

<i>The Town of Fort Frances</i>	<b>SECTION</b>  OPERATIONS & FACILITIES
<b><u>INDIGENT BURIALS/UNCLAIMED</u></b> <b><u>FOUND BODIES BURIALS</u></b>  <b><u>POLICY</u></b>	<b>NEW:</b> May 2014 <b>REVISED:</b> n/a
Resolution No. 1332	Supercedes Resolution No. n/a
Policy Number 4.29	<b>PAGE 1 of 4</b>

## **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 Fort Frances.

## **POLICY**

It is the policy of the Town of Fort Frances to provide for the burial of indigent persons within the boundaries of the Town of Fort Frances.

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

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

## **1. DEFINITIONS**

**“Deceased Indigent Person”** – means any person who was not receiving support through Ontario Works or the Ontario Disability Support Program at the time of death, and 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 his or her remains.

**“Indigent Burial”** – means the disposition of the remains of a deceased indigent person in the most cost-effective manner available (in most cases cremation), while respecting the dignity of the deceased and maintaining compliance with relevant statutory requirements.

**“Municipality”** – means the Corporation of the Town of Fort Frances.

**“Unclaimed, found body”** – means any unclaimed body found within the limits of the Municipality.

## **2. STATUTORY REQUIREMENTS**

### **A. (*Public Hospitals Act*, R.S.O. 1990, c.P.40, s. 25, 26, 27, & 28.)**

Burial expenses by municipality:

25. In the event of the death in a hospital of a patient who is an indigent person, or the dependant of an indigent person, the municipality in which the patient was a resident at the time of the patient's admission shall pay to the hospital any expenses of his or her burial that it incurs.

Statements of account to be rendered:

26. Where under this Act the charges for burial expenses of a deceased patient are payable by a municipality, the hospital to which the patient was admitted shall from time to time render to the clerk of the municipality statements of account of any such charges with full particulars thereof...

Municipal right of recourse against patient:

27. Upon the payment by a municipality of an account rendered to it by a hospital for any expenses of a burial of a deceased patient, the municipality may recover from the patient, or in the case of a patient's decease, from his or her estate or personal representatives, or, in the case of a dependent, from any person liable in law with respect to the dependent, the amount of the payment so made, and the same may be recovered as a debt in any court of competent jurisdiction.

Municipal right of recourse against proper municipality:

28. Upon payment by a municipality to a hospital of any account for expenses of burial of a deceased patient by reason of the patient having been assumed to be resident in the municipality and it being ascertained that the patient was not resident therein but at the time of admission to the hospital was resident in another municipality in Ontario, the municipality that made the payment may recover the amount thereof as a debt from the municipality in which the patient was resident, and upon payment by that municipality, it is entitled to exercise the rights of recovery conferred under section 27.

### **B. (*Anatomy Act*, R.S.O. 1990, c.A.21, s. 11.)**

Duty of municipality to bury:

11. Subject to this Act, any unclaimed body found within the limits of a regional municipality or of a local municipality that is not situated within a regional municipality shall at the request of the local inspector or, where there is no local inspector appointed under section 2(2), of a coroner, be disposed of at the expense of the (municipal) corporation, but the (municipal) corporation may recover the expense thereof from the estate of the deceased or from any person whose duty it was to dispose of the body.

### 3. MUNICIPALITY TO BE FISCALLY RESPONSIBLE

i) In the disposition of the remains of a deceased indigent hospital patient being a resident of Town, or an unclaimed body, the municipality will only provide, utilizing the services of the most economical provider:

- Preparation of the deceased's remains for interment (cremation)
- Transportation of the deceased's remains to and from a funeral home that will provide preparation of the deceased's remains as directed by the municipality
- Open and closing of a burial site in a lot in a cemetery operated and under the control of the municipality
- Recording the deceased's name, date of birth (if known), date of death and grave location in the Cemetery Register
- All statutory requirements (e.g. contribution to Care and Maintenance Fund, relevant hospital fees, payment of inspector or coroner's fee).

The aforementioned services and obligations will be completed by the municipality under the direction of the Town Clerk's Department and, in the instances of opening and closing the burial site, at a time that is most convenient and cost-effective for the municipality.

ii) Costs Incurred:

All costs associated with indigent burials are to be invoiced to the Town of Fort Frances. 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 accounts.

iii) 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's 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 shall make every effort to recover the costs of an indigent burial by:

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

#### **4. POST-INTERMENT FAMILIAL REQUESTS TO MOVE REMAINS**

If, within a period of ten (10) 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, 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.

#### **POLICY REVIEW**

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

#### **EFFECTIVE DATE**

This policy shall take effect and come into force upon adoption by resolution of Council for the Corporation of the Town of Fort Frances.