



Province of Alberta

CEMETERIES ACT

CEMETERIES EXEMPTION REGULATION

Alberta Regulation 236/1998

With amendments up to and including Alberta Regulation 240/2018

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Office Consolidation

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(Consolidated up to 240/2018)

ALBERTA REGULATION 236/98

Cemeteries Act

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Definition

1 In this Regulation,

- (a) "Act" means the *Cemeteries Act*;
- (b) "Crown" means Her Majesty the Queen in right of Alberta.

AR 236/98 s1;172/2014

Exemption for title registration

2 Subject to the conditions, where applicable, stipulated in the Schedule, the cemeteries listed in the Schedule are exempt from the provisions of the Act and regulations under the Act that require that title to land in a cemetery be registered in the name of the organization operating the cemetery.

Commercial owners exemption for columbaria and mausolea

3(1) In this section,

- (a) “cemetery” means
- (i) Edenbrook Memorial Gardens (Calgary);
 - (ii) Mountain View Memorial Gardens (Calgary);
 - (iii) Evergreen Memorial Gardens (Edmonton);
 - (iv) Glenwood Memorial Gardens (Edmonton);
 - (v) Saamis Prairie View Cemetery, formerly known as Chapel Lawn Cemetery (Medicine Hat);
 - (vi) Westlawn Memorial Gardens (Edmonton);
 - (vii) repealed AR 172/2014 s3;
- (b) “owner” means
- (i) CGRM Holdings Ltd.;
 - (ii) Arbor Memorial Inc.;
 - (iii) Calgary Crematorium Limited.

(2) All existing and future columbaria and mausolea constructed or operated in Alberta by an owner in a cemetery operated by that owner in accordance with the Act are exempt from the operation of section 4 of the Act.

(3) As a condition of an exemption under subsection (2), the owner shall obtain any permit or approval required in respect of a columbarium or mausoleum by any enactment or municipal bylaw.

AR 236/98 s3;251/2001;176/2005;81/2013;172/2014

Bow City Community Hall

3.1(1) The Bow City Community Hall is exempt from sections 3 and 43 of the Act for the purposes of permitting the Bow City Community Hall to establish and operate a cemetery on the land legally described as follows:

Plan 0110067, Lot 1

(2) Except for sections 3 and 43 of the Act, all the provisions of the Act and the regulations under the Act apply to the Bow City Community Hall and in respect of the cemetery referred to in subsection (1) and its operation.

AR 175/2001 s3;251/2001

St. Joseph's Industrial School Memorial Site

3.2 The St. Joseph's Industrial School Memorial Site owned by the Crown consisting of Parcel A containing 0.146 hectares (0.36 acres) more or less, Plan 2419 JK of the south-east quarter of section 27, range 21, township 28, west of the 4th meridian is exempt from the provisions of the Act and the regulations under the Act on condition that its use is restricted to the reburial of remains from the former St. Joseph's Industrial School Memorial Site located on the south-east quarter of section 27, range 21, township 28, west of the 4th meridian.

AR 176/2005 s3;35/2007;68/2008;31/2012;170/2012;172/2014

Traditional Burial Grounds/Fort Edmonton Cemetery

3.3 The Traditional Burial Grounds/Fort Edmonton Cemetery owned by the City of Edmonton consisting of land legally described as Area C of Plan 1320219 is exempt from the provisions of

- (a) the Act, except sections 1, 7, 10, 11 (other than the requirement under that section to provide the Director of Vital Statistics a certificate of death when making an application for disinterment), 49, 53 to 59 and 74 to 78, and
- (b) the regulations under the Act, except this Regulation and sections 20.1, 20.2, 26(1), 27, 28, 29, 30, and 39 of the *General Regulation* (AR 249/98),

on the condition that there shall be no new burials in that cemetery except for the reburial of human remains originally buried in the Rosedale Flats area of Edmonton or the Alberta Legislature area, or any area adjacent to either of those 2 areas prior to circa 1890 when those areas were no longer being used for human burials.

AR 176/2005 s3;103/2013;172/2014

Historic Dunvegan Cemetery

3.4 The Historic Dunvegan Cemetery owned by the Crown consisting of Survey Plan 0927477 containing 0.12 hectares (0.30 acres) more or less, located within Plan 5818BD, Block Y is exempt from the provisions of the Act and the regulations under the Act on condition that its use is limited to the reburial of remains from the Historic Dunvegan Site located on Plan 5818BD, Blocks X, Y and 5, Plan 5818BD, Block A, northeast quarter of section 7, range 80, township 4, west of the 6th meridian, legal subdivisions 15 and 16 of section 7, range 80, township 4, west of the 6th meridian, Dunvegan Settlement Lot 1, Plan 0021020, Lot 1, Road Plan 4182JY, including all road allowances contained within these legal land descriptions.

AR 268/2009 s2;31/2012;170/2012;172/2014

St. James Memorial Gardens Cemetery

3.5(1) The new St. James Memorial Gardens Cemetery consisting of 1.167 hectares (2.88 acres) more or less, located in the south-west corner of the north-east quarter of section 3, range 21, township 1, west of the 5th meridian, is exempt from sections 3, 12, 13, 14 and 34 of the Act on the following conditions:

- (a) there be a maximum of 20 burials in the cemetery;
- (b) burials in the cemetery be restricted to family members of Mr. Lynn and Mrs. Cheryl Chouinard or either of them;
- (c) the sum of \$100 000 be provided to the Director to be held by the Director in trust for the purposes of the administration, maintenance and upkeep of the cemetery;
- (d) no burial plots may be sold, leased or otherwise transferred.

(2) The trust referred to in subsection (1)(c) is subject to the following trust conditions:

- (a) any income earned by the trust forms part of the trust;
- (b) the Director, may, for any of the purposes of the trust, transfer to the owner of the cemetery, use or pay contractors for the work involved, up to 90% of the income that has been earned by the trust and not previously used.

AR 81/2013 s3

Sharphead Reserve Memorial Cemetery

3.6 The new Sharphead Reserve Memorial Cemetery, owned by the Crown and consisting of Lots 4, 5 and 6, Block 2, Plan 112 1763, is exempt from the provisions of the Act and the regulations under the Act on condition that there be no new burials in that cemetery except for the reburial of human remains originally buried on the lands of the former Sharphead Indian Reserve No. 141 prior to circa 1897.

AR 172/2014 s7

Repeal

4 Sections 13 to 17 and Schedule 2 of the *Cemeteries, Mausolea and Columbaria Regulation* (AR 238/90) are repealed.

Expiry

5 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be

repassed in its present or an amended form following a review, this Regulation expires on November 30, 2024.

AR 236/98 s5:63/2003;268/2009;240/2018

Coming into force

6 This Regulation comes into force on December 1, 1998.

Schedule

Exemptions Under Section 2

- 1** The following cemeteries operated by the Special Areas Board:
 - (a) the New Brigden Cemetery, consisting of 2 acres, in the form of a square in the south-east corner of the north-east quarter of section 34, township 31, range 4, west of the 4th meridian;
 - (b) the Monitor Cemetery, consisting of all that portion of the south-west quarter of section 7, township 35, range 4, west of the 4th meridian, described as follows:
commencing at a point on the west boundary of the said quarter section 900 feet south of the north-west corner thereof, thence easterly and parallel with the north boundary of the said quarter section 730 feet, thence southerly and parallel with the said west boundary 180 feet, thence westerly and parallel to the said north boundary to a point on the said west boundary, thence northerly along the said west boundary to the point of commencement, containing approximately 3 acres;
 - (c) the Butte Lutheran Cemetery (Monitor), consisting of the most northerly 297 feet of the most westerly 297 feet of the north-east quarter of section 10, township 33, range 5, west of the 4th meridian;
 - (d) the Cop Hill Cemetery (Sedalia), consisting of all that portion of the south-east quarter of section 14, township 31, range 6, west of the 4th meridian, described as follows: commencing at a point on the south boundary of the said quarter section 412 feet east of the south-west corner thereof, thence northerly and parallel to the east boundary of the said quarter section 264 feet, thence easterly and parallel to the said south boundary 330 feet, thence southerly and parallel to the said east boundary to a point in the said south boundary, thence westerly along the said south boundary to the point of commencement, containing 2 acres, more or less;

- (e) the Cessford Cemetery, consisting of the most northerly 300 feet of the most easterly 300 feet of the north-east quarter of section 33, township 23, range 11, west of the 4th meridian, containing approximately 1.5 acres;
- (f) repealed AR 268/2009 s4;
- (g) the Netherby Cemetery, consisting of all that portion of the north-east quarter of section 20, township 33, range 13, west of the 4th meridian, described as follows: commencing at a point on the east boundary of the said quarter section 416 feet south of the north-east corner thereof, thence southerly along the said east boundary 208.7 feet, thence westerly and parallel to the north boundary of the said quarter section 208.7 feet, thence northerly and parallel to the said east boundary 208.7 feet, thence easterly and parallel to the said north boundary to the point of commencement, containing one acre, more or less;
- (h) the Canmer (Esther) Cemetery, consisting of the most southerly 470 feet of the most westerly 464 feet of the south-west quarter of section 29, township 31, range 2, west of the 4th meridian, containing approximately 5 acres;
- (i) the Sibbald Cemetery, consisting of the most southerly 300 feet of the most westerly 580 feet of the south-east quarter of section 15, township 28, range 2, west of the 4th meridian, containing approximately 4 acres.

2 The St. Antoine's Roman Catholic Cemetery near Big Prairie, operated by La Corporation Episcopale Catholique Romaine de Grouard, consisting of all that portion of River Lot 97, in the Big Prairie Settlement, described as follows: commencing at a point 510 feet south-westerly from the north-east boundary of the said River Lot on a line drawn parallel to and 350 feet from the south-east boundary of the said River Lot, thence south-westerly and parallel to the south-east boundary 156 feet, thence north-westerly and parallel to the said north-east boundary 168 feet, thence north-easterly and parallel to the said south-east boundary 156 feet, thence south-easterly and parallel to the said north-east boundary to the point of commencement, containing approximately 5/8 of an acre, more or less, on the condition that there shall be no charge for grave plots in the cemetery.

3 The Sunnysdale Community Cemetery near Oyen, consisting of 2.27 acres, more or less, in the north-east corner of the south-east quarter of section 35, township 26, range 5, west of the 4th

meridian, on the condition that there shall be no charge for grave plots in the cemetery.

4 The Barnwell Community Cemetery operated by the Barnwell Community Cemetery Company, Barnwell, consisting of 10 acres, more or less, in the north-east quarter of section 29, township 9, range 17, west of the 4th meridian, on the condition that the cemetery continues to be operated for the benefit of the residents of the area and not operated for profit.

5 The following cemeteries operated by the County of Forty Mile No. 8:

- (a) The Faith Union Cemetery, consisting of the most northerly 417.42 feet of the most westerly 417.42 feet of the north-west quarter of section 13, township 4, range 9, west of the 4th meridian, containing 4 acres, more or less, on the condition that there shall be no charge for grave plots in the cemetery;
- (b) The Pakowki Cemetery, consisting of 3.84 acres, more or less, in the north-west corner of the north-west quarter of section 15, township 5, range 7, west of the 4th meridian, on the condition that there shall be no charge for grave plots in the cemetery.

6, 7 Repealed AR 176/2005 s4.

AR 236/98 Sched.;87/2001;176/2005;268/2009



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