

TOWN OF SMITHERS

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SCHEDULE "C" INTERMENT AUTHORIZATION Cemetery Bylaw 1565

Name of Deceased: _____ Gender: M / F

Date of Death: _____ Place of Death: _____

Time of Death: _____ Place of Birth: _____

Date of Birth: _____ Age: _____

Interment Particulars:

Interment Location: Block _____ Plot _____ Additional _____ Reserve Y / N

Interment Date: _____ Time of Interment (grave side): _____

Authorization:

Under the "Order of Priority" in Section 5 (1) *Cremation, Interment and Funeral Services Act*, I, _____ certify that I am the legally authorized representative to the above named deceased. Pursuant to Section 8(3)(b)(ii) *Cremation, Interment and Funeral Services Act*, I hereby authorize the interment of _____ at Smithers Cemetery.

By authorizing this interment, I agree to indemnify and hold harmless Smithers Cemetery; its officers and employees, from any liability, costs, expenses or claims resulting from this authorization.

Signature of Authorized Person

Relationship of Deceased

Print name of Authorized Person

Date Signed (dd/mm/yy)

Address of Authorized Person

Telephone Number

Cremation, Interment and Funeral Services Act [SBC 2004] Chapter 35

Control of disposition of human remains or cremated remains

5 (1) Subject to this section and section 8 (3) (b) (i) [requirement for authorization before funeral services or disposition], the right of a person to control the disposition of the human remains or cremated remains vests in, and devolves on, the following persons in order of priority:

- (a) the personal representative named in the will of the deceased;
- (b) the spouse of the deceased;
- (c) an adult child of the deceased;
- (d) an adult grandchild of the deceased;
- (e) if the deceased was a minor, a person who was a legal guardian of the person of the deceased at the date of death;
- (f) a parent of the deceased;
- (g) an adult sibling of the deceased;
- (h) an adult nephew or niece of the deceased;
- (i) an adult next of kin of the deceased, determined on the basis provided by sections 89 and 90 of the *Estate Administration Act*;
- (j) the minister under the *Employment and Assistance Act* or, if the official administrator under the *Estate Administration Act* is administering the estate of the deceased under that Act, the official administrator;
- (k) an adult person having a personal or kinship relationship with the deceased, other than those referred to in paragraphs (b) to (d) and (f) to (i).

(2) If the person at the top of the order of priority set out in subsection (1) is unavailable or unwilling to give instructions, the right to give instructions passes to the person who is next in priority.

(3) If, under subsection (1), the right to control the disposition of human remains or cremated remains passes to persons of equal rank, the order of priority

- (a) is determined in accordance with an agreement between or among them, or
- (b) in the absence of an agreement referred to in paragraph (a), begins with the eldest of the persons and descends in order of age.

(4) A person claiming that he or she should be given the sole right to control the disposition of the human remains or cremated remains may apply to the Supreme Court for an order regarding that right.

(5) When hearing an application under subsection (4), the Supreme Court must have regard to the rights of all persons having an interest and, without limitation, give consideration to

- (a) the feelings of those related to, or associated with, the deceased, giving particular regard to the spouse of the deceased,
- (b) the rules, practice and beliefs respecting disposition of human remains and cremated remains followed or held by people of the religious faith of the deceased,
- (c) any reasonable directions given by the deceased respecting the disposition of his or her human remains or cremated remains, and
- (d) whether the dispute that is the subject of the application involves family hostility or a capricious change of mind respecting the disposition of the human remains or cremated remains.

(6) Despite subsections (1) to (3), if the Supreme Court makes an order in favour of a person who has applied to it under subsection (4), that person is deemed to be at the top of the order of priority set out in subsection (1).

Requirement for authorization before funeral services or disposition

8 (3) An operator of a cemetery, mausoleum and crematorium must not dispose of human remains unless

- (a) the operator is authorized to do so under the *Vital Statistics Act*, and
- (b) the operator

(i) is ordered to do so by a medical health officer under the *Health Act*, or

(ii) has received the authorization from the person who, under section 5 [control of disposition of human remains or cremated remains], has the right to control the disposition of the human remains.

Protection from liability

9 If

- (a) there is an error or omission in an authorization provided under section 8 [requirement for authorization before funeral services or disposition] to an operator or a funeral provider, or
- (b) the person who signed an authorization provided under section 8 [requirement for authorization before funeral services or disposition] did not have the authority to give the directions set out in the authorization,

the operator or funeral provider is not liable for acting on the authorization unless the operator or funeral provider knew, or ought to have known, that the facts stated in the authorization were not true or the person giving the authorization did not have the authority to do so.