



Requests to Transfer Lot(s) or Inter Remains when the Requestor is not the Interment Rights Holder

The land to which interment rights are assigned (referred to as the “lot”) is not the property of the Interment Rights Holder(s). The land remains the property of the Municipality, as the cemetery owner, and only the right to be interred within the lot or transfer the rights of a lot(s) is owned by the Interment Rights Holder.

The land, to which interment rights are assigned, is never the property of the family. It remains the property of the Municipality (cemetery owner) and is subject to the cemetery’s by-laws and regulations as well as provincial regulations.

Only the right to inter within the assigned space was purchased and conveyed to the Registered Internment Rights Owner(s). The Municipality may not offer, give or sell internment rights that have been issued to another person.

Interment Rights Holder - Deceased

Upon the passing of an Interment Rights Holder, the rights become an asset of the Interment Rights Holder’s Estate, unless the rights are specifically bequeathed in the Last Will and Testament of the deceased. The rights do not automatically transfer to another family member or individuals.

To allow for a transfer of the Interment Rights, a clear chain of entitlement to the Interment Rights must be provided. This may be done through Certificates of Appointment of an Estate Trustee With (or without) a Will or in the absence of the same, notarial copies of the Will of the persons entitled starting with the Interment Rights Owner. Also required is written consent to the transfer by **all of those heirs or beneficiaries** consenting to the transfer of any of the Interment Rights. This would include any and all beneficiaries or heirs of the Interment Rights Holder.

If the Interment Rights Holder has died intestate or the Last Will cannot be presented and there is not Estate Trustee, we require copies of additional documentation to prove ownership claims. Often a solution requires that those claiming a right are required **to meet with an estate lawyer** to determine who has a rightful claim to the registered Internment Rights Holder’s estate. Internment rights are an asset of an estate. The Province’s Succession Law Reform Act is often consulted as it contains a detailed code for distributing assets to family members that are blood relatives of the Internment Rights Holder of record. The Municipality will consider a lawyer’s legal opinion with supporting documentation but reserves the right to deny the request.

The Municipality is required to exercise due diligence to verify any claims and to ensure that no others may have a claim.