inscriptions. The east face may bear only the family name. Monuments cannot be placed “back-to-back” against one another.
12. Monuments must be placed at the centre of the east end of the lot. Approval of the location must be obtained from the Administrator before a monument is set.
13. Book or pillow markers shall be allowed in the cemetery on adult lots. Only flat markers are permitted on infant and cremation lots.
14. The maximum size book or pillow marker on a single lot:
Height 30.48 cm or 12 inches at rear; 25.40 cm or 10 inches at front including base.
Length 91.44 cm or 36 inches overall, including base.
Depth 45.72 cm or 18 inches overall, including base.
The maximum size book or pillow marker allowed between two adjacent lots:
Height and Depth as above. Length 121.92 cm or 48 inches overall, including base.
- 15. Photographs or images of the deceased are not to be allowed on any monuments, markers, crosses, or memorials or placed anywhere in the cemetery.**
16. All foundations for monuments and markers shall be built by the administration at the expense of the interment rights holder. The cost of foundations shall be paid before they are built.
17. No foundations may be constructed after October 1, in any year and before June 1, in the following year, soil conditions permitting.
18. The foundation shall be built in the designated space and in the proper dimension of the monument base. If incorrect dimension have been given on the application form, signed by the interment rights holder and/or supplier, the foundation must be immediately removed and rebuilt by the cemetery at the expense of the rights holder. Foundations will not be less than 121.9 cm (48 inches) deep and they will be set at the Administrator’s direction.
 1. The required concrete mix for foundations will be:
20.5 MPA
75 mm slump
20 mm aggregate
5% +/- 1% Air Entraining agent
Trowel finish all edges.
 2. The surface area shall be flush with the surrounding ground level and shall provide a level surface free of defects.
 3. Foundations must be cured for a minimum of 48 hours before placing the monument..
 4. No concrete shall be placed until a representative of the cemetery has approved the grades and all loose material is removed from the grade. The placing shall commence at the low point in the grade and the concrete shall be thoroughly consolidated to eliminate all air pockets and honeycombs. No concrete shall be placed to overlap concrete that is partially set.

- Defective areas must be repaired to the approval of the Administrator. The finished concrete shall be protected from wind, rain or sun during curing, by covering it completely with a piece of plywood having a minimum thickness of 1.27 cm (1/2 inch). All rubbish and excavated material shall be removed from the excavation site unless otherwise designated by the Administrator.

Section I – Memorial Markers

- The cemetery shall place one identification marker on each lot. These are not to be removed by interment rights holders or their agents.
- Memorial markers will be accepted for installation during regular working hours. If weather and ground conditions permit, installations will be made within 30 days after acceptance. Markers will not be accepted from any monument dealer for storage during the winter months. Installation costs are the responsibility of the rights holder.
- Markers of bronze, or granite are permitted with size and quantity restrictions according to the section of the cemetery and the regulations as per the size of lot in that section. Its placement must not interfere with future interments.

Adult lot Flat Marker base included:
 Length 76 cm or 36”
 Depth 50.8 cm or 20”

Infant lot Flat Marker base included:
 Length 35.56 cm or 14”
 Depth 30.48 cm or 12”

Cremation Flat Marker base included:
 Length 35.56 cm or 14”
 Depth 30.48 cm or 12”

- Flat markers are to be flat on top and set level with the ground so that a lawnmower can pass safely over them and shall be set at the approval of the administration, at the expense of the interment right holder.
- Bronze markers are to be mounted on a granite base, set flush with the ground and installed in positions specified by the administration. The minimum and maximum percentages of the several components of bronze shall be as follows:

| Component | Minimum | Maximum |
|-----------|---------|---------|
| Copper | 85% | 88% |
| Zinc | 5 % | 9% |
| Tin | 5% | 6% |
| Lead | 1.8% | 8% |

- Letters, numerals and ornamentation shall be chased and buffed and shall not protrude more than 0.63 cm (0.25”) above the flat surface of the memorial. Each casting shall be true and free from defects or roughness. Background shall be finished in medium or dark statuary bronze colour. No painted or pigmented lacquers are permitted.

7. All markers for ground installation shall be attached to the base so that a uniform border 5 cm (2") wide is shown on all sides. Brass markers shall be attached securely by four or more non-corroding fasteners of a minimum diameter of 0.95 cm (0.37") and of metal electrolytically similar to the marker to a granite base that is not less than 10 cm (4") and not more than 15 cm (6") in thickness. The granite shall be dense, free from flaws and tested to 350 kilograms per square centimeter (5,000 lbs. per square inch) in compression.
8. Each scroll shall be attached securely to the marker by two or more bronze bolts of a minimum diameter 0.80 cm (0.31").
9. Any flat marker can only be installed after a full interment has taken place.
10. The minimum thickness for all flat markers is 10 cm (4 inches).
11. The bottom bed of all bases and markers shall be cut level and true.

Section J – Rules for Monument Dealers, Contractors and Workers

1. No workers other than employees of the administration will be permitted to work in the cemetery unless authorized by the said administration. However, rights holders may have certain work done in accordance with the cemetery by-laws at their own expense upon application to and approval by the Administrator.
2. No monument or marker will be delivered to the cemetery without the proper paperwork. See Section G-2 for a description of the paperwork
3. No monument or marker will be delivered to the cemetery until the foundation is completed and the contractor is ready to proceed with the work of erection.
4. All deliveries and work must be pre-arranged with the Administrator regarding date and time of day, as an employee of the cemetery must supervise all work.
5. No monument or marker will be removed without written permission from Administrator.
6. All companies who do work in the cemetery shall have Worker's Compensation coverage for their workers as well as sufficient liability insurance. Before performing work, they shall present satisfactory documentation to the Administrator regarding Worker's Compensation and liability insurance.
7. Contractors, masons and stonecutters shall lay planks on the lots and paths over which heavy materials are to be moved in order to protect the surface from injury.
8. The demeanour and behaviour of all workers employed by others in the cemetery shall be subject to the control of the Administrator.
9. Workers shall cease work, if in the immediate vicinity of a funeral, until the conclusion of the service.
10. All work must be done during regular cemetery hours, unless by special permission of the Administrator.
11. No work shall be commenced on Saturday that cannot be finished, and the litter and debris removed, by the hour of noon of that day.
12. Workers will not be allowed to work on the grounds on Sundays, Great Feast Days, Statutory Holidays, or after established office hours Monday through Saturday.
13. Heavy loads shall not be permitted in the cemetery when the roads and /or lawns are in unfit condition.

14. No monument dealer shall park on the grass unless otherwise directed to do so by the Administrator.
15. All implements and materials used in the performance of any work shall be placed where the Administrator may direct, and all rubbish and surplus earth shall be removed when, and to where, and in such manner as the Administrator may order. Otherwise, the obstructions will be removed, and the expense charged to the monument dealer.

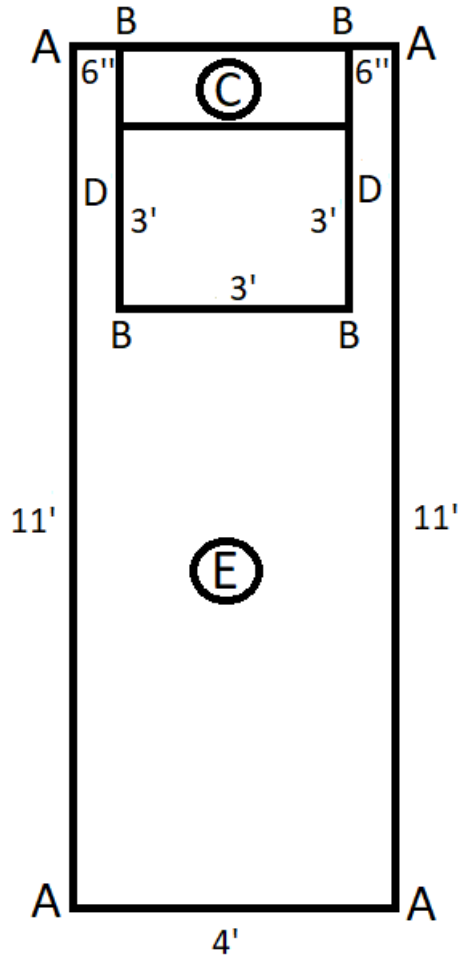
Section K – Rules for Visitors

1. Visitors are always welcome at the cemetery during open hours, from 9:00 am until sunset. They are asked to remember the respect due to the dead.
2. The Administrator and his/her assistants are empowered and are required to preserve order and decorum in the cemetery.
3. Idling, loafing, loitering, smoking of any substance, vaping, the use of alcohol or cannabis, or any boisterous behaviour within the cemetery or any of its buildings is prohibited.
4. All visitors within the cemetery shall use only the avenues, roads and walks, unless it shall be necessary to walk on the grass to gain access to the right holder's own lot.
5. No Parades other than funeral processions shall be admitted to or organized within the cemetery.
6. Children under the age of twelve years are welcome in the cemetery grounds when accompanied by an adult, who shall be responsible for their good conduct and shall see that they do not run over the lots or climb upon the monuments.
7. Vehicles within the cemetery shall be driven at a moderate rate of speed and shall not leave the avenues or park on the grass unless directed to do so by the Administrator.
8. All vehicles must be kept under control at all times and at no time shall such vehicles drive through the gates or within the cemetery at a speed in excess of five kilometres per hour.
9. It is prohibited to park or leave any motor vehicle on any road or driveway within the cemetery at such location or in such position as to prevent any other vehicle from passing, and if so parked or left, the administration may remove the said vehicle at the owner's cost.
10. No pleasure ATVs (all terrain vehicles) or snowmobiles are allowed in the cemetery.
11. Proprietors of vehicles and their drivers shall be held responsible for any damage done by them.
12. Discharging of firearms, other than in regular volleys at burial services is prohibited in and around the cemetery.
13. Animals, including pets, either dead or alive, except for service animals shall not be allowed in the cemetery or any buildings therein.
14. No one shall be permitted to peddle flowers, plants or any other article or item, or to solicit the sale of any commodity whatsoever within the cemetery unless authorized by the administration and under its direct supervision.
15. No signs, notices or advertising of any kind shall be allowed within the cemetery except those placed by the administration.

16. The administration reserves the right to exclude any person or person from the cemetery whose behaviour and demeanour is not in conformity with the sacredness of the place, or who violates these by-laws. All persons not having business in the church or cemetery, which is defined by the nature of the place will be excluded therefrom.
17. No assemblages shall take place in the cemetery except with the permission of the Administrator.
18. Any person who, while in the cemetery, damages or moves any tree, plant, marker, fence, structure or other thing usually erected, planted or placed in the cemetery is liable to St. Elias Cemetery and any interment rights holder who, as a result, incurs damage. The amount of damages shall be the amount required to restore the cemetery to the state that it was in before anything was damaged or moved by the person liable.
19. Any complaints by interment rights holders or visitors must be made to the Administrator, and not to workers on the grounds, and controversies with workers or others on the grounds are to be avoided.
20. Rubbish shall not be thrown on roadways, lots or walkways or any part of the grounds. Receptacles are provided at convenient points on the grounds for the deposit of weeds decayed flowers, plants, etc.
21. The cemetery may remove any article, which is detrimental to efficient maintenance or constitutes a hazard to machinery, employees or visitors, or is unsightly or does not conform with the natural beauty or design of the cemetery, without notice to the rights holder.
An article removed, will be held at the cemetery for collection. If not collected, it will be disposed of after 30 days.
22. Cemetery employees are not permitted to do any work for rights owners except upon the order of the administration.
23. Under penalty of immediate dismissal, no cemetery employees shall receive any fee, gratuity or commission, directly or indirectly, except from the administration or with the permission of the administration.

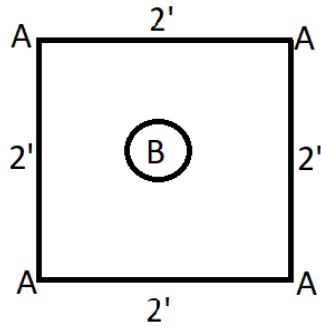
APPENDIX

Single Lot:



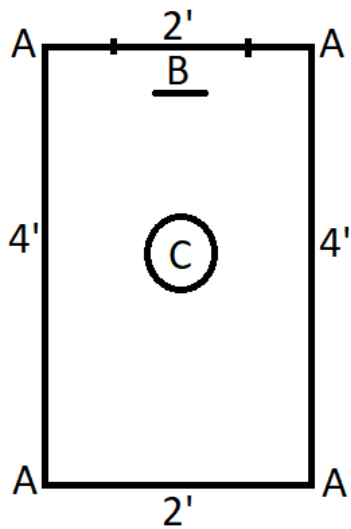
- A:** Single Lot 4'W x 11'L
 - B:** Area for approved plantings and wreaths 3'W x 3'L
 - C:** Area for approved monument/marker 3'W x 14'L
 - D:** Borders – only grass -6''W minimum
 - E:** Area for interment – feet to the East
- Note:** No loose items on lot.
Not to scale.

Cremation Lot:



A: Cremation Lot 2'W x 2'L
B: Area for approved flat marker 14''W x 12''L
Note: No items except approved marker on lot.
Not to scale.

Infant Lot:



A: Infant Lot 2'W x 4'L
B: Area for approved flat marker 14''W x 12''L
C: Area for interment-feet to East
Note: No loose items on lot.
Not to scale.