Cemeteries and burials in Alberta

This publication is intended to provide general information only and is not a substitute for legal advice

In Alberta, the registration of cemeteries is governed under the Cemeteries Act (Act) and regulations. Along with rules surrounding maintenance, the Act also ensures that cemeteries are protected and sets out:

- who may establish a cemetery, columbarium or mausoleum
- the ways in which a deceased person may be put to rest, and
- who may control disposition of the deceased remains

The Act applies to all cemeteries, crematories, columbaria and mausoleums in Alberta. Only a religious auxiliary, religious denomination or a municipality may establish a new cemetery, crematory, columbarium or mausoleum. Note: a number of private cemeteries currently operate in Alberta that pre-date this prohibition.

Definitions

Cemetery – land that is set apart or used as a place for the burial of dead human bodies or other human remains.

Columbarium – a structure designed for storing the ashes of dead human bodies or other cremated human remains.

Crematory – a building fitted with proper appliances for the purpose of incineration or cremation of dead human bodies, and includes everything related or supplemental to it.

Mausoleum – a structure wholly or partly above the level of the ground and designed for the burial or storage of dead human bodies.

Disposition Options

The cemetery owner is responsible for ensuring that the disposition of human remains are conducted in a decent and respectful manner.

There are four legal options for disposition of human remains in Alberta, these include:

- burial
- cremation
- placement within a mausoleum or columbarium
- donation (ie. medical science)

When purchasing a burial plot or a compartment in a columbarium or mausoleum, it is important to know that the purchaser is the owner and that they are entitled to transfer their ownership to another party. If you are purchasing multiple plots or compartments, it is wise to ensure that there are clear instructions left with your family about whom those plots are intended for.

Control of Disposition

Disposition means the way in which your remains are placed or arranged at the time of your death. As outlined above there are four legal methods of disposition in Alberta. Who may decide the method of disposition is also identified in the legislation. You, of course, can choose from the legal methods of disposition, but it is important that you have communicated your wishes to the person who will have control over decisions after your death. They are not obligated to adhere to your wishes unless those are formally set out in a Will or other legal document and then only to the extent reasonably possible.
Control over disposition is determined in the following order:

- the personal representative designated in the Will of the deceased
- the spouse or adult interdependent partner of the deceased if the spouse or adult interdependent partner was living with the deceased at the time of death
- an adult child of the deceased
- a parent of the deceased
- a guardian of the deceased under the Adult Guardianship and Trusteehip Act or, if the deceased is a minor, under the Child, Youth and Family Enhancement Act or the Family Law Act
- an adult grandchild of the deceased
- an adult brother or sister of the deceased
- an adult nephew or niece of the deceased
- an adult next of kin of the deceased determined on the basis provided by sections 67 and 68 of the Wills and Succession Act
- the Public Trustee
- an adult person having some relationship with the deceased not based on blood ties or affinity
- the Minister of Community and Social Services

Cremated Remains

After cremation, cremated remains can be interred in a cemetery, mausoleum, or columbarium niche, scattered, or kept by family or friends according to the wishes of the deceased or the decisions of their representative.

When cremated remains are being interred, the bylaws and rules of the cemetery or columbarium will govern the cost and process. A separate burial permit is not required when interring cremated remains.

When scattering cremated remains on private land, consent should be secured from the land owner. If the land or water is provincially owned Crown land or water, specific consent is not required, but care should be taken to avoid scattering the remains near water treatment intakes and facilities or close to recreational water areas.

Guidelines for scattering cremated remains on provincial land can be found here: https://open.alberta.ca/publications/scattering-of-cremated-remains-in-alberta.

Search for a registered cemetery

To confirm whether a cemetery is registered in Alberta, you can search the Alberta Land Titles and Surveys Spatial Information System (SPIN2) online at: https://alta.registries.gov.ab.ca/SpinII/logon.aspx.

When you arrive at this page, select the Help button and search for cemetery to locate further information on how and what content can be searched.

SPIN 2 is a free application available to anyone needing to view or purchase Government of Alberta land related information or data products.

Maintenance of a Cemetery

Cemetery owners must ensure cemeteries are safe for the public and the grounds and buildings are kept in good order and repair. Preservation of the dignity of the cemetery is required.

Cemetery owners may direct or permit any monument to be removed for repairs and any other structure in their cemetery to be removed if it is in a state of disrepair that is unsightly or dangerous. Prior to removing the monument or ornamentation, the cemetery owner must take reasonable steps to determine that no interested person, including close relatives of the deceased, are prepared to make the repairs and no contract or other arrangement exists where the cemetery owner has undertaken to perform the repairs.

The cemetery owner may move monuments or markers to facilitate the care of the cemetery. Where a monument has been moved, it must be replaced in a location that continues to relate directly to the grave for which it was erected.
Death of a fetus or newborn infant

In the case of the death of a fetus or newborn infant, the manner of disposition is left to the parents’ or guardian’s discretion as long as the disposition does not cause public offence. With a newborn infant or where a fetus completed 20 weeks’ gestation or weighed 500 grams or more, a burial permit must be obtained before disposing of the remains.

Should the fetus or newborn infant die in hospital, the hospital may dispose of the remains according to the parents’ or guardian’s requests and the disposition does not cause public offence. The hospital must obtain the burial permit.

Records

Cemetery owners must keep specific records about the people buried within the cemetery and the people who have planned to be buried in the cemetery:

- the date of sale
- the sale price
- the name and address of the purchaser
- the name and address of any person to whom grave lot, compartment or other space in the cemetery or mausoleum is transferred and the date of transfer
- the date of each burial or interment in it
- the name of each deceased person buried or interred in it
- the name and address of the personal representative or next of kin of each deceased person
- the name of the funeral director or other person in charge of the funeral of the deceased person
- the amount of any charge made for services rendered and
- the nature of those services rendered at the time of burial or interment, and
- the particulars of each disinterment or removal of a dead human body

Cemetery owners are obligated to disclose the information they collect to the family of those buried, to the Director of Cemeteries with Service Alberta or to Police Officers. Cemetery owners can request evidence to confirm the status of the person making the request for information.

If you move, you should update your contact information with the cemetery in the event the cemetery is required to disclose information.

More information

For information relating to the purchase of goods or services related to a cemetery in Alberta, read the Consumer Tips – Purchasing cemetery supplies or services in Alberta located at https://www.alberta.ca/consumer-business-tips.aspx

Service Alberta Consumer Contact Centre
Edmonton: 780-427-4088
Toll free in Alberta: 1-877-427-4088

Office of the Alberta Public Trustee

Alberta Funeral Services Regulatory Board (AFSRB)
#180 - 2755 Broadmoor Blvd
Sherwood Park, Alberta
780-452-6130
https://afsrb.ab.ca/index.html

Queen’s Printer Bookstore
You may purchase the Cemeteries Act and the regulations from the Queen’s Printer Bookstore:
7 flr, 10611 - 98 Avenue
Edmonton, Alberta T5K 2P7
Edmonton: 780-427-4952

Toll-free in Alberta: 310-0000 then 780-427-4952
These are also free for you to download in the "pdf" or "html" formats at http://www.qp.alberta.ca/