

# BETH EMETH BAIS YEHUDA SYNAGOGUE

## CEMETERY BY-LAW

Cemetery By-law 2015-01

**WHEREAS** Beth Emeth Bais Yehuda Synagogue (herein referred to as “the Synagogue”) was incorporated July 2, 1957, pursuant to the laws of Ontario as a body corporate without share capital for the purposes of carrying out religious and charitable functions and is the owner of the Beth Emeth Bais Yehuda cemeteries. (See Schedule “A”)

**AND WHEREAS** the *Funeral, Burial and Cremation Services Act, 2002 (Ontario)* (the “Act”) requires by-laws to be passed for the regulation of the Synagogue’s cemeteries.

**NOW THEREFORE** the following is hereby passed as a by-law of Beth Emeth Bais Yehuda Synagogue respecting the Beth Emeth Bais Yehuda Synagogue Cemeteries:

1. These rules and regulations shall apply to all cemetery properties now owned and operated as such by the Synagogue and as may be in existence from time to time in accordance with the Constitution of the Beth Emeth Bais Yehuda Synagogue which cemetery properties are more particularly set out and described in Schedule “A” with the exception of Pardes Shalom.

2. Members in good standing of the Synagogue, in addition to the right to a lot on death without reservation, as provided in the Constitution of the Synagogue, may pay to reserve a lot in any cemetery owned by the Synagogue. Building Fund must be fully paid in order to reserve.

1. Interment rights in the cemeteries owned by the Synagogue shall not be sold to members of the general public or persons who are not members in good standing of the Synagogue, with the exception of Lambton Cemetery.

2. Any Interment Right conferred by any lot reservation ceases to exist upon the resignation or other termination of the membership of a member of the Synagogue but nothing in this by-law shall affect an interment rights holder's right to cancel the purchase of interment rights and/or licensed supplies and services, and obtain a refund under the Act pursuant to Sections 41, 42, and 47(5) and (6).

3. No Interment Rights sold or granted by the Synagogue 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, the Synagogue shall repurchase unused interment rights on demand and pay the most current price indicated on the cemetery price list less the Care & Maintenance amount paid at the time of purchase. A full refund of all monies received will be provided if cancellation occurs within 30 days of entering the contract and the interment rights have not been used.

7. No burial may be made in any lot in any cemetery owned by the Synagogue of a person who is not a member of the Synagogue or a member of his or her immediate family OR who is not of the Jewish religion, as determined by the Senior Rabbi of the Synagogue or in his absence by a rabbi appointed by the Synagogue’s President from time to time.

8. For purposes of this by-law, the immediate family of a member of the Synagogue shall consist of a member's unmarried children under the age of 26 years and unmarried children 26 years or older who are dependent on a member for support by reason of mental or physical disability.

9. All interments in any lot in any cemetery owned by the Synagogue shall be in accordance with *the Act* and the Regulations thereunder and in accordance with Jewish Law (Halacha) as interpreted by the Senior Rabbi of the Synagogue. No ashes of any body which has been cremated may be interred in any cemetery owned by the Synagogue.

10. No concrete burial vaults or liners may be used at any cemetery owned by the Synagogue.

11. No headstone or marker may be installed unless and until the Synagogue shall have received the amount required to be deposited into the Care and Maintenance Fund for installation of a marker as determined under *the Act* and Regulations thereunder and the reimbursement of the cost of the foundation on which such headstone or marker is situated and a permit shall have been issued by the Synagogue.

12. Where not inconsistent with *the Act* and Regulations thereunder, the provisions of this by-law and any rules established hereunder annexed hereto as Schedule “B” shall govern all interment, erections and preservation of headstones and fencing, landscaping and sale of interment rights. Where there are no standards prescribed under

the said *Act* or Regulations thereto, the provisions of this by-law shall prevail. In all other cases *the Act* and Regulations made thereunder shall govern.

13. Prior to any grave being opened, permission shall be obtained from the Synagogue.

14. Prior to any interment being conducted, a burial permit issued by the Registrar General or equivalent document showing that the death has been registered under the Province, must be provided to the Cemetery office prior to the burial.

15. No person not employed by the Synagogue or its cemetery managers (See Schedule "A") shall perform any work on any cemetery owned by the Synagogue without approval in writing from the Synagogue. No flowers may be planted on any lot or other landscaping work be performed except by the Synagogue's cemetery manager, unless express written consent is given therefor by the Synagogue.

16. Access to the cemeteries owned by the Synagogue and any lot therein shall be restricted to the hours during which the cemeteries are opened from time to time.

17. The Synagogue shall continue to maintain a Care and Maintenance Fund in accordance with the provisions of the Act and Regulations thereunder and predecessor legislation.

18. The Synagogue shall receive from the Trustee of its Care and Maintenance Fund all income from the fund in accordance with the provisions of the *Funeral, Burial and Cremation Services Act, 2002 (Ontario)* and regulations thereunder and shall maintain and account for the said income separate from the general accounts of the Synagogue.

19. Funds so received shall be expended only for the purposes permitted under the Act and Regulations thereunder.

20. The cemeteries owned and operated by the Synagogue shall be supervised by the Cemetery Committee appointed by the Synagogue in accordance with the Synagogue's Constitution. Where not inconsistent herewith and where not inconsistent with the provisions of the Act and Regulations thereunder, the Cemetery Committee may establish such rules and regulations (including revoking, amending and adding to the Rules annexed hereto as Schedule "B"), policies and procedures for the operation of the cemeteries including but not limited to interments, erection of headstones or monuments, unveilings, landscaping, maintenance of graves, roads, walkways and common areas, fences and security subject to the approval of the Ministry of Government and Consumer Services – Cemeteries Regulations Unit or such other government authority designated from time to time under the Act.

21. Where not inconsistent herewith and where not inconsistent with the provisions of the Act and Regulations thereunder, the Cemetery Committee may establish such rules and regulations (including revoking, amending and adding to the Rules annexed hereto as Schedule "D"), policies and procedures for any cemetery in which the Synagogue is an organization member.

22. The cemeteries owned and operated by the Synagogue (see Schedule "A") shall be operated by the respective Associations as outlined in Schedule "A". The Synagogue approves and adopts the rules and regulations passed by the said Associations as being applicable to its cemeteries, a copy of which are attached to (and marked as Schedule "C") and form part of this by-law. The Cemetery Chairperson and such other persons selected by the Cemetery Committee shall serve as the Synagogue's representatives to the respective Associations.

23. The Cemetery Committee may, subject to the approval of the Board of Directors, charge for the maintenance of lots and markers that were sold before 1955 if no trust funds were collected for those purposes in such amounts as may be approved pursuant to the Act.

24. The Cemetery Committee shall prepare and submit for approval all forms required under the Act and Regulations made thereunder including Interment Rights, Contracts, Interment Rights Certificates, Public Information forms and Price Lists and shall ensure that all such documentation is approved as required under the Act and Regulations thereunder.

25. The Cemetery Committee may at any time and from time to time make such application as it deems necessary to the Registrar appointed under *the Act* and Regulations thereunder for declaration or declarations that Interment Rights are abandoned and upon receiving a declaration to that effect may authorize further reservation

of the same lot.

**26. The Synagogue shall not be responsible for errors in the location of graves on lots arising from improper instructions of owners of Interment Rights. For purposes of this by-law, an 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 the interment rights holder. The Synagogue shall not be responsible for errors in opening graves where orders are given by telephone.**

27. 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.

28. This by-law shall come into force upon and only upon being confirmed by the members of the Synagogue entitled to vote thereon in accordance with the provisions of the Corporations Act and upon approval by the Registrar appointed under The *Funeral, Burial and Cremations Services Act, 2002 (Ontario)* and in accordance with the said Act and regulations thereunder.

ENACTED AND PASSED by the members of the Beth Emeth Bais Yehuda Synagogue November 29, 2015

Updated and approved by membership January 2023

## **CEMETERY RULES**

### **Schedule 'B' to Cemetery By-Law 2015-01**

Enacted by the Cemetery Committee pursuant to Synagogue by-law sections 12 and 20 and the Funeral, Burial and Cremation Services Act, 2002 (Ontario) (the "act")

1. The cemeteries owned by the Synagogue shall remain open at such times as dictated by the individual locations.
1. No interment may take place on any Saturday or other Jewish religious holidays or other hours as dictated by the individual locations.
2. No funeral or installation of a monument or headstone may be conducted unless the same has been approved by the Synagogue.
3. The Rabbi(s) of the Synagogue shall approve those who may officiate at all interments and unveilings at the cemeteries owned by the Synagogue. Other clergy may officiate if permitted by the Rabbi(s) on such terms and conditions as determined by the Rabbi(s) from time to time.
4. Headstone or monuments shall be a maximum of eight (8") inches deep, and a maximum of three (3') feet high and a minimum of two feet six inches (2'6") high in both cases from the top of the foundation to the top of the headstone. Double headstones are permitted in all Beth Emeth cemetery locations.
5. The Synagogue may refuse to permit installation of any monument and may order the removal of any installed monument which contains any inscription which is not in keeping with the dignity and decorum of the cemetery.
6. The Cemetery Committee may refuse to permit any monument dealer or maker to enter, or to install any headstone or monument on, the cemeteries owned by the Synagogue unless it shall first be satisfied that such monument maker has liability insurance of not less than \$1,000,000.00 and coverage under The Workers Compensation Act (Ontario). The Cemetery Committee may further refuse to permit any monument dealer or maker to enter, or to install any headstone or monument on, the cemeteries owned by the Synagogue, if such monument maker has previously violated these Rules and in particular Rules 3, 5 and 6 hereof and has refused or neglected to remedy such violation until such time as such violation has been remedied.
7. No landscaping of graves, lots or other areas of any cemetery owned by the Synagogue is permitted except where performed by the Associations operating the respective cemeteries.
9. Any person disturbing the quiet and good order of the cemeteries owned by the Synagogue, by noise or other improper conduct, or who violates the rules of the cemetery of the Synagogue's by-laws pertaining to its cemeteries, may be expelled or removed from the cemeteries owned by the Synagogue by the caretakers, manager or other persons employed by the respective Associations or by a member of the Cemetery Committee. In addition, any such violation may be subject to any other penalty or proceeding or action which may be brought under any law including the *Funeral, Burial and Cremation Services Act, 2002 (Ontario)*.
10. No person shall permit any pet or animal to enter or remain on the cemeteries owned by the Synagogue at any time, with the exception of service animals.

Revised to comply with the Funeral, Burial and Cremation Services Act, 2002 (Ontario).

Updated and approved by Membership January 2023

## **BETH EMETH BAIS YEHUDA SYNAGOGUE**

### **Schedule 'B' to Cemetery By-law 2015-01**

**Beth Emeth Bais Yehuda Synagogue operates three cemeteries, as listed below:**

- **Beth Emeth Bais Yehuda Synagogue section of the Bathurst Lawn Memorial Park,**  
6259 Bathurst St., Toronto, Ontario. Approximate capacity 887 graves.  
Managed by Bathurst Lawn Cemetery Association, Toronto, Ontario M2R 3G5.
- **Lambton Cemetery, Beth Emeth and Hebrew Men of England sections**  
1305 Royal York Rd., Toronto, Ontario. M9A 5E6 Capacity 1073 graves.  
Managed by Roselawn-Lambton Cemetery Association, 10660 Yonge Street, PO Box.  
30566, Richmond Hill, Ontario L4C 4H0
- **Beth Emeth Bais Yehuda Synagogue section at Dawes Road Cemetery,**  
3169 St. Clair Avenue East, Scarborough, Ontario. Capacity 239 graves.  
Operated by Amalgamated Dawes Road Trustees, 3169 St. Clair Avenue East,  
Scarborough Ontario M1L 1V5

**Right to Inter - Beth Emeth Bais Yehuda Synagogue also has rights to inter at the following cemeteries:**

- **Toronto Hebrew Memorial Parks' Pardes Shalom Cemetery**  
Part UU, Part SS, Part MM 10953 Dufferin St. Maple, Ont. L0J 1E0. Capacity 1013 graves.  
Operated by Toronto Hebrew Memorial Parks, 4600 Bathurst St., Toronto, Ont. M2R 3V2
- **Bathurst Gardens section of Bathurst Lawn Cemetery**  
6259 Bathurst Street Toronto, Ontario M2R 1Z3 Capacity 70 graves  
Managed by Bathurst Lawn Memorial Park 6259 Bathurst Street, Toronto, ON M2R 1Z3

## **BETH EMETH BAIS YEHUDA SYNAGOGUE**

### **Schedule “D” to the Cemetery By-law 2015-01**

Enacted by the Cemetery Committee pursuant to Synagogue by-law section 21 and the Funeral, Burial and Cremation Services Act (2002)

At the time of assignment of a cemetery plot in any cemetery which the Synagogue operates or in which it has rights to inter, upon the death of a Synagogue member in good standing (including a child of a member in accordance with section 8 of Cemetery by-law 2015-0), the surviving spouse or parent(s) may reserve the adjacent plot or plots without payment of a reservation fee, providing that the member maintains their membership in good standing.

Approved by the Membership January 9, 2023