

Response on Behalf of

## **Council for Consumer and Industry Fairness in Bereavement**

to

Consultation Paper: Re: Potential Changes to the Funeral, Burial and Cremation Services Act, 2002 and/or its Regulations June, 2021

### **I. Background**

Thank you for the opportunity to comment on these proposals. We are the Council for Consumer and Industry Fairness in Bereavement (CCIFB), an umbrella association comprised of bereavement sector organizations, whose mandate is to represent the interests of consumers and bereavement sector industries which support consumer interests.

First of all we express our regret that, for the second time in less than a year, important consumer proposals such as these have been issued at times (Christmas, summer break) and with deadlines (approximately 6 weeks) which make it exceedingly difficult for volunteer consumer organizations to comment. Given that there is no compelling reason or urgency to conduct these consultations during the summer or over Christmas, we would expect in future their timing to be more conducive to providing meaningful consumer feedback.

### **Consultation Participants**

Further we note that a number of industry stakeholders were consulted in the formulation of these proposals, yet no consumer groups (FAMS, CCIFB) were invited to participate.

*This means that the consumer facing proposals in this paper were, once again, formulated by industry service providers, without any actual consumer input.*

Various bereavement sector representatives, including the Bereavement Authority of Ontario (BAO)'s Advisory Committees, were invited to comment on price transparency. How do the BAO and the bereavement industry know how transparent pricing may appear to consumers if they do not ask them? For a consultation process with stakeholders to be genuine, it must take into account the observations and opinions of those stakeholders.

### **Business Model of Service Providers Not Disclosed**

Most importantly, the consultation paper continues to ignore the most fundamental distinction between service providers in the bereavement sector: those which are part of a combination funeral home/cemetery/crematorium company ("combinations" or "combos"), including so-called not-for-profits and religious operators, and those who are independent. The key consumer and policy concerns follow accordingly.

Without explicit disclosure and transparency at the outset that a funeral home/cemetery/crematorium operates as part of a combination where tied sales, and commission and bonus-based sales are normal practices, a vulnerable consumer may believe that all licensed operators are similar.

*This is not the case* and the consumer is immediately placed at a disadvantage.

The bereaved have a right to know what type of organization they are dealing with: whether a municipal government, an independent community-based provider, or a Cadillac combination commercial provider - such as Arbor Memorial Inc. (Arbor), Service Corporation International (SCI) or Mount Pleasant Group of Cemeteries (Mount Pleasant). Each type of provider has a distinctly different philosophy of business approach. The regulator has commented (even lamented) that independent funeral home operators are in the business because they care about helping people. Contrast this with the profit-driven shareholder-focused approach of the combination commercial providers, and the often lower cost municipal government offering. Particularly egregious for lack of transparency is Mount Pleasant, which by its own admission charges market or above market rates in keeping with rates charged by for-profit cemeteries, yet masquerades for the consumer, the regulator and even the Ministry as a not-for-profit service provider.

### Duty of Care Owed to the Bereaved

The vast majority of people have limited resources to spend and are uninitiated in the bereavement sector playing field. They are also at a psychological disadvantage - they are not happily buying a new motor vehicle, they are burying a member of their family.

The bereavement sector is most similar to health care. Due to their inherent vulnerability, bereaved consumers, just like patients, are owed a duty of care. Nowhere is this concept mentioned in regard to the bereaved consumer. The statistic reported by the Auditor General by the 'mystery shoppers' regarding sales pressure and/or misleading information being provided by operators, was a staggering 50%. This clearly reveals that the Ministry, whose mandate is consumer protection, and the BAO, the regulator, are failing in their mandate.

At present the very nature of the Delegated Administrative Authority (DAA) is misaligned with the goal of consumer protection. Unsurprisingly, we see that the BAO protects the organizations of which it is comprised - those responsible for its funding - and that the voice of the vulnerable consumer, and the concept of a duty of care to that consumer, are conspicuously missing.

## II. Response to Proposals

We will address the points in the same order as in the Consultation Paper.

### **A. Consumer Protection Measures**

#### **i. Transparency of Price Information**

Comments:

The publishing of price lists has been the much vaunted nod to consumer protection since 2002. It is not enough today to tinker around the edges of this requirement and claim that consumers are now better protected (as was indeed the case almost 20 years ago). Today price

list disclosure, whether online or elsewhere, and although laudable, falls far short of what is required to protect the consumer from the many concerns and issues arising with combination service providers enabled by the *Funeral, Burial and Cremation Services Act 2002* (FBCSA).

All Operators: Also despite broad wording, the focus to date has been on funeral home operators, leaving cemeteries and others to continue without the same level of scrutiny. These proposed changes must explicitly include cemeteries and crematoria.

Standardized Price Lists: Further, it has been made clear to us that even funeral home operators are unable, with certainty, to compare price lists amongst themselves. Given that this is the case, how can consumers realistically be expected to do so?

Therefore price lists must contain:

1. A common agreed upon definition of each product and service, and a sufficient description as to what is offered under that defined product or service;
2. An indication as to whether the product or service is required by law;
3. At least one basic package which contains *all* necessary products and services (but *only* necessary products and services) e.g. for a funeral/burial, funeral/cremation/interment of ashes;
4. A disclosure as to whether the prices of products and services include a commission to a sales person, a fee to an insurance provider, or any other base price adjunct.

While the BAO Registrar may disallow a price if he believes it to be excessive or if it exceeds the direct cost to the operator, this measure is virtually impossible to enforce. It has also failed to rein in overcharging.

Standardized Templates: The requirement to use standardized contract templates, similar to the Ontario Real Estate Association, should be implemented immediately. Once again, it is not sufficient for the BAO Registrar to consult only with licensees prior to finalizing the initial price list and contract templates. The BAO Registrar must *also* consult with consumers in order to understand the consumer perspective, since price lists and templates are *for* consumers.

Disclosure of Items in Packages; and Purchaser Acknowledgements: We are in agreement that packages should disclose inclusions and exclusions, however the concepts of contract unenforceability and cancellability are only helpful in limited pre-need situations. How is an uninitiated recently bereaved consumer to know that a vendor has missed a disclosure requirement? People may not find out for years. And how can e.g. a cremation contract be undone? More commonly in the case of a combo, what if the family plot is in the combo cemetery and the funeral services contract in dispute is with the same combo company?

We do not agree with a 'Purchaser Acknowledgement' being the deciding factor for determining a right to recourse, as it can easily have the opposite effect and operate to favour the vendor if invoked to attempt to provide immunity against consumer complaints.

Combos/ independents/Municipal: Not under consideration is the addition of information in the BAO consumer information guide about pricing differences for combo operators/independent operators/ municipal operators. While there may be differences based on geographic region, they are not as significant as the difference in pricing due to sales approach and tactics among these categories.

## ii. **Displaying the BAO Logo**

Comments:

Consumer Groups: In order to increase consumer representation and public awareness of the BAO, the BAO Registrar must first be encouraged to work more closely with existing consumer groups in the bereavement sector (e.g. CCIFB, FAMS). While these groups are composed entirely of volunteers, they have important and unbiased access to consumers and consumer focused players in the bereavement sector who are able to provide meaningful and substantive feedback on just about any sector issue. In addition, CCIFB can obtain feedback on industry specific consumer issues.

BAO Structure: At present, the option to require display of the BAO logo is not perceived by consumers to add value to the experience. The BAO is funded exclusively by the bereavement industry, and the Board of the BAO and its Committees are comprised primarily of other DAA representatives and bereavement sector players. There is no consumer representation or voice anywhere within the BAO, so to suggest that the BAO exists primarily to help consumers with their experience is disingenuous.

The legislation is intended *first* to benefit the public, and *second* to regulate the industry. As a result, composition of any governing board (including its committees) should reflect a strong informed public representation, with industry operators being in the minority to avoid even the appearance of bias. This was in fact the original recommendation made for the formation of the new DAA. Instead, the founding membership of the BAO was comprised solely of the most powerful industry representatives, including members of the so-called “unholy trinity” (Mount Pleasant, the Catholic Archdiocese of Toronto and Arbor). Over 20 years later, some of those same individuals are still today in positions of influence at the BAO. *Progress will never be made without new players at the table, who can bring fresh ideas and modern perspectives.*

The BAO will have to undergo meaningful change before it can successfully claim to advocate on behalf of the consumer. In the bereavement sector, the BAO is seen by some industry service providers as their competitor. At best, therefore the BAO is merely and only an industry association. At worst, its composition is biased, overtly favouring the big payers/players and the combos.

Registrar Discretion: In addition, the wide discretion allowed to the BAO Registrar under FBCSA and its General Regulation 30/11 and elsewhere is currently exercised without reference to a decision making framework or guidelines, parameters or rules against which that discretion is to be measured. This results in the inability of the Ministry to be able to assess whether that discretion is being exercised appropriately. The ethical framework surrounding the exercise of

such discretion is clearly critical, as the FBCSA and its regulations can only be properly enforced if there is a proper functioning of this discretion. Studies in the context of policing show that the delegation of discretion without a decision-making framework (other than the law itself) can encourage decisions which look at only one side of a situation, which suppress or unduly emphasize facts depending on the desired narrative, and which summarize a situation with bias. Fair and consistent exercise of discretion is a matter of current concern in the bereavement sector.

CCIFB is against this proposal at this time. Also if no other province has implemented or required it, there is no precedent demonstrating it may be helpful.

### iii. Disclosure Requirements for Promotional Materials

Comments: Agree

### iv. Upselling and/or Aggressive Sales Practices

Comments:

The Auditor General's use of the terms "high pressure sales" and "upselling" may not have been defined, however are in no need of further definition by the consumer. It is unclear why this is even raised as a point if those consulted had taken the time to view at least one "CBC Marketplace" segment on the sector.

All Operators: Once again the focus to date has been on funeral home operators. These proposed changes must explicitly include cemeteries and crematoria, as CCIFB is aware of circumstances where recently bereaved cemetery plot holders who had already engaged a funeral services provider, telephone the combination cemetery for information about their plots, and are transferred from the cemetery office to the associated funeral home for a sales pitch and contract 'scoop'. This is unethical, and in other industries, illegal.

Sales Commissions/Bonuses: There are *only certain types* of funeral homes and cemeteries which engage in inappropriate and aggressive sales practices: those which compensate their sales staff and the managers overseeing them (and the regional managers overseeing them), either partly or even *entirely* on commission. But it is not only commissions that are the problem. Mount Pleasant uses generous bonuses to incentivize its funeral and cemetery employees.

The Ontario Funeral Service Association (OFSA) comprised of independent funeral operators indicates that commission/bonus sales are frowned upon by the majority of its members, as such members have deep community roots and are more likely to be motivated by a genuine concern for the families they serve. Conversely the combo run funeral homes and cemeteries are profit-driven and shareholder dependent, with the sole business purpose being to sell more, and more expensive, packages to consumers who are at the most vulnerable time of their lives. This consumer group is at the highest risk of being taken advantage of in a

commercially driven sales environment. High pressure and duplicitous sales tactics are antithetical to the delivery of consumer focused service.

Insurance: There is no discussion anywhere in the paper on the sale of insurance products as a means to make unaffordable funeral/cemetery/crematorium goods and services appear more affordable to the consumer. Insurance contracts not only allow the funeral/cemetery/crematorium operator to make a commission on the sale of an insurance contract, they also allow the operator to artificially inflate prices by offering an insurance 'payment plan'. Similarly, there are issues around consumers 'losing' partially paid-up insurance contract benefits, which is a topic for another consultation paper.

'Consumer Education': The suggestion that better informed consumers can somehow affect or mitigate upselling or unethical practices is not grounded in reality. The answer cannot lie in providing better training to the bereaved who have lost a family member. The bereaved cannot ever be properly prepared to 'perform better in battle' with potentially unscrupulous salespeople.

Further, there is a difference between the legislated ability of the BAO to deter unethical business practices, and the will, incentive and resources at the BAO to do anything about it. At present, the BAO Board and committees are unfortunately dominated by those who stand to gain the most from unethical business practices (hence the questioning on the definition of "high pressure sales" and "upselling"). The Ontario bereavement sector is positioned legislatively and structurally to take advantage of vulnerable people.

Combos and Tied Selling: The FBCSA made a fundamental change in the business structure of the bereavement sector but failed to legislate any control or regulation of this new business environment. What used to be a church/faith/community experience was transformed into a new arena of commerce. The new era of combos introduced through allowing cemeteries and funeral homes to operate under one business roof, allowed the vertical integration of the provision of all bereavement industries in the sector.

However, the FBCSA and regulations, the BAO and even the Consultation papers continue to talk about funeral homes and cemeteries as if they were separate entities. *Whoever sells the burial plot, or better, a family burial plot, now hooks in all the future sales of products and funeral services.* At whatever price, the bereaved in the commercial combo sector are now at the mercy of their chosen provider.

Complaint Driven: Furthermore, the bereaved do not tend to make consumer complaints, or have the emotional resources to battle with vendors. Some funeral service providers even try to shame the customer should he/she ask about a discount on the price of a family casket – so customers won't do it and vendors know it. How can the BAO even discover infractions, if their discovery is complaint driven? Also, if the only punishment to a service provider is to lose an offending contract, is it still not worth the risk to upsell the next customer?

There is a strong financial incentive at the BAO, which is run by and paid for by the biggest industry combo players, to preserve the status quo.

Disclosure of Combo Status: While disclosure of incentives is a proposal which the CCIFB would strongly support, it would be better for the consumer to understand that *virtually all* combination service providers (funeral/cemetery/crematorium) have commission/incentive based compensation structures which inform the sales experience, and other service providers *do not*. Therefore it is critical that the provider be required to disclose that it is a commercial combination operator, and that *lower cost options are available with other suppliers*. Other jurisdictions in Canada are not all that helpful as models, given that many do not allow combination operators, and may have no experience with sales commissions. Has there been a study to find out how common commissioned sales are, and under what circumstances they exist outside Ontario?

No Sales Commission Required: While prohibition of commission/incentive sales is the desired Option, and MGCS has unfortunately not proposed it here, the key message for consumers in all contracts (which should be specially drawn to their attention and explained to them) should be that *there is no obligation to pay a commission or bonus for bereavement products and services in Ontario*, and that all such services are available from reputable providers who do not charge a commission. If a consumer still chooses to use a commission-based provider, he/she has a right to know how much that commission/incentive is and how it is calculated.

#### **v. Licensing of New Disposition Technology Providers**

Comments:

While it is in the public interest to ensure that any new disposition technology is approved and safe, it is also in the public interest that arbitrary barriers to entry into the bereavement sector are not created.

No Barriers to Entry: A framework for evaluation of new technology must be created that is not unduly onerous in terms of arbitrary or excessive requirements, or that is cost prohibitive. There must be agreed upon criteria established for new technology evaluation, together with an agreed upon process to do so. The BAO is currently funded and overseen by traditional providers and there is an inherent moral hazard to creating artificial barriers to entry into the marketplace to preserve the status quo. Supervision by the BAO of who gets to be a player in the bereavement marketplace is inherently flawed. This would all but guarantee less innovation in the sector and less choice to the consumer.

#### **B. Compliance and Enforcement Tools**

Comments:

While the Auditor General's focus was to protect consumers from financial harm and increase deterrence, inappropriate use of compliance and enforcement tools may itself create even greater problems for consumers.

Registrar Discretion: In order to be effective, the individual exercising discretion to enforce compliance with the law (in this case the Registrar) must do so within a framework where there

are established parameters, ensuring that the exercise of that discretion is carried out in an ethical manner. As discussed earlier, the exercise of broad discretion by an individual without standards or guidelines is fraught with problems, not the least of which is the development of arbitrary and capricious decision making, selective enforcement of rules, and perversion of outcomes. Without standards or guidelines, how can MGCS measure the appropriateness of such discretion, and its effect on the sector and the consumer? Also, when that individual is inevitably replaced over time by others, each with their own personal guiding philosophy or biases, oversight of the sector loses predictability, consistency and stability over the long term.

The BAO Registrar currently uses a number of tools to enforce compliance and in some cases, to penalize non-compliance. In the absence of a Discipline Committee, the Registrar has *de facto* assumed this role.

For these Options to be implemented fairly, it will be critical to define clearly what types of infractions warrant what type of order or action? “In the discretion of the Registrar” is clearly not sufficient or desirable.

Administrative Penalties: The CCIFB is against the Option of administrative penalties, although we note that they are already in active use by the BAO Registrar for at least one service provider. The BAO has created the practice of requiring the payment of fines for infractions from Arbor Memorial who “walks into the BAO with a chequebook”.

There are problems with the institution of fines, as administrative penalties do not have an equal effect on all service providers. For a smaller independent funeral home, a set penalty amount could be a large enough hit to the bottom line to affect the viability of that service provider, whereas for larger combos such as Arbor they are merely the cost of doing business. There is no mention of any ability to pay in terms of the fine structure, nor a distinction among providers. Not all funeral homes or cemeteries are created equal, and the institution of a standard set of fines would be unfair and regressive.

In addition, if the desired result is consumer protection and not the creation of an additional fund for the BAO (for consumer education??), administrative penalties will simply become (as they already have for at least one repeat offender provider) a cost of doing business, a cost which is far exceeded by the potential profits to be made by continuing the behaviour. The point is that bad behaviour must stop, and it must be made to stop. Full stop.

Code of Ethics: While Ontario Regulation 374/18 provides for the creation of Discipline and Appeal Committees to determine whether a breach of Ontario Regulation 216/18 (Code of Ethics) has occurred, it only applies to funeral directors. *It must apply to all service providers.* Further the BAO is only just now (5 years after its creation) “committed to establishing discipline and appeal committees under the Discipline and Appeal Committees Regulation”, and only as a result of the Auditor General’s report. In addition, the Regulations under the FBCSA which were modified over a 10 year period by the major combo players in the bereavement sector to their advantage, have failed for years to take the issue of ethics seriously. The currently applicable Code of Ethics is unavailable, *as it is buried in an act that was repealed.*

Why? The lack of common industry ethical standards is telling, and illustrative of why the Auditor General found that so many vulnerable consumers are treated poorly. CCIFB is pleased to hear this will be a topic for a future Consultation paper.

Compliance Orders: These are a good idea but once again not without parameters. And how is the “risk-based compliance framework” developed? What does this mean? And why is this framework not defined and laid out at the beginning of the section, if the penalties are to be premised on it?

The vulnerable consumer has been subjected to what is essentially an unregulated environment; a ‘wild west’ created by the FBCSA that unleashed the concept and creation of commercial combos. That consumer is completely unaware that there now exist two very different types of organizational structures in the bereavement sector: those with altruistic motives (according to the BAO Registrar), and those which are purely financially driven.

### **C. Priority of Persons with Legal Authority -Decisions Regarding Decedents**

Comments:

CCIFB agrees with the proposal to define a Priority of Persons for the various purposes set out in the Consultation paper. However it is not advisable to develop a “made in Ontario” solution when other provinces have a deeper experience in legislating on these matters. In particular the priority list presented here is not consistent with the *Estates Act*, the *Family Law Act* (Ontario) and other relevant statutes (unlike the priority lists in the British Columbia and Alberta legislation). The proposal that “A person authorized to act on the interment or scattering rights holder’s behalf” be the first on a list is, from a consumer perspective, opaque. It is clearly written from an industry perspective and is an invitation for litigation, in particular as the proposal will introduce new terminology without precedent in Ontario law.

We recommend the adoption of the existing Priority of Persons list in use in British Columbia and/or Alberta together with the legal definition in Ontario for “spouse” under the *Family Law Act*. Do not attempt to re-invent the wheel or over complicate the proposal. If litigation does become necessary, families will be aided greatly by the existence of jurisprudence from these provinces in understanding their rights.

### **D. Cemetery Care and Maintenance Funds/Accounts (CMF/As)**

#### **i. Interest Payment on Funds Borrowed from Capital Portion of CMF/As**

Comments:

The FBCSA requires cemetery operators to pay prescribed amounts into a CMF/A, but also requires monument builders to do the same. In theory and for the consumer, these two income streams into the CMF/A are for distinct purposes, but in reality they are lumped together by cemetery operators into one fund, which now may be accessed by cemeteries if they are non-commercial.

Disappearance of Marker Funds: CCIFB has been made aware that where a consumer buys a monument from an independent service provider, he or she must make a CMF/A contribution for “marker maintenance”, but this is clearly not the sole purpose of this contribution. How can an independent service provider ask a consumer to pay such a fee in good faith, and why should a customer pay such a fee when these contributions are more likely to be used for other unrelated purposes? Why does the consumer not have the right to know and the right to refuse to pay? Where is the transparency?

No Access by Commercial Cemetery: Currently, only non-commercial cemetery operators may use any of the capital portion of the CMF/A for permitted purposes, subject to the BAO Registrar’s authorization. Mount Pleasant calls itself a not-for-profit operator but has, since approximately 1995, carried on business on a profit driven basis. It openly charges rates at or above market rates in keeping with those charged by for-profit cemeteries (according to Mount Pleasant), and has publicly called itself a private commercial cemetery. It made gross profits of \$96.5 million (net operating profits \$16.1 million) in 2020, and now sits on an unexplained stockpile of cash in an unrestricted cash account of over \$270 million (up \$20 million from last year), over and above the Care and Maintenance funds required by law. O. Reg. 30/11 under the FBCSA defines commercial cemetery as “a cemetery operated for the purpose of making a profit for the owner”. Mount Pleasant is *de facto* and *de jure* a commercial cemetery and the Ministry must ensure that Mount Pleasant is not allowed to access the capital portion of its CMF/A under this exemption.

Policy Goal Thwarted: With respect to payment of interest, the entire point of allowing non-commercial cemetery operators to borrow capital from CMF/As was to allow them access to capital without having to arrange a banking facility and pay commercial rates. The reason commercial cemeteries are not included in the group that can borrow CMF/A capital is because they can afford to go to the capital markets, or to shareholders - where the others cannot. Therefore, to charge non-commercial cemetery operators loan interest is antithetical to achieving the policy’s goal. This is borne out by the examples of BC and Saskatchewan, who do not prescribe interest payments.

If the government proceeds to charge interest on the CMF/A loans, then there was never any point in allowing access to this capital in the first place. The entire exercise of allowing non-commercial cemeteries access to capital becomes moot. If an organization pays somewhere around the market rate for capital, why does it matter whether it comes from their CMF/A or the bank? Moreover, if the interest rates are similar, it is a cost saving for the bereavement sector as a whole for cemeteries to borrow from banks, rather than paying for the BAO to set up a loan administration arm to process loans and interest payments.

Expensive Infrastructure: In addition, what is not mentioned is the extra burden on the Registrar to become a loan administrator. Where is the staff infrastructure to support this new, overly complex initiative? An alternative would be to contract a financial institution to administer the loans, which will in turn add another layer of costs. Who pays for those costs?

Registrar Discretion: Much of the burden of many of the changes to the FBCSA and the regulations entail more work and the personal discretion of the Registrar. As the Auditor General has observed, the BAO is already understaffed. In addition, this concentrates even more discretionary power within a single person in the bereavement sector.

At present the Registrar is beholden to a Board and Committees dominated by only certain types of players in the industry. These players also happen to be among the most powerful. The absence of moral hazard cannot be expected in terms of policies and loan decisions within this institutional structure. Ontarians should not have to rely on the benevolence of the Registrar, as has been discussed. Most importantly, by today's governance standards, there cannot even be the hint of a conflict of interest.

The policy purpose of allowing non-commercial cemetery operators to borrow capital from their CMF/As interest free is, among other things, to level the playing field with the increasing number of commercial operators. It is in the consumer interest to ensure that non-commercial providers remain financially viable. MGCS must look carefully at who the proponents are of charging interest and why this has been raised as an issue in the first place.

Non-commercial cemetery operators should be allowed to access the capital in their CMF/As free of charge with a plan to pay back the capital they have borrowed. This will benefit both the cemetery operators and the consumer.

## **ii. Exempt Municipal Cemetery Operators from CMF/A Requirements**

Comments:

Municipalities are accountable to the public, while all other cemeteries/funeral homes/combo are not. Municipal accounts of revenues and expenses are public and available to all. They are not run according to a traditional/commercial business model. When cemeteries fail or are abandoned - whether they are public OR private cemeteries, they become the responsibility of the municipality. Looked at another way, municipalities can be seen as indemnifiers of all cemeteries in Ontario. Abandoned cemeteries become the responsibility of the taxpayer.

Price Inflation: For non-municipal cemetery operators to state that exempting municipal cemeteries from CMF/A requirements "would result in a competitive disadvantage for non-municipal operators, as the exemption would allow for municipal operators to charge less" is antithetical to consumer interests. It is counterintuitive for a municipality to charge a tariff to those who choose to bury their families in public cemeteries (many who are choosing to do so as they are financially less able) in order that their pricing makes a commercial for-profit option appear more reasonable. Would commercial operators seriously suggest that public cemeteries should arbitrarily inflate the price of a public good so that commercial players can get away with charging more? This is a perverse cross subsidization of private commerce by the public purse, as in fact, the policy goal should be to prefer the lower pricing option offered by municipal, public cemeteries.

Requirement to Advise on Options: We would go further to reiterate that all cemeteries should be required to disclose to their customers whether they operate as part of a combination/commercial operation, or as an independent, not-for-profit or municipal service provider. Additionally and importantly, combination/commercial cemeteries should be obliged to make their customers aware that there are less expensive commission-free independent/public options. This should be the law!

**E. Other Cemetery-Related Proposals**  
**i. Neglected or Abandoned Cemeteries**

Comments: CCIFB has no comment on the Options under consideration

**ii. Cemetery Closure Process**

Comments: CCIFB agrees with the Options under consideration

Thank you for the opportunity to provide these comments.

Respectfully submitted,

**Council for Consumer and Industry Fairness in Bereavement (Fairness in Bereavement)**

A handwritten signature in black ink, appearing to read "Margot Boyd". The signature is written in a cursive style with a large, looped initial "M".

Per: Pamela Taylor and Margot Boyd, Co-Chairs  
August 9, 2021