

# Consumer Protection Division

## Guidelines for the Establishment of Cemeteries

## ***The Cemeteries Act, 1999***

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### GUIDELINES FOR THE ESTABLISHMENT OF CEMETERIES IN SASKATCHEWAN

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No cemetery may be established, the boundaries altered or relocated without the prior written approval of the Registrar of *The Cemeteries Act, 1999* being obtained.

Before proceeding with the establishment or enlargement of a cemetery or the preparation of a plan, consideration should be given:

- to the requirements of the Ministry of Municipal Affairs for subdivision of land;
- to the suitability of the land for burial purposes (the approval of the municipality);
- to the requirements of the Information Services Corporation of Saskatchewan (ISC) as to the obtaining of title to the property in question (the ISC Office will advise whether or not a survey is required).

Before granting approval, the Registrar requires:

- a written request from the cemetery owner;
- a copy of the land title certificate.
- a certified copy of a resolution of the municipality indicating they approve the establishment of, or changes to the cemetery;
- a plan with a reasonable scale drawing (at least 500:1) showing the subdivision of the cemetery into lots and plots;

Note: If there are to be 12 or less plots, the plan need not necessarily be prepared, surveyed or staked by a land surveyor. If there are to be more than 12 plots, the plan must be prepared by a qualified land surveyor or draftsman. In either case, once approved, the owner must stake out the cemetery according to the plan.

Every cemetery shall be laid out in such a manner as to comply with *The Cemeteries Act, 1999* and The Cemeteries Regulations, 2001 Chapter C-4.01 Reg 1.

1. a) The cemetery shall be located on suitable ground at least 100 m from any watercourse or well and at least 500 m from any waste disposal ground. (Note: consideration should be given to the type of soil. For example, sandy or rocky soil may create future problems.)  
  
b) Unless specifically allowed by the Registrar, the cemetery shall not be located less than 55M from the center of a public highway or less than the distance from the center of a provincial highway prescribed in the regulations pursuant *The Highways and Transportation Act, 1997*.

Exemptions to the distance requirement will only be granted if:

- In the case of a provincial highway, the applicant receives the approval of the Ministry of Highways and the relevant municipality or municipalities;

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- In the case of a public highway, the applicant receives the approval of the relevant municipality or municipalities.

A provincial highway can be identified on the Saskatchewan Official Road Map.

2. a) Cemetery roads shall be:
  - i) at least 7 m in width;
  - ii) arranged throughout the cemetery so that every grave lot will be within 75 m of a road; and
  - iii) provide access to a public road at two or more locations or a suitable turning area at least 15 m in diameter
- b) Walks should be arranged so as to give access to every part in the new portion of the cemetery.
3. Every plan submitted must be signed by the owner and drawn to a scale of not less than 500 to 1 and must show:
  - a) the geographical location of the cemetery;
  - b) the location and dimensions of every block, plot, drive, walk, road, watercourse and building;
  - c) sufficient detail to allow each lot to be located and identical (a numbering system).
4. The Registrar will require that any plan submitted for approval for more than 12 plots be prepared by a licensed Saskatchewan Land Surveyor.
5. The Registrar may approve any plan, where in his opinion, special and peculiar circumstances exist.
6. When the Registrar approves a plan, no alterations to the cemetery boundaries shall be made to that plan until approval has been received from the Registrar.
7. Every owner shall make a copy of the cemetery plan available for public inspection during reasonable office hours.
8. At the time of the sale of a lot or plot, the purchaser shall receive a certificate showing:
  - b) the name of the purchaser;
  - c) the location and the area or dimensions of the lot or plot purchased, and the number of grave spaces;
  - d) the date of the purchase;
  - e) the amount of the sale price and the terms of payment, if any; and
  - f) the amount, if any, to be deposited in the care and maintenance fund.
9. A register must be kept for public inspection showing:
  - a) the name and address of the owner of a lot; and
  - b) the transfer of ownership of a lot.
10. A separate register must be kept for public inspection showing:
  - a) the name of the deceased person whose body is interred in the cemetery;
  - b) the location of the interment;
  - c) the date of the interment;
  - d) setting out the reasons for a lesser depth such that the top of the outer burial container interring the human remains is less than 76 centimeters below the surface of the ground; and
  - e) the particulars of every disinterment or removal of any human remains.

Disinterment Certificates can be obtained from the Saskatchewan Health, Community Health Branch. Before using a Disinterment Certificate, Saskatchewan Health usually requires a death certificate. Usually a relative of the deceased applies for the Disinterment Certificate. If the cemetery has no record of who is interred in a certain plot, the Administrator of the cemetery would be required to apply to the Minister of Health to have a body disinterred and in this case the Minister could waive the death certificate.

11. A care and maintenance fund is required for any new cemetery over 12 plots. Municipalities are exempt.

#### **Care and Maintenance Fund (section 42 of The Cemeteries Regulations)**

Unless otherwise exempted, the Cemeteries Regulations requires an initial care and maintenance fund at \$10,000 per hectare or 10% of the total cost of a mausoleum/columbarium. Evidence of such a fund with the appropriate deposit in a trust account will be required prior to any interment being permitted. Future deposits are funded from certain cemetery sales. Unless otherwise permitted in writing by the Registrar, only income from the fund can be used for annual operations.

12. You should note that owners must provide for public visitation access, care and maintain the cemetery to community standards, and must get the Registrar of Cemeteries' approval for the sale or transfer of land containing a cemetery. For more information contact:

The Registrar of Cemeteries  
Financial and Consumer Affairs Authority  
500 - 1919 Saskatchewan Drive  
REGINA SK S4P 4H2  
Telephone 306 787-2952  
Toll free 1 877 880 5550 (ask for the Registrar of Cemeteries)  
Fax: 306 787-9779

13. Burial processes, (other than plots, headstones, interments) are governed by The Funeral and Cremation Services Act and Regulations. These rules are administered by the Funeral and Cremation Services Council of Saskatchewan please contact them for information at <http://www.fcscs.ca/>

#### **ADDITIONAL INSTRUCTIONS FOR A COMMERCIAL CEMETERY, COLUMBARIUM OR MAUSOLEUM.**

14. General Information

To be licensed as a commercial cemetery, columbarium or mausoleum you will need.

- a) a registered name;
- b) a completed online application;
- c) copies of the form of contract for sale of plot, market or space;
- d) paper copies of surveyed plan of the cemetery, columbarium or mausoleum
- e) certified copy of resolution from municipal council approving establishment or enlargement of cemetery of cemetery, columbarium or mausoleum;
- f) copy of land title certificate confirming ownership;
- g) description of the surrounding area to the cemetery and overall site development. [Reference Sections 3 to 8 of the Regulations];
- h) business plan; and,
- i) financial surety.

15. Name Registration

All corporations and operating (business) names must be register with the Corporate Registry of the Information Services Corporation (ISC). Phone: 1-866-275-4721 for information on this procedure.

16. Complete all pages of the application on the online [RLS platform](#).

(a) **The Saskatchewan address for service** is the Saskatchewan address to be used for official notification of legal documents/actions.

(b) **Notice required of all changes on the application**

Where any changes occur that affect or change the information on the application, written notice to The Registrar of Cemeteries is required.

17. **The fee pursuant to clause 9(1) to operate a commercial cemetery is:**

-effective January 1, 2018, \$600 for each cemetery.

18. Licenses are valid for one year from date of issue unless otherwise suspended or cancelled.

#### 19. **Business Plan**

The cemetery owner will need to provide details of the business plan which describes how the cemetery is going to be funded and operated for the next 35-50 years along with pro forma cemetery financial statements for 5 years that show projections and assumptions.

#### 20. **Financial Surety**

Unless there is a compelling reason to do otherwise, applications from new for-profit cemetery operators will require a financial bond. Contact the Registrar's Office for more information.

#### 21. **Care and Maintenance Fund (section 42 of The Cemeteries Regulations)**

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A complete copy of [The Cemeteries Act, 1999 and Regulations](#) are available free of charge online at [Publications Centre](#) or for a nominal fee by contacting the Publications Saskatchewan Centre at Telephone: 1-800-226-7302 (Sask. Residents only) (306) 787-6894 Fax: (306) 798-0853.