



# Application Package Compensation Fund Claim

## **Compensation Fund**

The Compensation Fund is a fund established by the Alberta Funeral Services Regulatory Board, for the purpose of the payment of claims in respect to a loss suffered by a pre-need contract purchaser.

## **Who can make a claim?**

Claims can be made by the purchaser or the personal representative of a purchaser who has entered into a pre-need funeral services contract with a licensed funeral services business.

## **What is required to make a claim?**

A purchaser may make an application for a claim from the compensation fund by completing the Compensation Fund Claim Application and by providing documents the Board requires to verify the claim.

- A purchaser is given 30 days to produce any additional documents requested by the Board in respect of the claim or any longer period of time specified by the Board.
- If a claimant does not comply with a request for additional documentation within the specified period of time, the Board may dismiss the claim.

Examples of the type of documentation that may be required are as follows:

- ✓ Copy of the funeral services contract
- ✓ Proof of payment for the funeral services contract
- ✓ Copies of any correspondence with the funeral services business in regard to this claim
- ✓ Copy of the confirmation that a demand to be reimbursed has been requested of the funeral services business
- ✓ Any additional information relevant to your claim

## **How do you know if you have valid claim?**

A claim would be considered valid if the purchaser suffers a loss because of any one of more of the following reasons:

- a funeral services business's failure to comply with the provisions of the Act or regulations that apply to the business;

- a funeral services business's failure to comply with a pre-need funeral services contract between the purchaser and the funeral services business;
- a funeral services business's fraud, breach of trust, misrepresentation, theft, conversion, negligence or default with respect to goods or services sold or any money collected in relation to a pre-need funeral services contract;
- a funeral services business's failure to comply with a condition of the funeral services business licence;
- the funeral services business's bankruptcy or insolvency and the services provided for in the pre-need funeral services contract have not been performed.

### **What are the eligibility criteria?**

A purchaser or personal representative of a purchaser may make a claim against the Compensation Fund if the following criteria are met:

- the funeral services business was licensed at the time that the purchaser paid for a part or all of the services in accordance with the terms of the pre-need funeral services contract, and
- the purchaser has made a demand to be reimbursed for the money paid under the pre-need funeral services contract or for goods or services that were not provided for in accordance with the pre-need funeral services contract.

### **What is the maximum claim amount?**

A purchaser is not entitled to claim any amount that exceeds the following:

- the amount due in accordance with the Act, if the purchaser has requested a cancellation or assignment of the pre-need funeral services contract,
- the amount paid plus income due in accordance with the Act, if the purchaser has not requested a cancellation or assignment of the pre-need funeral services contract, or
- in all other instances the amount paid plus interest, calculated in accordance with the rate set in the Judgment Interest Act.

### **What are ineligible costs?**

The following bullets outline when a purchaser is not entitled to compensation:

- for funeral services that were provided or made available, or for alternate and equivalent funeral services that were provided or made available,
- based on the cost, value or quality of alternate and equivalent funeral services provided,
- for any consequential or indirect damages arising from the alternate funeral services provided, or
- for amounts the purchaser has otherwise been compensated for.

## **What is the maximum payable amount?**

The maximum amount payable from the compensation fund is the lower of

- (a) \$2000 per person who made the payments under the contract or the person for whose benefit the contract was entered into or that person's personal representative, or
- (b) the claimant's portion of \$40 000 per compensation event regardless of the total number of claimants.

## **Is there a time limit to make a claim?**

A claim against the compensation fund may be made

- (a) within 6 months from the date the purchaser or the purchaser's personal representative receives notice of the bankruptcy or insolvency of the funeral services business, or
- (b) where the purchaser has made a demand to be reimbursed for the money paid under the contract or for goods or services that were not provided for in accordance with the contract, within 6 months from the date a demand for payment or a demand for the services was made,

whichever occurs first.

## **Who do I talk to if I have additional questions?**

If you are unsure if your claim would be considered valid or have any additional questions about the program, please contact the AFSRB office at 780-452-6130, toll free at 1-800-563-4652 or by email at: [office@afsrab.ca](mailto:office@afsrab.ca)