

Planning Your Funeral

Planning your own funeral before you are near the end of life lets you decide what kind of funeral you want and how much you want to spend.





This publication explains the law in a general way as it applies in Nova Scotia, Canada. The information is not intended as legal advice. If you have a legal problem, contact a lawyer for advice about what steps you should take in your situation. We thank the Law Foundation of Nova Scotia, the Department of Justice Canada, and the Nova Scotia Department of Justice for providing core funding for our services, which makes publications like this possible.

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Should I plan my own funeral?

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Some people want to plan their own funeral before they die. If you do this, you will save your family some trouble at a difficult time. If you also pay for your funeral ahead of time, you may save yourself or your family some money. Funeral costs rise each year, and paying ahead of time locks in the cost.

If you plan your funeral, you should let people know. Speak with your executor and family members to make sure they know what you want. Your **executor** is legally responsible to make your funeral arrangements, so this discussion is especially important if your executor is not a family member or there are different expectations among family members about how best to honour you. Tell them about any arrangements you have made. Leave any details or contract for the funeral where they can find it and read it right after your death.

It's not wise to only include burial wishes in your **will**. Your executor might not read your will until after your funeral and burial, so they might not see your instructions before the funeral and burial happen. Also, when you put your burial instructions in a will, they are not legally binding. They are just considered to be an expression of your wishes.

It is a good idea to write a letter to tell your **executor** and family about your wishes and what arrangements you have made. For example, you can:

- leave instructions about whether you wish to be buried or cremated
- say if you have wishes for your ashes
- tell them what kind of service or event you would like after you die. Do you want to have a funeral, a wake, a memorial service, or a celebration of life or more than one of these? Or none of them?
- say if you would like to follow practices from your culture or faith.



Will my will be read in public after my death?

No. Although this is sometimes done in books, TV, and movies, there is no legal requirement that your will be read publicly.

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Where do I go to plan my own funeral?

In Nova Scotia, a funeral home is the best place to go for help planning your funeral. You can pre-purchase your funeral from a funeral home. Some funeral homes will also register your wishes for free.

They will give you a small card that says you have registered your wishes at that funeral home. Often, a funeral home will want you to pay for planning your funeral when you make your plans. And you can buy a funeral plan from a funeral home. They call it pre-planning or pre-arranging the funeral.

If you are thinking about paying for your funeral before you die, make sure you get what you want. Take care to not pay for things you don't need. Funeral homes offer many products and services. Many are not needed, and some can be quite expensive.

Take these steps to protect yourself:

- Get at least two quotes.
- Find out what is included in the basic price and what costs are extra.
- Think about whether the extras fit your budget and whether you need them.

You can also arrange ahead of time for a cemetery lot, grave liner, vault, urn, and memorial (including installation). And you can arrange the opening and closing of gravesites.

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What does the law say a funeral home must do?

In Nova Scotia, any funeral home, crematorium, or company providing funeral merchandise or services to the public must have a funeral home licence from the Nova Scotia government.

Nova Scotia law says how a funeral home, funeral director, embalmer, and apprentice embalmer can advertise. For example, funeral goods and services cannot be sold over the phone, door-to-door, or in a hospital, nursing home, senior citizen's home, or home for special care.

When you buy pre-planned funeral arrangements, the funeral home must give you a copy of your contract. They must keep the money you pay for your arrangements in a trust account. They can use it only for your funeral.

They must show the lowest-priced goods available in any display of funeral merchandise.

Is there any financial help to pay for my funeral?

The Canada Pension Plan (CPP) gives a one-time death benefit to the executor or next-of-kin of a CPP contributor who has died. The highest amount is \$2,500. Service Canada takes about six to twelve weeks to pay after the executor or next-of-kin applies for this benefit. For more information, call 1-800-277-9914 or visit www.canada.ca/en/services/benefits/publicpensions/cpp/cpp-death-benefit.html.

In Nova Scotia, the Department of Community Services (DCS) may help with funeral costs if your spouse or next-of-kin cannot afford to pay for a funeral. Your next-of-kin must also apply for the CPP death benefit, which will be used first to pay the cost of the funeral. For more information, contact your local DCS office or visit www.novascotia.ca/coms/.

The Veterans Affairs Canada Funeral and Burial Program makes sure that eligible Veterans receive dignified funeral and burial services. The Last Post Fund (LPF) is a non-profit organization which delivers the program on behalf of Veterans Affairs Canada. To be eligible for the program, Veterans must meet both military and financial criteria. For more information, visit www.lastpostfund.ca or call 1 800 465-7113.

Can I cancel my pre-paid funeral plans?

You can cancel a pre-arranged funeral plan or cemetery plan at any time. However, the seller may charge an administration fee and may keep the interest plus up to 10 percent of the money you paid. If you bought any cemetery or funeral goods, the funeral home must deliver those items to you or your family.

You cannot get a refund on a cemetery plot if you decide you don't want to use it, but you can re-sell it to someone else.

Your **executor** may cancel a contract for a pre-paid funeral if you died in another province or country, or if you died under unusual circumstances that mean that the goods or services cannot be used when you die.

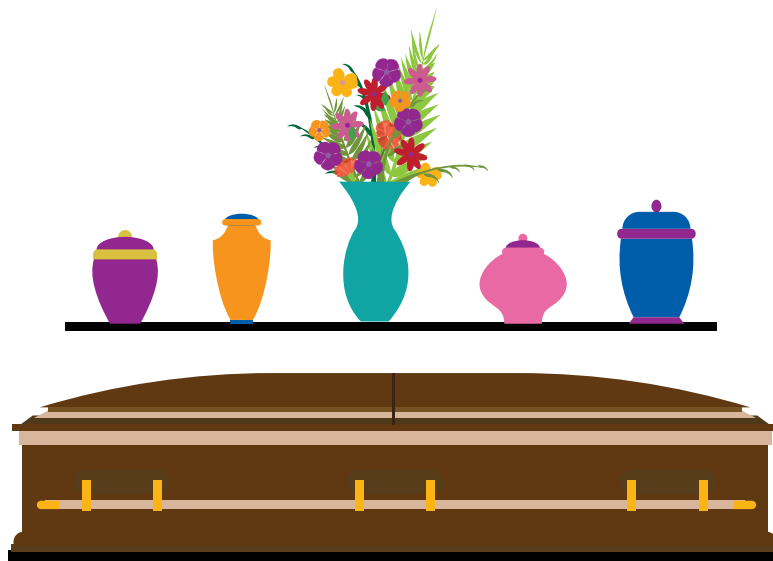
What are my options on burial or cremation?

In Nova Scotia, you can choose between two main ways of being buried.

One way is to be buried in the ground. The body is placed in a casket and lowered into the ground. Some cemeteries require a liner of wood or concrete.

When you buy a plot in a cemetery, you have the right to visit it at reasonable times and the right to put a memorial on the plot. The cemetery's contract with you will say what types of memorials or monuments you can use.

The second option is to be buried in a building called a mausoleum. This is more expensive than being buried in the ground.



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When a person is cremated, both the body and the cremation container are burned completely. Funeral chapels and places that cremate remains prefer that the body be in a container that has a hard top, sides, and bottom, has handles, and will burn completely.

After cremation, a small amount of ash is left. If your family would like to keep the ash, they may. The crematorium or funeral home can give someone the ashes in a container. If your family wants to keep or to bury the ashes, you or they can buy or make an urn.

Some people want to scatter ashes in water or in the wild. The law in Nova Scotia does not stop this. However, do not scatter ashes near water that is used for drinking water. You can scatter ashes on land, but you must ask permission before you go on another person's property.

Do people have to be embalmed in Nova Scotia?

Funeral homes will often embalm human remains so that the body looks better at the funeral. Embalming is an extra expense, so you should be clear if you do not want to pay for this.

In Nova Scotia, your body does not have to be embalmed if it will be buried or cremated within 72 hours (about three days) after death. Embalming is not done when a person dies of certain diseases that could be transmitted to other people.

Can I donate my organs, or donate my body for scientific research?

The Nova Scotia law for organ and tissue donation changed on January 18, 2021. The law says you are deemed to have agreed to donate your organs and tissues after you die. This is called 'deemed consent'. If you do not want to donate your organs and tissues you can opt out. You can learn more, including how to opt out, at novascotia.ca/organtissuedonation. For information about what organ and tissue donation is and how it works go to <http://www.nshealth.ca/legacy-life> or call 1 877-841-3929.

In Nova Scotia, you may donate your body to the Dalhousie University Human Body Donation Program or to the Maritime Brain Tissue Bank.

The Human Body Donation Program helps professional students learn about the human body and biology. Your next-of-kin must agree to the donation. Talk with your family about your wishes and ask that they honour them. If the program accepts your remains, they will cover the costs of cremation.

Your ashes will be buried in the Dalhousie Memorial Garden or shipped to your next-of-kin. Your remains will usually be studied for one to three years before this happens. For more information, call 902-494-6850 or visit [medicine.dal.ca](https://www.medicine.dal.ca) and search Human Body Donation Program.

The Maritime Brain Tissue Bank collects brain tissues for researchers who are studying the brain or causes of dementia. For a brain to be donated, an autopsy must be performed at a hospital to determine the cause of death. The family of the person who has died must agree to this. Talk with your family about your wishes and ask that they honour them. For more information about this program, call 902-494-4130 or visit [braintissuebank.dal.ca](https://www.braintissuebank.dal.ca).

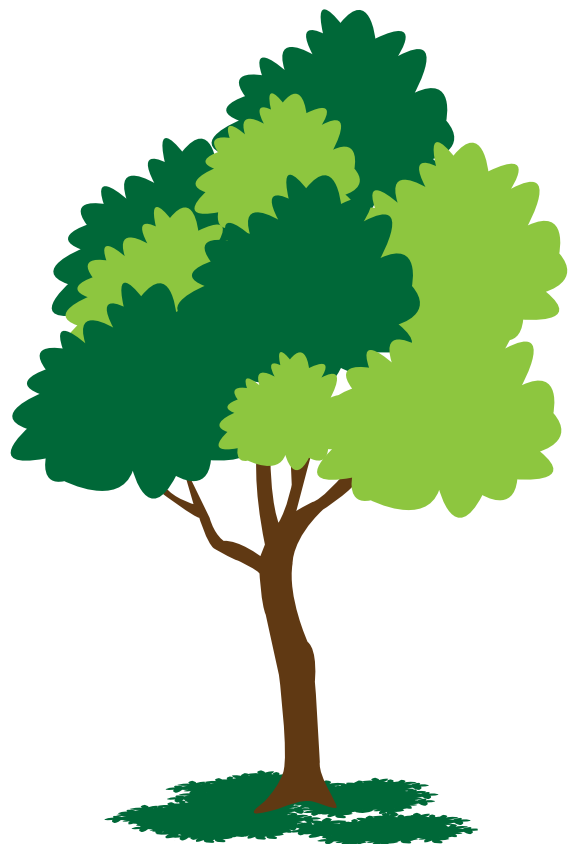
Does Nova Scotia have burial options that respect the environment?

Eco-friendly or “green” burial practices try to lower the effect on the environment of disposing of human remains. Several non-profits in Canada offer information about eco-friendly burial options, such as the Ecology Action Centre’s green burial working group (ecologyaction.ca/greenburial).

Green burial options include

- not being embalmed or cremated
- allowing remains to decompose naturally
- not using varnish, glue, laminate, or metal when building coffins or caskets.

Green or eco-friendly burial options are not regulated by government. You must research funeral homes or cemeteries making these claims to be sure that their practices match your wishes. In Nova Scotia, some cemeteries have green burial sections.



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Where can I get more information on planning my funeral?

Service Nova Scotia has [online information](#) about pre-arranged funeral plans at novascotia.ca/sns/access/individuals/prearrangements.asp including a [Pre-Arranged Funeral Plans Purchaser's Guide](#).

If you have complaints or concerns about funeral planning, contact Service Nova Scotia at 1-800-670-4357 (toll-free) or 902-424-5200.

You can read the Nova Scotia Cemetery and Funeral Services Act online by going to the Nova Scotia Legislature website at nslegislature.ca and typing “Cemetery and Funeral Services Act” in the Search box.

The community where you want to be buried will have a bylaw on cemeteries. To find out about bylaws in your area, contact your town or municipal office.

The Confederacy of Mainland Mi'kmaq (CMM) has a Mi'kmaw Wills and Estates series which includes:

1. Book One: How to Write a Will
2. Book Two: How to Settle an Estate
3. Book Three: How to Write a Power of Attorney and Personal Directive
4. Mi'kmaq Wills and Estates and Matrimonial Real Property.

Go to cmmns.com/program/wills-estates/ for more information.

Public libraries have many books that can help you make decisions about planning your own funeral.

General legal information

- Legal Information Society of Nova Scotia (LISNS)
Legal Information Line
902-455-3135
1-800-665-9779
Email: questions@legalinfo.org
www.legalinfo.org