



SOCIAL AND FAMILY POLICY MANUAL

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| Subject: Ontario Works | Approval Date: August 26, 2013 | By-Law No. 1808-13 |
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9.2 PURPOSE

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

1. POLICY

It is the policy of the Municipality that the Operations Department provide for the burial of indigent persons within the boundaries of the Municipality of Red Lake.

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

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

2. DEFINITIONS

a) Deceased Indigent Person: Any person who was not receiving support through Ontario Works or the Ontario Disability Support Program at the time of death, upon being pronounced dead by the proper medical authority, whose estate does not contain sufficient assets to cover the costs of the disposition of his or her remains, and for whom the Municipality cannot identify any other person or legal entity responsible for the disposition of said remains.

b) Indigent Burial: The disposition of the remains of a deceased indigent person in the most cost effective manner possible, while respecting the dignity of the deceased and all statutory requirements.

3. STATUTORY REQUIREMENTS

a) The following excerpts are paraphrased from the *Public Hospitals Act*, R.S.O. 1990, c. P.40:

i) Duty to Cover Costs: Should an indigent person, or dependant of an indigent person, die in a hospital within municipal boundaries, the Municipality is required to pay to the hospital any expenses it incurred associated with the burial. The hospital is required to provide a detailed accounting of the costs with respect to the indigent burial.



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- ii) Right of Recourse Against Patient: The Municipality may recover from the indigent person's estate (or in the case of a dependant of an indigent person, from anyone who is legally responsible for the dependant), the amount of the payment made to the hospital.
 - iii) Right of Recourse Against Proper Municipality: If it can be proven that the indigent person was a resident of another municipality in Ontario at the time of admission, the Municipality may recover payment from said municipality.
- b) The following excerpt is paraphrased from the *Anatomy Act*, R.S.O. 1990, c. A.21:
- i) Duty of Municipality to Bury: The Municipality is required to cover the expense of disposing of any unclaimed body found within the boundaries of the Municipality, on order from the local inspector or coroner. Costs associated with the burial may be recovered from the deceased's estate, or from anyone whose duty it was to dispose of the body.
 - ii) Notification to come from Inspector or Coroner: The local inspector or coroner must provide the Clerk with a report and warrant when the municipality is required to dispose of an unclaimed body.
 - ii) Duty to pay Inspector/Coroner: The Municipality is obligated to pay a fee of \$40 to the inspector or coroner for each body disposed of under the Act.

4. FISCAL RESPONSIBILITIES

The Municipality will be fiscally responsible to the taxpayers of Red Lake as follows:

- a) In the disposition of the remains of a deceased indigent person, the Municipality will only provide:
 - Preparation of the deceased's remains for interment (cremation).
 - Transportation of the deceased's remains to and from a funeral home which will provide the preparation of the deceased's remains.
 - Open and closing of a burial site in a lot in any Municipality of Red Lake Cemetery.
 - The placing of a flat, bronze marker at the head of the burial site (lot), identifying the deceased's name and date of birth (if known) and date of death.
 - All statutory requirements (contribution to Care and Maintenance Fund, any hospital fees, payment of Inspector or Coroner's fee).



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The aforementioned services and obligations will be completed by the Municipality under the direction of the Operations Department and, in the instances of opening and closing the burial site and the placing of the bronze marker, at a time that is most convenient and cost-effective for the Municipality.

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

c) Recovery of Costs:

The Municipality will not cover costs for an indigent burial if any family member or other legal entity responsible for the costs of the disposition of the deceased's remains can be identified or steps forward to claim the remains, or requests any type of service or ceremony. Examples of individuals responsible for the disposition of deceased indigent persons' remains include (but are not limited to):

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

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

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



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5. Post-Interment Family Request to Move Cremated Remains or Replace Marker

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

6. Policy Review

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