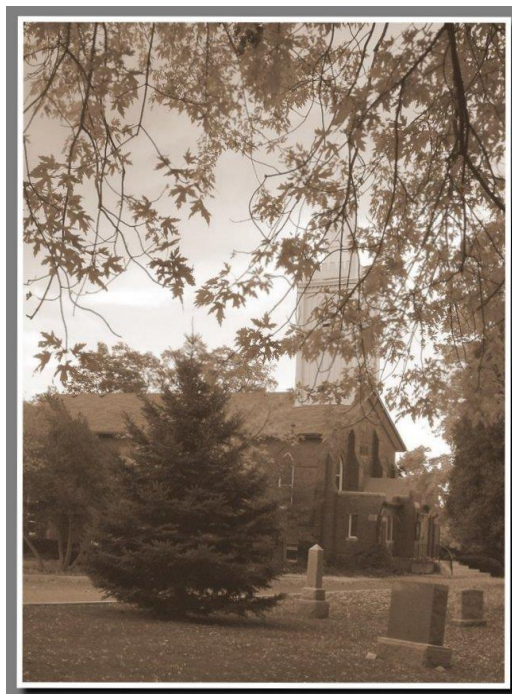


By-Laws
of
St. George's On-The-Hill Cemetery
July 2012
Revised March 2021

A Brief History of the Cemetery

St. George's Cemetery has been a vital part of St. George's On-The-Hill Anglican Church since the 1840's. There are about 3000 people buried in the 2.9 acres located just outside the front doors of the church. The vast majority of these individuals were part of this local parish and most of these contributed their time, talents and money as active members of this church.

The cemetery is located just west of the north-west corner of Dundas Street West and Wimbleton Road in Etobicoke. The cemetery is owned and maintained by St. George's On-The-Hill Anglican Church.



St. George's On-The-Hill Cemetery
4600 Dundas Street West
Toronto, Ontario
M9A 1A5

416-239-2341

Email - cemetery@stgeorgesonthehill.ca

Website - www.stgeorgesonthehill.ca

By-Laws of St. George's On-The-Hill Cemetery

A copy of these By-Laws must be given to each purchaser of Interment Rights.

Adopted by the Corporation of St. George's On-The-Hill Anglican Church

As Filed to the Registrar, Cemeteries Act (Revised),

Ministry of Consumer Services

Consumer Protection Branch

Cemeteries Regulation Unit

TABLE OF CONTENTS PAGE

A) Preface.....	4
B) Interpretation.....	4
C) Definitions.....	4-5
D) General Information.....	6
E) Administration.....	6
F) Sale and Transfer of Interment Rights.....	7
G) Interments and Disinterments.....	8-9
H) Care of Lots -General.....	9
I) Care of Lots -Flowers, Shrubs, and Trees.....	10-11
J) Monuments and Markers –General information.....	11-12
K) Upright Markers.....	12-13
L) Flat Markers.....	13
M) Rules for Monument Dealer, Contractors, and Workers...	13-14
N) Rules for Visitors.....	14-15
O) Gifts to the Cemetery.....	15

A) Preface

These by-laws are presented pursuant to the Cemeteries Act (Revised) of Ontario. They has been approved by the Corporation of St. George's On-The-Hill Anglican Church, who are the owners and operators of the property known as St. George's On-The-Hill Cemetery.

These by-laws are intended to provide direction for the maintenance and administration of cemetery operations; and benefit and protection for each person who has purchased or otherwise has an interest in interment rights within the St. George's On-The-Hill Cemetery.

B) Interpretation

1. These by-laws constitute the rules of St. George's On-The-Hill Cemetery, hereinafter simply referred to as 'St. George's Cemetery', as approved by the Corporation of St. George's On-The-Hill Anglican Church.

2. 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.

3. All words in these by-laws must be read and construed as incorporating the singular or the plural in any case as applicable.

C) Definitions

1. "Act" means the Cemeteries Act (Revised)

2. "Care and Maintenance Fund" means the trust fund in which all monies received by the Cemetery for the care and maintenance of lots and markers are deposited and invested. This is sometimes also referred to as "Perpetual Care"

3. "Cemetery" means the lands and properties known collectively as St. George's On-The-Hill Cemetery, located at 4600 Dundas Street West, Toronto, Ontario just west the intersection of Dundas Street West and Wimbleton Road in the city of Toronto.

4. "Cemetery Administrator" means the person or persons duly authorized on behalf of the Corporation of St. George's On-The-Hill Anglican Church to conduct the operation of the Cemetery.

5. "Certificate of Interment Rights" means the certificate issued by the Cemetery to the purchaser of interment rights. Formally known as the "Deed"

6. "Contract" means the contract for the provision of the Cemetery's supplies and services.

7. "Lot" means any burial space intended for human remains, and having a nominal size as follows:
- a. 92 cm (36 in) by 274 cm (108in)
 - b. any other sizes as may have been established by practice in other portions of the cemeteries
 - c.) Cremation Lot 61cm (24 in) x 61cm (24 in)
8. "Interment Rights" includes the right to require or direct the interment of human remains in a lot.
9. "Interment Rights Holder" means a person with the interment rights with respect to a lot and includes a purchaser of interment rights under the Act or a predecessor of that Act.
10. "Ministry" means the Ministry of Consumer Services for Ontario, or its lawful successors.
11. "Marker or Flat Marker" means any monument, tombstone, plaque, headstone, cornerstone or other structure or ornament affixed to or intended to be affixed to a burial lot, mausoleum crypt, columbarium niche or other structure or place intended for the deposit of human remains. For the purpose of these by-laws, an Upright Marker shall be understood to mean any permanent memorial projecting more than 10 cm (4 in) above the ground.
- "Marker Die" is the portion of a flat or upright marker which is engraved.
- "Marker Base" is the portion of the upright marker which is below and supports the die and which is itself supported by the foundation.
- "Marker Foundation" is the concrete on which the "Marker Base" sits in an upright marker, and is below the die of a flat marker if it is installed.
12. "Plan" means the geographic sketch or plan of the cemetery, approved by the Ministry of Consumer Services for Ontario.
13. "Register" means electronic or written records maintained in accordance with the Act.
14. "Registrar" means the Registrar appointed under the Act.
15. "Tariff" means the schedule of fees and charges as set out from time to time by the Cemetery and approved by the Corporation of St. George's On-The-Hill Anglican Church. The current Tariff is provided with this document as an attachment.
16. "Transfer" means to make a gift, bequest or other transfer of an Interment Right without consideration.

D) General Information

Office Hours: The Cemetery office is managed by the Cemetery Administrator. Please contact the office at 416-239-2341, or email at cemetery@stgeorgesonthehill.ca for all inquiries, and to book appointments. Both the voicemail and email are checked on a regular basis.

Requests for Burial information related to genealogy searches will be dealt with as time permits. You are best to write or email the cemetery office for these types of enquiries.

Access to Information - The Cemetery is committed to protecting the privacy of its Interment Rights Holders. We collect, use and disclose personal information as required by governing federal and provincial legislation. We do not rent, sell, or trade personal information lists. Individuals may request their personal information in writing at any time to ensure that it is correct and current or to edit it.

Provincial legislation requires all Ontario cemeteries to maintain a public register that is available to the public during regular office hours.

E) Administration

1. The Cemetery reserves full and complete control and management of the land, buildings, plantings, roads, utilities, books and records (including electronic) of the Cemetery and complete authority to administer these by-laws in accordance with the Act
2. The Cemetery disclaims all responsibility for loss or damage from causes beyond its control, including without limitation, damage or loss caused by the elements, acts of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, accidents, invasion, insurrections, riots or order of any military or civil authority, whether damage be direct or collateral.
3. The Cemetery shall take reasonable precautions to protect the property of Interment Rights Holders but shall assume no liability or responsibility for the loss of, damage to, or any resulting injury from any article of any type that is placed or left on any Lot.
4. These by-laws may be at any time amended, rescinded or added to, in whole or in part, upon the approval of the Corporation of St. George's On-The-Hill Anglican Church and filed with the Registrar in accordance with the Act.

F) Sale, Re-Sale and Transfer of Interment Rights

1. No person shall sell Interment Rights unless that person is authorized by, and does so on behalf of the Cemetery.
2. Subject to availability of Lots, Interment Rights may be purchased from the Cemetery at the Tariff rates filed with the Ministry and according to the Plan approved by the Ministry that are on file with the Cemetery. The rates for Interment Rights include the portion as specified by the Act for deposit to the Cemetery's Care and Maintenance Fund.
3. Payments for Interment Rights shall be made out to "St. George's Cemetery".
4. Upon payment in full, the Cemetery shall provide each purchaser of Interment Rights with
 - a) the original Contract;
 - b) a copy of the Cemetery By-laws; and,
 - c) the original Certificate of Interment Rights.
5. Purchasers of Lots acquire only the right and privilege for the interment of human remains and placing Markers, subject to these by-laws.
6. If the rights holder desires to sell their interment rights, they may be then be sold on the open market to a third party for no more than the price as listed on the current Cemetery price list. The sale or transfer must be conducted through the Cemetery operator and the purchaser must adhere to the regulations as outlined in the Cemetery operator's by-laws. If the interment rights have been exercise, in full or in part, then no sale is permitted. The Cemetery does not re-purchase plots
7. To ensure accuracy of the Register, no Transfers of any Interment Rights or any interest therein shall be binding upon the Cemetery, unless application for the Transfer has been submitted, including necessary supporting documentation and the original Certificate of Interment Rights returned. Upon receipt of such application and payment of the prescribed fee, the Transfer shall be made and new certificate of Interment Rights issued.
8. In cases of Transfer by Will or bequest, the Cemetery reserves the right to require the production of a notarial copy of the Will or Certificate of Appointment of Estate Trustee or other evidence sufficient to prove ownership or authority to deal with the Interment Rights.

G) Interments and Disinterment's

1. Interments shall take place only if weather and ground conditions permit in the judgment of the Cemetery Administrator. Cremation Interments are performed generally April through October depending on ground conditions.
2. All interments must be authorized in writing by the Interment Rights Holder or their authorized representative(s).
3. When Interment Rights for a Lot are co-owned by two or more persons, a Contract or Certificate of Internment Rights will be accepted from either or any of them or their authorized representatives, and the Cemetery is authorized to deal with them as if they had the full, separate and distinct authority of a sole holder of Interment Rights
4. Persons requesting interments in Lots shall be personally responsible for Tariff charges incurred as agreed to in the current price list. Full payment must be received at time of burial.
5. No interment shall be permitted in any Lot where there are any outstanding charges that have not been paid in full.
6. Before an interment can take place, a burial permit issued by the Divisional Registrar or designate, showing the death has been registered, and the signed Contract must be in place.
7. Designated areas of the Cemetery may require the use of a vault. For areas not specifically designated as requiring a vault, the Cemetery does not require that they be used. The Cemetery offers double depth interments. (if there is room), Obstructions such as tree roots, rocks, water, may inhibit double depth interments.
8. In the case of a cremation interment, the original Cremation Certificate and the signed Contract must be in place. Cremation urn sizes – if cremation plot is sold for 2 burials, then the maximum urn size will be 10 inches x 6 inches x 6 inches.
9. Not more than two casket burial shall be made in any single Lot. Up to two (2) additional Cremated remains may also be buried. The number of cremations allowed is dependent upon the plot condition.
10. Remains to be buried in a Lot must be enclosed in a container, sealed securely, and of sufficient strength to permit burial with the container remaining intact. The container must be of a size to permit burial within the size of the Lot.
11. No Lot shall be opened for interment or disinterment by any person not in the employ of, or under the direction of the Cemetery.
12. All disinterments shall be in accordance with the Act and its regulations. A burial certificate under the Vital Statistics Act is not required to reinter human remains that have been disinterred in accordance with the Act and regulations.

13. The Cemetery will exercise all due care in performing burials and interments but is not responsible for damage to any casket, urn or other container sustained during either interment or disinterment.

14. Notice of each interment to be made shall be given to the Cemetery at least 48 hours in advance, 16 hours of which must be normal hours of operation. The Cemetery is not responsible for having Lots prepared for burials unless such notice is given.

15. Normal hours of operation for the Cemetery are Monday to Friday, between 9:00 a.m. and 3:00 p.m., excepting Statutory Holidays.

16. The Cemetery will not do any Statutory Holiday interments unless ordered to do so by a representative of the Ministry of Health.

H) Care of Lots -General

1. The grounds of the Cemetery shall be maintained by the Cemetery to ensure the safety of the public and preserve the dignity of the Cemetery.

2. No person or contractor shall perform any installation or maintenance work upon a Lot without the knowledge and permission of the Cemetery Administrator.

3. Interment Rights Holders desiring outside contractors or third parties to do work on a Lot must furnish the Cemetery with written authority and instruction for any third party activities. No person shall enter the Cemetery for these purposes without permission of the Cemetery Administrator. A statement of Liability insurance and Workplace Safety and Insurance Board must be presented prior to any work commencing.

4. Due to hazards to visitors and workers, no glass or ceramic containers of any kind are allowed in the Cemetery at any time.

5. The installation of borders, fences, railings, walls or hedges in or around any Lot is prohibited. Items such as nails, wires, wooden crosses, non approved markers, toys, loose stones, articles of glass or pottery are prohibited. Anything that may create a hazard to visitors and workers are not allowed in the Cemetery and will be removed.

6. No Interment Rights Holder shall change the grading of any Lot, and in case of any such change, the Cemetery may restore the Lot to its original grade at the expense of the Interment Rights Holder.

7. No unauthorized person shall sod or move corner posts or Lot markers.

8. Implements or materials used in performing any work within the Cemetery shall not be left unattended and may be removed by the Cemetery if so found.

9. The use of chemical pesticides is strictly forbidden.

I) Care of Lots -Flowers, Shrubs and Trees

1. Maintenance of any plant material growing on a Lot is the responsibility of the Interment Rights Holder or their authorized representative.
2. Flowering or other plants may be cultivated on Lots, but only such varieties that are in keeping with the general plan of the grounds and subject to the approval of the Cemetery Administrator. No trees, bushes, or shrubs are permitted.
3. In the area designated as Weir Garden, no plantings of any kind shall take place. Small non-breakable vases may be placed.
4. Anyone wishing to have a memorial tree planted in the Cemetery must have approval of the Cemetery Administrator. Trees are not permitted on Lots
5. If any trees, bushes, or shrubs situated in any Lot have become by means of their roots or branches or 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 or performance of any interment, the Cemetery may without notice or liability trim or remove such growth or parts thereof at the expense of the Interment Rights Holder or their authorized representative.
6. Flowerbeds not exceeding 60 cm (24 in) in width shall be permitted within a Lot, adjacent to the base of the Headstone Marker. Raised edging and or fencing is not permitted. Where there is no Marker, planting can only be done by permission of the Cemetery Administrator. Flowerbeds adjacent to Foot Markers are prohibited.
7. To preserve the orderly appearance in the Cemetery, the Cemetery may re-establish turf in the place of any flowerbed that has not been planted by June 30, and the cost charged to the Interment Rights Holder or their authorized representative.
8. Flowerbeds must be cleared of plants prior to September 30.
9. 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 deems such removals to be in the best interest of the Cemetery.
10. Artificial flowers are permitted provided they are placed in spiked containers placed immediately adjacent to the headstone, and properly maintained and not detrimental to the general maintenance of the Cemetery. All artificial flowers, wreathes etc. are permitted only during the winter months – November 1st thru April 30th and must be removed by April 30th of each year.
11. Vases, urns and flower stands not properly cared for and not filled with plants by June 30 in any year may be removed from the Lot and any stand, holder, vase or other receptacle for: flowers deemed unsightly or unsuitable may be prohibited or removed by the Cemetery.

12. Potted plants and planters are permitted but must be set immediately adjacent to the marker. Those who place potted plants or urns are responsible for their upkeep and must remove them by September 30, failing which the Cemetery Administrator will have them removed.

13. Artificial wreaths without glass or plastic covers are allowed to be placed on the Lot after October 1 provided they are securely fastened to the monument, or where there is no monument, mounted on an appropriate stand securely anchored to the ground. All wreaths must be removed prior to April 30, failing which the Cemetery Administrator will have them removed.

J) Monuments and Markers -General Information

1. No monument or marker shall be erected or permitted on a Lot until accrued charges have been paid in full.

2. Interment Rights Holders are required to keep in proper repair, at their own cost and to the satisfaction of the Cemetery, all Markers upon Lots with Interment Rights purchased prior to 1955.

3. The Cemetery will take reasonable precaution to protect the property of Interment Rights Holders, but it assumes no liability for the loss of, or damage to, any Marker, or part thereof, except where such damage or loss is due to its negligence.

4. Minor scraping of the base portion of a Marker due to the grass mowing or trimming operation is considered by the Cemetery to be normal wear.

5. The Cemetery reserves the right to determine the maximum size of monuments and markers, and their location on each Lot. They must not be of a size that it would interfere with any future interments. Upright monuments are only permitted at the head of Lots.

6. No monument, footstone, marker or memorial of any kind shall be placed, moved, altered or removed without permission from the Cemetery Administrator. Markers are to be made of granite, or other permanent material as approved by the Cemetery Administrator.

7. Markers for installation will be accepted at the Cemetery during normal hours of operation.

8. Markers will not be accepted for storage.

9. Candle holders and vases may constitute part of a Headstone Marker if they are made principally of bronze or stainless steel.

a) candleholders are included in determining the overall size of the Marker;

b) a maximum of two candles or vases may be placed on the base of a monument and must be centered on the ends of the base;

c) a candleholder must be adequately drained to prevent any collection of water; and,

d) candleholders must be fully enclosed on all sides by a door or lid.

10. All photographs attached to any markers shall be the sole responsibility of the owner.

11. No inscription or design will be placed on any Marker that is not in keeping with the dignity and decorum of the Cemetery. In case of dispute, the Cemetery Administrator's ruling is final.

12. No Marker will be delivered to the Cemetery without the Request for Marker Installation form (see Appendix B) containing the following information:

- a) the Interment Rights Holder's name and address;
- b) instructions for placement of the Marker;
- c) the overall size of the Marker, including the dimensions of the base and die as applicable;
- d) a description of the Marker including colour, design and inscription; and,
- e) the appropriate payment to the Care and Maintenance Fund in relation to the size of the Marker/monument as set out in the Act must accompany the delivery of the Marker.

13. If in the sole opinion of the Cemetery, a Marker in the Cemetery presents a risk to public safety for whatever reason, the Cemetery shall do whatever is necessary by way of repairing, resetting or laying down the Marker to reduce or remove the risk.

K) Upright Markers

1. The maximum size of Upright Markers allowed on a grave plot is:

- a. Single grave maximum width—61cm (34in)
- b. Two graves maximum width—122cm (56in)
- c. Four graves back to back maximum width—122 cm (48in)
- e. Maximum height of any Upright Marker—122cm (48in)

2. 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 10 cm (4 in) to the sides of the Lot on which it is to be installed in order to facilitate the placement of corner markers. No base shall be less than 35 cm (14 in) in width.

3. The minimum thickness of a die shall be 20 cm (8 in).

4. The die stones must be installed on a granite base. The height of the base shall be a minimum of 20 cm (8 in). The top surface of the base must be both wider and longer than the die in order to provide a minimum border of 8 cm (3 in) of the surface of the base exposed on all sides.

5. All foundations for Upright Markers shall be installed by The Cemetery only and at the expense of the Interment Rights Holder upon payment of the foundation cost as set in the Tariff of Prices.

6. Foundations shall be no less than 122 cm (48 in) deep and shall extend 5 cm (2 in) on each side from the Marker base. All foundations shall be constructed between April 30 and November 1 only. Note that Marker foundations are usually poured twice a year, Spring and Fall.

L) Flat Markers

1. Flat Markers are permitted with size and quantity restrictions determined by Cemetery Administrator, taking into consideration the Lot condition and location within the Cemetery. Its placement must not interfere with future interments. Size limits are:

a) -single lot 61 cm x 91 cm x 15 cm (24 in by 36 in x 4 in minimum thick)

b) -double lot 91 cm x 122 cm x 15 cm (36 in x 48 in x 4 in minimum thick)

d) -cremation marker 30 cm x 45 cm (10 in x 16 in x 4 in maximum thickness) Concrete base not required

2. Flat Markers are to be flat on top, set on concrete base, and installed level with the ground so a lawnmower can pass safely over them. Cremation Flat Markers shall be set by the Cemetery, at the expense of the Interment Rights Holder, on payment of the fee as set in the Tariff.

3. All Markers shall be constructed of bronze or granite. The bottom bed of all bases and Markers shall be cut level and true.

4. Corner Markers are required and shall be set by the Cemetery. Cost is incorporated into the total purchase of the lot and expenses, as set forth in the Tariff.

M) Rules for Monument Dealer, Contractors and Workers

1. No Marker shall be delivered to the Cemetery without the proper Request For Installation documentation in accordance with paragraph I.13

2. No Upright Marker shall be delivered to the Cemetery until the Monument Dealer has submitted the Request for Installation Form as outlined in section I.13, The Cemetery has completed the foundation, and the supplier is ready to proceed with the work of placement.

3. All companies, who do work in the Cemetery, shall meet the obligations of the Cemetery's purchasing agreement, including requirements for worker and liability insurance coverage.

4. Contractors shall be under the supervision of the Cemetery Administrator and their conduct shall be subject to the control of the Cemetery. Contractors shall cease all work at the Cemetery Administrator's order for any reason and shall normally only supply services during the normal hours of operation.

5. No contractor or supplier of services shall cause damage to roadway or turf areas within the Cemetery and shall be responsible for placing planks or plywood in order to protect the surface from damage. Costs for reparation will be at the expense of the contractor, worker or supplier.

6. All implements and materials used in the performance of any work shall be placed as directed by the Cemetery Administrator, and all rubbish and surplus earth shall be removed when, and to where, and in such manner as the Cemetery Administrator may direct. In the event the Cemetery Administrator's directives are not followed, the obstructions may be removed at the contractor's, worker's or supplier's expense.

7. If any person or company desires to set an Upright or Flat Marker, they must make written arrangements as to time of installation with the Cemetery. An employee of the Cemetery must supervise all work, and the installer shall pay to the Cemetery the prescribed installation fee as established in the Tarrif.

N) Rules for Visitors

Visitors are welcome at the Cemetery daily during daylight hours and are asked to remember the respect due to the interred. The Cemetery staff is empowered and is required to preserve order and decorum in the Cemetery.

1. Any visitor disturbing the quiet and good order of the Cemetery by noise or other improper conduct or who violates These by-laws may be expelled from the grounds.
2. No parades other than funeral processions shall be admitted to or be organized within the Cemetery
3. Vehicles are not allowed within the Cemetery except under direct authorization and supervision by Cemetery staff.
4. No recreational, all terrain vehicles, or snowmobiles are allowed in the Cemetery.
5. Any person who, in the Cemetery, damages or moves any turf, tree, plant, marker, fence, structure or other thing usually erected, planted or placed in the Cemetery is liable to the 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.
6. All pets must be leashed. No pets are allowed on cemetery property during burial services, except those required for the assistance of the physically handicapped.
7. Rubbish shall not be thrown on roadways, lots, walkways, or any part of the grounds. Receptacles are provided at convenient points on the grounds for the deposit of rubbish, weeds, decayed flowers, plants, etc.
8. No tips or gratuities are to be given to Cemetery workers by visitors or Interment Rights Holders, nor shall any Cemetery worker accept any.
9. The Cemetery Administrator may have any article removed that is detrimental to efficient maintenance or constitutes a hazard to machinery, employees or visitors, or is unsightly or does not

conform to the natural beauty or design of the Cemetery. Any article removed will be held at the Cemetery for collection. If not collected, it will be disposed of after thirty days.

O) Gifts to the Cemetery

1. The Cemetery gratefully accepts gifts of many kinds. All trees and structural gifts, must be approved by the Cemetery Administrator, and become the property of the Cemetery. Any costs for installation of the gift will be borne by the donor. The placement of benches may not be permitted due to impedance of landscaping activities.

Gifts cannot be removed, painted or adjusted in any way or form by individuals. They are located at the approval of the Cemetery Administrator.