

# The Toronto Workmen's Circle /Arbeiter Ring Cemetery Bylaws

These Cemetery bylaws are the rules and regulations that govern the Toronto Workmen's Circle / Arbeiter Ring ( thereafter referred to as TWC/AR ) cemeteries and have been approved by the TWC/AR Cemetery Committee at a meeting held May 7, 2013 and passed by a motion of executive members of the TWC/AR City and District Committee at a meeting held on May 14, 2013, and have been sent for approval to the Registrar of Cemeteries, FBCSA, Cemeteries Regulations Unit, Ministry of Consumer Services.

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## **Section A - Definitions:**

**Act:** means the *Funeral, burial and Cremation Services Act, 2002* and “Regulations” means the Regulation made thereunder in effect from time to time.

**Burial:** The opening and closing of an in-ground lot for the disposition of human remains.

**By-laws:** The rules and regulations under which the TWC/AR Cemeteries operate.

**Care and Maintenance Fund:** It is a requirement under the FBCSA that an amount equal to the greater of \$250.00 or 40% of the purchase price of all interment rights, and set amounts for the marker and monument installations is contributed into the Care and Maintenance Trust Fund. Interest earned from this fund is used to provide care and maintenance of plots, lots, markers and monuments at the cemetery. In the event of the dissolution of the TWC/AR, the principal of the fund will be used to maintain the cemetery in perpetuity.

**Cemetery Operator:** The Mount Sinai Cemetery Association (MSCA) is the Cemetery Operator of the Mount Sinai Memorial Park, (also known as Mount Sinai Cemetery) and serves as the Cemetery Operator of the TWC/AR section at Mount Sinai Memorial Park. TWC/AR acts as the Cemetery Operator of its section on Roselawn Cemetery and subcontracts for landscaping services and other cemetery services, as required at this location.

**Contract:** For the purposes of these by-laws, all purchasers of interment rights must sign a contract with the TWC/AR, detailing obligations of both parties and the acceptance of the cemetery by-laws.

**Grave:** (Also known as a lot) means any in-ground burial space intended for the interment of a human being.

**Interment Right:** The right to require or direct the interment of human remains in a grave or lot and direct the associated memorialization.

**Interment Rights Certificate:** The document issued by the TWC/AR to the purchaser once the interment rights have been paid for in full, identifying ownership of the interment rights.

**Interment Rights Holder:** Any person designated to hold the right to inter human remains in a specified lot.

**Lot:** For the purposes of these By Laws a lot is a single grave space.

**Marker:** Shall mean any permanent memorial structure that is set flush and level with the ground, and used to mark the location of a burial lot.

**Monument:** Any permanent memorial projecting above the ground installed within the designated space to mark the location of a burial or lot.

**Plot:** For the purposes of these By Laws, a plot is a parcel of land, sold as a single unit, containing multiple lots.

## **Section B: - General**

**The Toronto Workmen's Circle / Arbeiter Ring Office is located at:**

309-3089 Bathurst St.  
Toronto On M6A 2A4  
416 787-2081 (t)  
wcarto@yahoo.com

**Office hours are 3:30pm to 6:30pm or by appointment,**

**The Toronto Workmen's Circle / Arbeiter Ring operates cemeteries at:**

Mount Sinai Memorial Park, located at:  
986 Wilson Ave. W.  
Toronto Ontario M3K 1G5  
416 633-2200

And at:

Roselawn Cemetery,  
610 Roselawn Ave,  
Toronto On.

**At Mount Sinai Memorial Park, the Hours of Operation are as follows:**

Visiting Hours: 8:45am – 3:45pm (Sun to Thu) 8:45am – 2:45pm (Fri);  
closed Saturdays, all Jewish religious holidays, Christmas, New Years,  
and in extreme winter conditions.

Office Hours: 9:00am – 3:00pm (Mon to Thur.) 9:00am – 1:00pm (Fri)  
Burial Hours: Same as visiting hours.

**At Roselawn Cemetery:**

There is no office on site. All inquiries are to be addressed to the TWC/AR office. As the cemetery is not gated, visitors can arrive at any time but should not visit on Saturdays and all religious holidays. Burial hours are by appointment.

## **General Conduct:**

1. The TWC/AR is a member of the Mount Sinai Cemetery Association for the cemetery at Mount Sinai Memorial Park, and contracts landscaping and burial services at Roselawn Cemetery. However, The TWC/AR reserves full control over the cemetery operations and management of the land within both cemetery grounds.
2. No person may damage, destroy, remove or deface any property within either cemetery.
3. All visitors should conduct themselves in a quiet manner that shall not disturb any service being held.
4. No pets or other animals are allowed on either Cemetery. Nothing herein shall operate so as to interfere with or prohibit a person from bringing a guide dog to either cemetery in accordance to the *Blind Persons' Rights Act (Ontario)*.

## **By- Law Amendments:**

Both Cemeteries are governed by these bylaws, and all procedures will comply with the Act and Regulations.

All By-Law Amendments must be:

- a) published once in a newspaper with general circulation in the locality in which the cemeteries are located;
- b) conspicuously posted on a sign at the entrance of the cemeteries; and
- c) delivered to each supplier of markers who has delivered a marker to either cemetery during the previous year, if the respective by-law or by-law amendment pertains to markers or their installation.

All By-Laws and By-Law amendments are subject to the approval of the Registrar, Cemeteries Regulation Unit, Ministry of Consumer Services.

**Liability:**

The TWC/AR will not be held liable for any loss or damage, without limitation (including damage by the elements, Acts of God, or vandals) to any lot, plot, monument, marker, or other article that has been placed in relation to an interment, save and except for direct loss or damage caused by gross negligence of The TWC/AR.

**Public Register:**

Provincial legislation – Section 110 of the Ontario Regulation 30/11 requires that all cemeteries maintain a public register that is available to the public during regular office hours.

**Pets and Other Animals:**

Pets and other animals, including cremated animal remains, are not allowed to be buried on either cemetery.

**Right to Re-Survey:**

The TWC/AR has the right at any time to re-survey, enlarge, diminish, re-plot, change or remove plantings, grade, pathways or roads, alter the shape or size, or otherwise change all or any part of the cemetery, subject to the approval of the appropriate authorities.

## **Notice of sale and Transfer of Interment Rights:**

1. Each member of the TWC/AR shall be entitled to be buried in a lot in either Mount Sinai or Roselawn Cemetery as determined by TWC/AR, as a benefit of membership, on an as needed basis, in consecutive order, providing that the member is in good standing, having paid all outstanding dues. Interment rights may be sold on the following basis:
  - a) In the case of the death of one member of a couple, the surviving spouse may purchase a reservation of the lot adjacent to the deceased spouse, at the current reservation price.
  - b) In the case of unmarried or widowed siblings of a deceased member, such surviving sibling or siblings may purchase a reservation of the lot adjacent to the deceased member at the current reservation price.
  - c) In the case where such siblings or other family members of a deceased request to be buried as close as possible to the deceased, no guarantee can be given that all such lots will be accommodated in a contiguous fashion for groups larger than 3.
2. This accommodation is only available within 30 days of the passing of one member of a couple or a family and under no circumstances will the TWC/AR offer such accommodation to family members with a pre-deceased if a written request for such was not submitted within 30 days of this passing.
3. In all such cases where an interment right is viable, the surviving relation or family member must be a member of the TWC/AR in good standing; that is: they have paid their annual dues in full before any accommodation can be offered. If any are not yet members they must apply for membership before being considered for the above.
4. All reservation requests must be submitted in writing and all contracts required under the relevant legislation or otherwise required by the TWC/AR from time to time must be completed and signed.

5. No Interment Rights sold or granted by the TWC/AR from time to time, may be sold or transferred by the owner thereof including by way of gift, bequest or other transfer made with or without consideration.
6. In accordance with the requirements of the Act and the Regulations made thereunder, TWC/AR shall repurchase the Interment Rights on demand and shall pay the sums prescribed under the Act and the Regulations made thereunder from time to time.
7. TWC/AR shall not be responsible for errors in the location of graves on lots arising from improper instruction of owners of Interment Rights. For the purpose of this by-law, a written order from a funeral director or from a person purporting to be a member of the immediate family or the personal representative of the Interment Rights Holder, shall be deemed to be an order from such Interment rights Holder. TWC/AR shall not be responsible for errors in opening graves where orders are given by telephone.

## Section C – Burial:

1. The FBCSA mandates that interment rights holders must provide written authorization prior to a burial or, if the interment right holder is deceased, written authorization must be provided by the Estate Trustee, Executor or next of kin. Also, in accordance with the Act, the purchaser of the interment rights must enter into a cemetery contract.
2. A burial permit issued by the Registrar General or equivalent document showing that the death has been registered with the province must be provided to the cemetery office prior to burial. As the TWC/AR is a member of the Mount Sinai Cemetery Association, all burial permits must be presented to the Association office. Similarly, as all maintenance work is sub-contracted at Roselawn Cemetery, all burial permits must be directed to the TWC/AR subcontractor.
3. Payment for grave openings must be made to the Mount Sinai Cemetery or to the TWC/AR cemetery at Roselawn, before any burial can take place.
4. Both TWC/AR Cemeteries must be notified 4 business hours in advance for each burial, under regular conditions or 6 hours if the burial is to be performed in the winter and/or in conditions when the ground is not stable. Written notification is to be forwarded by the funeral home to the Mount Sinai Cemetery or to the contracting services for Roselawn Cemetery.
5. The opening or closing of lots may be conducted only by the staff or the Mount Sinai Cemetery or by the Roselawn contractor, depending on the TWC/AR Cemetery of interest.
6. No disinterment of any body shall be permitted unless required pursuant to the order of a court of competent jurisdiction or otherwise required by law.
7. All burials must be in accordance with Jewish Halacha, as interpreted by the TWC/AR Cemetery Committee, or a rabbi appointed by it from time to time.
8. No ashes of any body which has been cremated may be interred or scattered on any cemetery owned by the TWC/AR.



## Section D - Memorialization:

1. No Monument or marker shall be erected or inscribed until all outstanding dues and charges, including care & maintenance charges have been paid in full, and a permit has been requested and paid for by the Interment Rights Holder or, if deceased, by his/her representative, from an established monument maker.
2. No monument, marker or footstone shall be moved, removed or altered, without written permission by the TWC/AR.
3. Minor scraping of the monument base of an upright monument due to grass/lawn maintenance is considered to be normal wear.
4. The TWC/AR will take reasonable precautions to protect the property of existing monuments and lots, but assumes no liability for the loss of, or damage to, any monument, marker, or other structure, or part thereof.
5. All foundations for monuments and markers shall be built by the Mount Sinai Cemetery staff or the contractor at the Roselawn Cemetery, exclusively, at the expense of The TWC/AR. Whenever a burial is conducted on a foundation the Interment Rights Holder, or if deceased, his/her representative, will repay The TWC/AR for the cost of this foundation.
6. Should any monument or marker present a risk to public safety because it has become unstable, The TWC/AR shall do whatever it deems necessary to repair the structure so as to remove the risk and the personal representative of family of the deceased shall reimburse the TWC/AR for any cost thereof.
7. The TWC/AR reserves the right to remove at its sole discretion any marker, monument, or inscription which is not in keeping with the dignity and decorum of either of its cemeteries, as determined by the bylaws of the cemetery management in question, either the Mount Sinai Cemetery Association board of directors, or these by laws, with respect to the Roselawn Cemetery.
8. Only one monument or marker shall be erected within the designated space on any lot.

9. A monument, marker, or other structure shall be erected only after specific design plans have been approved by The TWC/AR (including: dimensions, structure material, construction details and proposed location) and a permit issued for its installation or in the case of an installed monument any addition to the inscription.
10. No monument shall be delivered to the Cemetery for installation until the monument foundation has been completed, and the Interment Rights Holder(s) and/or market retailer has been notified by the TWC/AR.
11. All foundations for monuments and markers shall be at least four (4') feet deep and sixteen (16") inches wide and shall be built in a straight line on solid ground. Foundation lines shall be poured in a continuous operation or as directed by the Cemetery Operator.
12. All headstones, monuments and markers shall be constructed of natural stone (i.e., granite).
13. Headstones or monuments shall be a maximum of eight (8") inches deep, and a maximum of thirty-six (36") inches high from the top of the base to the top of the headstone and a maximum of twenty-four (24") inches wide for a single stone, and forty-eight (48") inches wide for a double stone. Stones shall be on a base, which is fourteen (14") inches thick, six (6") inches high from the top of the foundation and thirty (30") inches wide for a single stone and fifty-four (54") inches wide for a double stone.
14. The minimum thickness for flat markers including footstones shall be four (4") inches.

## Section E - Care And Planting:

1. A portion of the interment fee is trusted into the Care and Maintenance Fund. The interest income generated from this fund is used to maintain, secure and preserve the cemetery grounds. Services provided through this income include:

Re-levelling and sodding of lots

Maintenance of cemetery roads, sewers and watering systems

Maintenance of perimeter walls and fences

Maintenance of cemetery landscaping

2. No person other than designated cemetery staff shall remove any sod or change the surface of a burial lot in any fashion.
3. At Mount Sinai Cemetery, no person can plant trees, flower beds or shrubs in the cemetery except with the approval of the Mount Sinai Cemetery Field Manager.
4. At Roselawn, a person can plant flowers or shrubs themselves or thorough a landscaper. However, The TWC/AR Cemetery Committee has the right to trim or remove any such planting, should such become unruly, or be deemed a fire hazard due to planter/owner neglect.
5. Flowers placed on a grave for a funeral shall be removed by cemetery staff after a reasonable time to protect the sod and maintain the tidy appearance of the cemetery.
6. The TWC/AR reserves the right to regulate, at its own discretion, the articles placed on lots that pose a threat to general safety, or are not in keeping with the respect and dignity of the cemetery, or prevent The TWC/AR Cemetery Committee or the respective cemetery staff from performing general cemetery operations. Prohibited articles will be removed and disposed of without notification.

## Section F – Contractor/Monument Dealer:

1. Any contract work to be performed within either Cemetery requires the written pre-approval of the Interment Rights Holder and the Cemetery Operator before the work may begin. Pre-approval includes but is not limited to: landscaping delivery of monuments and markers, inscriptions, designs, drawings, plans and detailed specifications relating to the work, proof of all applicable government approvals and permits and the location of the work to be performed. It is the responsibility of all of the contractors to report to the Cemetery office at Mount Sinai or the Roselawn sub contractor and provide the necessary approvals before commencing work at any location on TWC/AR Cemetery property.
2. Prior to the start of any Cemetery work, contractors must provide proof of (any or all depending on the type of work involved):
  - WSIB coverage
  - Environmental Protection
  - Occupational Health and Safety Compliance Standards
  - WHMIS
  - Evidence of liability insurance coverage of not less than \$1 Million
3. All Cemetery by-laws apply to all contractors and all work carried out by all contractors within the cemetery grounds.
4. No work shall be performed at either Cemetery except during normal working hours.
5. Contractors shall temporarily cease all operations if they are working within 100 yards (metres) of a funeral until the conclusion of the service. The Field Manager at Mount Sinai Cemetery or the contractor at Roselawn reserves the right to temporarily cease contractor operations at their sole discretion if the noise of the work being performed by the contractor is deemed to be a disturbance to any funeral or public gathering within the Cemetery.