

M A N I T O B A) Order No. 36/06
)
THE PUBLIC UTILITIES BOARD ACT) March 9, 2006

BEFORE: Graham F. J. Lane, C.A., Chairman
 Monica Girouard, C.G.A., Member
 Susan Proven, P.H.Ec., Member

APPLICATION BY ALDERWOODS GROUP FOR CLARIFICATION
OF PERPETUAL CARE REQUIREMENTS ON THE SALE OF
FIELDSTONES FOR ENCASEMENT OF HUMAN REMAINS

Introduction

On November 14, 2005, Alderwoods Group (Alderwoods) wrote the Public Utilities Board (Board) seeking clarification of the rules and regulations governing the placement of fieldstones used to encase cremated remains. The stones would either be placed on Alderwood's scattering garden's pathway or placed in the cemetery's creek bed.

The Company advised that neither would deeds be issued nor endowment care fees collected. Care and maintenance of the cemetery grounds is provided by Alderwoods.

Alderwoods asked:

1. Should the stones be treated as merchandise or property?
2. What are the trusting requirements for these stones? In case endowment care is recommended to be charged, what would be the percentage of sales price to calculate the amount of endowment care?
3. Does it make a difference with respect to a trusting requirement if the stone can be moved to a different place?

Alderwoods advised that the location of the fieldstones will be entered on a map, and recorded for future reference.

Board Findings

The Board is satisfied that, notwithstanding deeds are not being issued, the stones will be properly recorded in the Company's records for future identification.

With respect to the collection of perpetual care monies, the Board believes that a fee for perpetual care should be collected on the same basis as is the case for the sale of spaces in a columbarium (i.e. at a rate of 15% of the selling price). This should take place regardless of the supplier, and the fee for perpetual care should be invested in the perpetual care fund.

The Board accepts Alderwood's position that current perpetual care expenses exceed perpetual care income, requiring the cost of repair and maintenance to be subsidized from general revenues. Nonetheless, the Board expects families purchasing such fieldstones to make a contribution to the upkeep of the cemetery.

