

The Funeral Advisory Society of Hamilton & District (Hamilton Memorial Society)

Celebrating our 40th year of Service!

P.O. Box 89026 Hamilton, Ontario L8S 4R5 905-389-8240

www.hamiltonfuneralsociety.org

Vol. 40, Spring, 2011

2011 Public Information Session and Annual Meeting

40TH ANNIVERSARY Meeting and Celebration

Tuesday, May 10th, 2011
7:30 p.m.

First Unitarian Church
170 Dundurn St. South, Hamilton**

“ JUST DO IT ” *DON'T WAIT UNTIL IT'S TOO LATE*

Presenter – Mary Lou Dingle, BA. LLP., Lawyer

Mary Lou Dingle, a graduate of McMaster University and Osgoode Hall Law School is an Associate with the law firm of Lazier & Hickey and deals specifically with estates and wills. She has served on the boards of several non-profit groups such as Wellwood Resource Centre of Hamilton, Hamilton Community Foundation, United Way, and the VON and was also a member of the Hamilton Police Board. Her numerous Awards include those from the Law Association and McMaster University, primarily for her work in mentoring young women in law. Mary Lou was appointed to the Hamilton Gallery of Distinction for her community efforts.

Everyone Is Welcome! Free Admission

Just Do It! Now is the time to act.

DO make sure all important papers are in order.
DO tell family and friends where to locate them.
DO have a proper legal and detailed will.
DO choose carefully when appointing Powers of Attorney – for both financial and continuing care.
DO be sure the Executor you choose is willing and capable to take on the task of carrying out the numerous duties involved –and likely to survive you!
DO not miss this meeting – If you have never been before, you'll be glad you did not miss this one. Mary Lou's presentations are filled with humour as well as crucial information.

Bring a Friend! Refreshments will be served

Chair's Message – from Pearl Davie

Happy Anniversary to Us!!, The Hamilton Memorial Society first became active in 1971 and has now reached the big 40. The ongoing work of the society is carried out by a dedicated Board of Trustees: Martin Dooley, Secretary, Jake den Hartog, Treasurer, Marianne Walters, Karen Laposa, Andrew Macdonald and Ruth Roe, supported by Membership Secretary Miriam Kramer, and Telephone Volunteers David Koabel and Jean Wheeler. Many thanks are due these good people. The Board acts on behalf of the members in the best interests of the society and meets regularly to deal with business, decide on newsletter content, review co-operating funeral providers and discuss concerns. Trustees do not receive any remuneration for their efforts on behalf of the society.

Once again we thank Alena Gabel, a past board member/chair for preparing the Newsletter for printing. Thanks also to Stephen Nagy for setting up our new website www.hamiltonfuneralsociety.org

One of the topics under discussion over the past year is society renewal – looking at the future as we celebrate the past, and considering the best course of action in a constantly changing environment. We need more active participation by our members. New ideas are always welcome.

There have been many calls, emails and enquiries from members and the public on various concerns over the past year, some of which are covered in articles in the newsletter. Your society continues to be of assistance to many. We wish more people knew about who we are and what we do. We ask our members to talk to family and friends about the benefits of membership and encourage them to join.

Please note the meeting is being held again at the First Unitarian Church, 170 Dundurn St. S., as there is plenty of free parking. This convenient location was enthusiastically accepted by our members and we will continue to hold annual meetings here.

Membership Report – Miriam Kramer

Twenty people joined the society in 2010, we hope they have found our information useful. Three people joined us as transfers from other societies. We were notified of the deaths of seventeen members, and we extend sympathy to their family and friends.

When you move, please let us know where you have gone. Every year newsletters come back to us marked 'moved'. Those names remain on our list as members, but they will no longer receive information. You can send the information by e-mail to **our new email address** info@hamiltonfuneralsociety.org Also don't forget to include any changes to your e-mail.

2010 FASHD Annual Meeting Summary

The 2010 Annual Meeting of the Society was held May 12th at the First Unitarian Church. Martin Dooley introduced Dr. Ellen B. Ryan of McMaster University, who spoke on "Outwit Ageism – Saving your aging brain with Lifelong Learning". Her candid presentation was followed by a question and answer period and thanks from Martin Dooley on behalf of all present.

Our Finances – Jake den Hartog Treasurer

In 2010 expenditures were \$593.11 more than our income from donations and new membership fees. We were disappointed in attracting fewer members in 2010 – about 50% short of our expectations. We plan to make extra efforts this year to attract new members. May we also count on your ongoing support this year? A detailed financial statement will be available at the annual meeting and copies will be sent to members on request.

Board of Trustees 2010-11

Pearl Davie, Chair
Jake den Hartog, Treasurer
Martin Dooley, Secretary
Ruth Roe
Marianne Walters
Andrew Macdonald
Karen Laposa

Telephone Volunteers

David Koabel, and Jean Wheeler

Membership – Miriam Kramer

Website – Stephen Nagy

Newsletter – Alena Gabel

May we send you our Newsletter online?

The Newsletter is printed and mailed out in envelopes with first class postage, as to guarantee its return if a member is not at the address we have on file; then our files can be updated for the following year. Since costs of printing and mailing increase each year, each copy sent by email represents a donation of more than one dollar to the society's work. If you would like to receive the newsletter online, please email that message to funadsoc@yahoo.ca This special email sign-on address will record your email for the Newsletter. The regular FASHD email is info@hamiltonfuneralsociety.org for any comments, concerns or compliments for the society.

FOOMS-FCA Annual Meeting 2010

At the **Scarboro Mission**, Friday, Saturday, Sunday, September 17-19th, 2010. and hosted again by the **Funeral Advisory and Memorial Society of Toronto.**

Attendees from FASHD; Andrew Macdonald, Delegate for the society as well as Pearl Davie (*President, FOOMS-FCA*) and Miriam Kramer, (*Secretary, FOOMS-FCA.*)

There were 14 attendees representing 9 societies. All attendees took a lively interest in the proceedings.

All societies present reported on the previous year with the only excitement being generated by a decision of some Ottawa members and others to establish a Funeral Co-operative in Ottawa.

It was noted that new members were generated mainly by the web sites.

The finances were in excellent shape with a surplus of \$9,000. The budget for 2010-2011 was set at the profit and loss statement for 2009-2010. Andrew was appointed to review the accounts.

The Spectrum of Choice and Legislation Committees reported, with no major changes from last year. The future direction of FOOMS and the societies was discussed at length because when the legislation is settled the main focus will shift. It was suggested that all societies should have back ups for their important documents such as members lists and if a central depository was needed then copies should be filed with Andrew Macdonald, who was appointed Provincial Membership Secretary.

The AGM for 2011 was set for September 16, 17, 18 at the Mission, and the same slate of officers was elected unanimously for 2010-2011:

President, Pearl Davie, *vice-President Legislation*, Albert Gruno, *vice-President*, John Barker
Secretary, Miriam Kramer, *Treasurer*, Reno De Haan,
Members at Large: Margaret Adamson, Brenda Landry, Claire LeCoupe, Mary Nash.

The FOOMS-FCA 2011 Annual Meeting will be held again at Scarboro Mission, Toronto, September 16, 17, 18th, 2011

FOOMS-FCA – LEGISLATION NEWS

Good News! New Funeral Legislation scheduled to take effect, July 1, 2012

Since 2000, the Federation of Ontario Memorial Societies - Funeral Consumer Alliance (FOOMS-FCA) Legislation Committee composed of memorial society members from across the province has worked with representatives of government and the death care industry to draft the *Funeral, Burial and Cremation Services Act 2002* which governs all sectors of the after-death care industry. Under the new Act, funeral and cemetery services, currently treated separately under the Funeral Directors and Establishments Act 1990 and the Cemeteries Act revised 1991, will be covered under one set of regulations, but with two Registrars (as is the case now).

Although the FBCS Act received third reading in 2002, developing the regulations has been a slow process, due to several changes of Ministries and Ministers and competing viewpoints on key issues. FOOMS-FCA had proposed and supported many of the consumer protections included in the present legislation and has worked hard to have them preserved in the new law. Of the consumer groups involved in the consultative process, only FOOMS-FCA had extensive background knowledge of and experience with the death care sector.

Some of the consumer protections:

Price lists: these must be easily accessible to the public, or displayed in the front area of the business and must be offered to clients before a contract is discussed. They must be itemized and correctly identify the products and services being offered.

Contracts: must be itemized and prices charged for products and services must identify with the price lists.

All prepaid contracts are guaranteed: which means that if prices increase, the client cannot be charged extra when arrangements are needed. Any accrued interest on the trusted monies over and above the costs must be paid out to the client. When money is placed in trust, the client has the right to request a statement of the invested account annually. Of the trusted money, the business **may** use 10% (to a maximum of \$350) for current expenses, but if the contract is subsequently cancelled, the business cannot charge the cancellation fee mentioned below.

Clients must be informed if their arrangements are being paid through any type of **insurance** policy and must be told of the connection with an insurance company. The person selling the insurance must be a registered agent, under the Insurance Act.

Clients must be told of any connections between business and especially of any commissions to be paid when other firms are recommended to them. This would apply when a funeral home and cemetery are owned by same corporation.

All prepaid funds must be placed in trust, in financial instruments which will pay at least the Canada Savings Bond rate of interest, and the funds cannot be accessed until the death occurs.

30 day cooling off period gives clients time to change their minds and cancel at no charge.

If a contract is cancelled by the client after 30 days there is a maximum cancellation fee set - 10% of contract price, up to a maximum of \$350.

Interment rights (cemetery plots) a person owning a cemetery plot has the right to sell it. If the cemetery bylaws prohibit the sale, the cemetery must purchase the plot back from the person, **at current market value** (less the percentage retained for "Care and Maintenance Fund").

Funeral Homes and related businesses located on cemetery property will pay property tax, assessed on the buildings, parking lots, and road access. Since Ontario legislation exempts cemeteries from paying property tax, some corporations have built cemetery 'visitation centres' which may become funeral establishments. If these businesses were exempt from property tax, it would give them an unfair advantage over free standing funeral homes which must pay the tax. 'The Assessment Act' and 'Insurance Act' will be revised to allow these changes.

Transfer Services are a growing segment of the death care sector, but are still overly restricted in their business procedures. There is discrimination in the licensing process, since the Transfer Service Operator gets a license, the same as a Funeral Establishment is licensed, however, a Transfer Service Operator is not allowed a personal license, such as is given a funeral director.

Despite numerous objections by FOOMS-FCA this bias remains in the legislation. However, a new Class 1 Transfer Service is created, which allows more services to be offered – but a licensed funeral director must be employed.

Transfer services originated with the Memorial Society of Thunder Bay which established a co-operative to deal with basic arrangements, which the four funeral establishments in Thunder Bay would not provide for the public. There were court cases which established the co-operative's right to provide these arrangements and it has subsequently evolved into the North West Funeral Alternatives, providing a large percentage of residents with alternatives to a full service funeral.

Scattering of cremated remains (ashes) – The right of an individual to scatter ashes is not covered in the Act or regulations, but remains a matter of government policy and is covered in the general consumer legislation; go to www.ontario.ca/consumerservices. Some in the industry may advise the public otherwise, but the right exists and will continue to exist, to scatter ashes on unoccupied crown land, crown land covered by water (public waterways) and on private property, given permission of the owner. Scattering may also take place in a conservation area but permission must be granted by the Ministry of Natural Resources.

List of Cooperating Funeral Providers, Spring, 2011:

Owned by Alderwoods Corp (Service Corporation International)

Marlatt's Funeral Home & Cremation Centre 615 Main St. East, Hamilton, L8M 1J4 (905)528-6303
195 King St. West, Dundas, L9H 1V5 (905)627-7452

These funeral homes owned by Service Corporation International (SCI)

Markey-Dermody Funeral Home 1774 King St. East, Hamilton, L8K 1V7 (905)547-1121
Cresmount Funeral Home Ltd. 322 Fennell Avenue East, Hamilton, L9A 1T2 (905)387-2111
Truscott, Brown Dwyer Funeral Chapel 1309 King St. East, Hamilton, L8M 1H2 (905)549-2417
Thorpe Brothers' Funeral Home Co. Ltd. 96 West Street, Brantford, N3T 3E7 (519)759-2211

Owned by the Trillium Corporation

Dodsworth & Brown, Robinson Chapel 15 West Ave. North, Hamilton, L8L 5B9 (905)522-2496

These two funeral homes are owned by a local company, BGF. Holding Inc.

Bay Gardens Funeral Homes 1010 Botanical Dr., Burlington, L7T 1V1 (905)527-0405
947 Rymal Rd. East, Hamilton L8W 3M2 (905)527-0405

These are family-owned funeral homes

Donald V. Brown Funeral Home 36 Lake Avenue Dr., Stoney Creek, L8G 3N3 (905)662-2948
**Futher Franklin Funeral Home Ltd. 1172 Henry St., Wellesley, N0B 2T0 (519)656-2880

This funeral home is owned by Donald Scott Smith

Smith's Funeral Homes 485 Brant Street, Burlington, L7R 2G5 (905)632-3333

These funeral homes owned by the Estate of Gordon C. Glaves

Beckett-Glaves Family Funeral Centre 88 Brant Ave., Brantford, N3T 3H3 (519)752-4331
Hill & Robinson Funeral Home 30 Nelson St., Brantford, N3T 2M8 (519)752-2543

Owned by 1683110 Ontario Inc.

Ballad-Minor Funeral Services Ltd. 315 Broad St. East, Dunnville, N1A 1G4 (905)774-7277

Owned by Kingward Investments Ltd. & Terralta Holdings Ltd.

Ward Funeral Homes, Oakville Chapel 109 Reynolds St., Oakville, L6J 3K4 (905)844-3221

This transfer service is locally owned

Canadian Cremation & Burial Services Ltd. 1919 King St. East, Hamilton, L8K 1V9 (905)545-8889

This transfer services is owned by the operators under 2020733 Ontario Ltd.

Affordable Burial & Cremation Services Ltd. 697 Mohawk Rd. East, Hamilton L8T 3P7 (905)389-2998
**New funeral provider added to our list

INVITATION (insert)

To our members – We hope you will hand the enclosed 'Invitation' to a family member, friend or colleague and suggest they consider joining the society. They will receive our helpful information, and their membership will help the society continue its service to consumers. **Thank you.**

PUBLICATIONS For Members only:

Members Information Handbook \$5.00 ___
Replacement Pre-Arrangement Forms \$5.00 ___
Cooperating Funeral Providers Price List N/C ___
Replacement membership card N/C ___

FOR ANYONE, upon request:

"Funeral Planning 101" N/C ___
Vital Information Record N/C ___
Executor Check List N/C ___
Powers of Attorney Kit, with forms N/C ___
Readings for a Memorial Service N/C ___
"What to Do When Death Occurs" N/C ___
Organ Donation Information N/C ___

Please check the items you want and enclose payment as required \$ _____

(a donation towards postage is always welcome)

I enclose \$ _____ as a voluntary donation to the society

Name: _____

Address: _____ City: _____

Postal Code: _____ Phone: _____ email _____

Mail to: Funeral Advisory Society of Hamilton & District PO Box 89026 Hamilton, ON L8S 4R5