



**CONSUMER
PROTECTION BC**



Inspection Guide

Crematoriums

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Introduction

Consumer Protection BC is responsible for the administration and enforcement of the *Business Practices and Consumer Protection Act* (BPCPA), the *Cremation Interment and Funeral Services Act* (CIFSA), the *Motion Picture Act* (MPA), the *Ticket Sales Act* (TSA), and the Cremation Interment Funeral Services Regulation (CIFSR).

The BPCPA, CIFSA, and CIFSR govern the licensing requirements and conduct of businesses and persons that provide crematorium services in the Province of British Columbia.

This guide has been prepared to better inform and educate crematorium operators on the compliance inspection process. As one of our licensed businesses, it is your responsibility to conduct yourself and operate your business in compliance with the laws and conditions on your license. We recommend you take the time needed to read this guide fully and to make sure that your managers and staff are familiar with the information contained herein.

This guide serves as a reference, so you know what to expect and how to prepare for an inspection conducted by a Consumer Protection BC Inspector.

This is a general overview of the inspection process. This guide is not intended to provide legal advice and it is not an exhaustive review of the legislative provisions affecting you or the operation of your licensed business. We recommend that you get copies of the legislation and review it in detail. You can order from Crown Publications at www.crownpub.bc.ca.

For more general information, visit our corporate website at www.consumerprotectionbc.ca. To learn more about your licensing requirements and legal obligations, visit the [Get & Keep your Licence](#) section of our website. To find out how best to contact us, please visit the [Contact Us](#) page of our website.

Background: our responsibilities

The role of Consumer Protection BC

Consumer Protection BC licenses and inspects regulated businesses, responds to consumer inquiries, investigates alleged violations of consumer protection laws, classifies all general release and adult films, and provides information and referrals to consumers.

As part of our responsibility to ensure compliance with the law and conditions on a license, we regularly perform risk-based inspections as well as inspections in response to consumer complaints. When an inspector identifies issues of non-compliance, the inspector may open a complaint file. When the eventual outcome of a complaint file results in voluntary compliance with the law or some form of enforcement action being taken by the Director, the outcome is published to our website. We share this information to enable consumers to make informed decisions.

The role of the licensee

You are legally responsible for compliance with the laws and licensing conditions as it relates to the operation of your business. You are also responsible for ensuring your employees and agents are acting in compliance with the laws and licensing conditions applicable to your business.

You must fully cooperate with an inspector. Providing false or misleading information to an inspector or obstructing or hindering an inspection are serious contraventions of the laws we administer. A person who obstructs, hinders, or makes misleading statements to an inspector is subject to prosecution under *the Offence Act*.

Inspection process

Scheduling and notification

Inspectors attend businesses located throughout the province, sometimes arriving unannounced. The BPCPA, CIFSA, MPA and TSA allows for an inspector to enter a business at any reasonable time to determine compliance with the law, conditions on a license, the suitability of a licensee or an applicant for a license.

Authority to inspect

It is your responsibility to cooperate fully during an inspection. In most instances, an inspector will provide their official identification on arrival, or a request can be made for them to produce it. You must not do anything to obstruct, hinder, or interfere with an inspector's entry and inspection of a business.

The BPCPA and CIFSA gives the inspector the authority to:

- Inquire into any business, affairs or conduct of a person
- Inspect, audit or examine any record, goods or other things or the provision of services in the premises
- Inspect a vehicle or vessel that is being used for business purposes
- Require a person who has possession or control of any records, goods, or other things in the premises, vehicle or vessel to produce the records, goods or things
- Make a record, including a record on film, audio tape, video tape or otherwise, of the premises, vehicle or vessel or any other things in the premises, vehicle or vessel
- Remove any record from the premises, vehicle or vessel for purpose of making copies
- Remove and retain any record, good or other thing that may be required as evidence from the premises, vehicle or vessel.

Conclusion of inspection & Post Inspection Letter

Once the inspection is complete, the inspector may discuss any non-compliance identified during the inspection at this time. After returning to the office, the inspector will document the inspection, update your file and, if required, inform other departments within Consumer Protection BC of the inspection results.

The inspector will update the Inspection Checklist¹ and a Post Inspection Letter (PIL) detailing the results of the inspection will be uploaded to your My Account set up with Consumer Protection BC.

In order to receive the PIL, you must have your My Account set up. If your email is not entered into the My Account, you will not receive the PIL and other pertinent documents related to the inspection. To setup your My Account, please go to www.consumerprotectionbc.ca and select “MyAccount Login” or contact operations@consumerprotectionbc.ca for assistance.

The PIL will identify any alleged violations that you must correct and/or any alleged violations for which the inspector recommends that enforcement action be taken by the Director. Any further instruction(s) will be noted in the inspector’s notes in the PIL.

For more information on the enforcement process, please see the section below entitled “Enforcement.”

We may conduct a follow up inspection to ensure that non-compliance found at the previous inspection is corrected.

Enforcement

If an inspector detects violations that they believe should proceed to an enforcement hearing, they will notify you of these alleged contraventions in the PIL issued after the inspection. The inspector will also prepare a Report to the Director (RD) document for the Director. A copy of the RD will also be sent to you. The RD will identify the allegation(s) proceeding to an enforcement hearing and the evidence the inspector is relying on to support the allegation(s). You will be given an opportunity to respond to the allegation(s) made in the RD. A decision-maker will then decide whether the allegation(s) took place, and whether statutory action such as an administrative penalty, licensing action or other remedial order is appropriate. Note: the decision to impose an administrative penalty is at the discretion of the Director or the delegated decision maker.

Before deciding to impose an Administrative Monetary Penalty (AMP) and calculating the amount of the AMP, the decision-maker will consider the factors set out in section 164(2) of the BPCPA. To calculate the amount of the AMP the decision-maker will normally apply the policy of Consumer Protection BC, “Calculating Administrative Monetary Penalties Policy and Procedures.”, including its AMP Penalty Matrix. This policy is available on the website of Consumer Protection BC at www.consumerprotectionbc.ca. You can access the policy electronically by clicking the following link: [Admin Penalty Policy and Procedure](#).

If you are dissatisfied with the decision, you may apply for a reconsideration of the decision.

Further information on the policies and procedures relating to the calculation of administrative monetary penalties and the reconsideration process can be found by visiting the About us (Our policies) section of our website at www.consumerprotectionbc.ca.

¹ See Appendix – Inspection Checklist

What will be inspected

Remember that while inspectors attend businesses to test for compliance with the laws we administer and any conditions we have imposed on a license, they are also there to educate and answer questions. Please feel free to approach them about any business issues or problems related to the laws we administer.

Typically, you can expect that an inspector will do some of the following:

- Review the legislation and the conditions on a license for any issues that are identified;
- Inspect the physical layout of the business;
- Inspect legal, financial and other business records;
- Observe and record your business practices, identify deficiencies or problem areas that may lead to non-compliance;
- Identify any contraventions;
- Answer your questions and help you understand your obligations

To find out what an inspector will examine during the inspection, please read a sample inspection checklist (Appendix-Inspection Checklist). Note: the items on the checklist are not an exhaustive list of the items an inspector may examine.

Documents and records

You must produce all business records and documents requested by the inspector. Since business records are not always kept on the premises, an inspector may schedule an inspection in advance so you can make sure the records are at the business for the inspection. Sometimes, the inspector may require that you provide additional records at a later date. Refusing to provide records or providing false or misleading information is a serious contravention of the law.

Appendix – Inspection Checklist

The following are the types of things that the inspector is checking during an inspection of your business. This is not a comprehensive list and not all items on this list are inspected during each inspection.

 CONSUMER PROTECTION BC		Licence #: _____		
		Date of inspection: _____		
Question	CREMATORIUM INSPECTION REPORT	Y	N	N/A
GENERAL INFORMATION				
1	Does the operator deal with the public or does the operator only conduct business with funeral providers?			
REPORTING CHANGES				
2	CIFSR s. 16(a) - If a corporation, has the operator reported, in writing to the Director, a change in the senior officers of the corporation within 14 days of the change occurring?	☐	☐	☐
3	CIFSR s. 16(b) - If a corporation, has the operator reported, in writing to the Director, a material change in the beneficial ownership of shares of the corporation within 14 days of the change occurring?	☐	☐	☐
PRICE LIST				
4	BPCPA s. 31(2)(a) - If the operator deals with consumers (the public) directly, has the operator displayed the price list in a place on the business premises that is accessible to members of the public?	☐	☐	☐
5	BPCPA s. 31(2)(b) - If the operator deals with consumers (the public) directly, can the operator give a copy of its price list on request?	☐	☐	☐
6	BPCPA s. 31(1) - If the operator deals with consumers (the public) directly, does the operators price list contain all required information, including the price list's effective date and the name and address of the operator [subsections (a) - (f)]?	☐	☐	☐
BYLAWS				
7	CIFSA s. 39(2)(a)(i) - Does the operator have bylaws respecting the organization, operation and management of the crematorium?	☐	☐	☐
8	CIFSA s. 39(2)(a)(ii) - Does the operator have bylaws respecting the rights, privileges and responsibilities of the operator, persons who attend at the crematorium and suppliers in respect of the crematorium?	☐	☐	☐

9	CIFSA s. 39(6) - When requested, has the operator made the bylaws respecting the crematorium available at the operator's business premises?	☐	☐	☐
RESPECTFUL HANDLING				
10	CIFSR s. 2 - Were the human remains in possession of the operator being handled in a respectful manner?	☐	☐	☐
TIME FRAMES FOR CREMATIONS				
11	CIFSA s. 13(1) - Has the operator ensured they do not cremate human remains within 48 hours after the time of death unless the operator is ordered to do so by a medical health officer under the Public Health Act?	☐	☐	☐
12	CIFSA s. 13(2) - Subject to CIFSA s. 13(1), has the operator cremated, as soon as practicable, human remains that the operator is responsible for cremating?	☐	☐	☐
RECORDS RELATED TO CREMATIONS				
13	CIFSA s. 3 & CIFSR s. 30(1)(a) - Has the operator kept records of each cremation performed that include the name of the decedent?	☐	☐	☐
14	CIFSA s. 3 & CIFSR s. 30(1)(b) - Has the operator kept records of each cremation performed that include (i) the date of cremation, and (ii) the times at which the cremation started and ended?	☐	☐	☐
15	CIFSA s. 3 & CIFSR s. 30(1)(c) - Has the operator kept records of each cremation performed that include the name and mailing address of a person who had a kinship relationship with the deceased?	☐	☐	☐
16	CIFSA s. 3 & CIFSR s. 30(1)(d) - Has the operator kept records of each cremation performed that include the person to whom the cremated remains were released?	☐	☐	☐
17	CIFSA s. 3 & CIFSR s. 30(1)(e) - Has the operator kept records of each cremation performed that include (i) a copy of the written authorization required under CIFSA s. 8(1) from the person who had the right to control the disposition of cremated remains and (ii) the address of the person who gave the authorization?	☐	☐	☐
18	CIFSA s. 3 & CIFSR s. 30(1)(f) - Has the operator kept records of each cremation performed that include the type of container used for the cremation?	☐	☐	☐
GENERAL REQUIREMENTS				
19	CIFSR s. 11 - Is the operator only carrying on business in British Columbia under its registered name or DBA?	☐	☐	☐
20	CIFSR s. 12(1) - Is the operator clearly stating their business address in all directories, and advertising and marketing materials?	☐	☐	☐
21	CIFSR s. 12(2) - If applicable, is the operator clearly stating in all contracts, business letterhead and advertising and marketing materials of the operator, that it is owned wholly or in part by a public company?	☐	☐	☐
PROHIBITED PRACTICES & CHARGES				

22	CIFSA s. 11 - Has the operator ensured they do not refuse to accept or handle compliant containers to enclose human remains that are provided by someone other than the operator?	☐	☐	☐
23	BPCPA s. 33 - Has the operator ensured they do not charge any fee or disbursement for using or handling a compliant container to enclose human remains that was provided by someone other than the operator and the funeral provider?	☐	☐	☐
24	CIFSR s. 13 - Has the operator ensured they do not charge for holding or storing cremated remains during the 60-day period following cremation?	☐	☐	☐
DIRECTOR APPROVAL				
25	CIFSR s. 29(1) - Has the operator applied to the Director for approval, prior to adding a new appliance, or modifying or replacing an existing appliance?	☐	☐	☐
STORAGE OF CREMATED REMAINS				
26	Is the operator storing cremated remains at the licensed location?	☐	☐	☐
27	If the operator stores cremated remains, how many were being stored at the time of inspection?			
UNCLAIMED CREMATED REMAINS				
28	CIFSR s. 8(1) - If the funeral provider has disposed of unclaimed cremated remains, has the funeral provider met all required conditions prior to doing so?	☐	☐	☐
29	If the operator has disposed of unclaimed cremated remains, what was the most recent date and method of disposition.			

For more information about your obligations as a licensed business, our processes and our organization, please visit www.consumerprotectionbc.ca.