

BYLAW NO. 23-31
TOWN OF STRATHMORE
IN THE PROVINCE OF ALBERTA

A BYLAW WITH RESPECT TO MANAGEMENT AND ADMINISTRATION OF THE STRATHMORE CEMETERY.

WHEREAS the Town of Strathmore is the owner of the Cemetery situated at Plan 9612032, Block C;

AND WHEREAS Council deems it necessary and expedient to have certain regulations pertaining to the management and administration of the Cemetery;

Now Therefore, the Council of the Town of Strathmore, duly assembled, hereby enacts as follows:

1. SHORT TITLE

1.1. This Bylaw may be cited as the "Cemetery Bylaw".

2. PURPOSE

2.1 The purpose of this bylaw is to establish the management and administration of the Strathmore Cemetery.

3. DEFINITIONS

3.1. In this Bylaw:

- a) "Adult" means any person seven years of age or over;
- b) "Authorized representative" means the plot owner, or in the event the plot owner is deceased, the person that has the right to control interment rights for a purchased plot, in the order of priority as outlined within section 11(2) of the *Cemeteries Act* General Regulation;
- c) "Base" means a foundation or footing of concrete to support a monument;
- d) "Burial permit" means a burial permit issued under the *Vital Statistics Act*, Alberta;

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- e) "Burial plot" means an interment space in ground measuring four feet (4') by 10 feet (10') in size as identified on a plan of the Cemetery and shown on record in the office of the Cemetery Coordinator;
 - f) "Business days" means Monday to Friday 8:30 a.m. to 4:30 p.m. excluding weekends and holidays.
 - g) "Cemetery" means the land that is set apart or used as a place for the burial of dead human bodies or cremated human remains or in which dead human bodies or other human remains are buried and that is managed by the Town of Strathmore;
 - h) "Cemetery Coordinator" means the person(s) employed by the Town of Strathmore who is designated to administer and oversee the Strathmore Cemetery affairs;
 - i) "Child" means a person from two years of age to six years of age inclusive;
 - j) "Cremation plot" means a single burial plot measuring two feet (2') by three feet (3') in size for the purpose of the burial of cremated human remains;
 - k) "Columbarium" means a structure containing niches that is designed for storing the ashes of dead human bodies that have been cremated;
 - l) "Disinterment" means the authorized removal of dead human remains or cremated human remains from a burial plot, double depth plot, cremation plot or niche;
 - m) "Double depth plot" means those burial plots designated and constructed to a depth which will accommodate two bodies in separate caskets at the same or different times in such a manner that one casket is placed above the other;
 - n) "Field of Honour" means an area of the Cemetery set aside and reserved for the interment of veterans;
 - o) "Flat grave marker" means a memorial constructed of bronze, marble or granite or other approved material for memorial purposes placed at the head of a burial plot set level into the

ground;

- p) "Grave decoration" means anything that is placed on a plot or columbarium for memorial purposes;
- q) "Grave subsidence" means sinking of a grave;
- r) "Holiday" means all general and statutory holidays identified by the Town of Strathmore, the Province of Alberta and/or the Country of Canada;
- s) "Infant" means a person from the day of birth up to one year of age inclusive;
- t) "Interment" means the burial or placement of dead human remains, or cremated human remains, in a plot;
- u) "Interment right" means the right to require or direct interment or disinterment of human remains or cremated remains in a burial plot, double depth plot, cremation plot or niche;
- v) "Monument" means a structure of granite, marble, or stone which projects above the level of the surrounding ground, to a maximum height of three feet (3') and a maximum width of two and a half feet (2'.5") and one foot deep (1')
- w) "Niche" means a compartment within a columbarium designed for storing the ashes of human remains that have been cremated;
- x) "Plot" means a burial plot, double depth plot, cremation plot, or niche ~~or grave plot~~ as defined in this bylaw;
- y) "Ribbon" means a continuous strip of concrete used for the placement of monuments;
- z) "Resident" shall mean a person; 1. Who resides within the service area a) at the time of their demise or b) at the time they make an application to purchase a plot/niche. Or who owns a property within the service area or is the current spouse or dependant child of a person who owns a property in the service area a) at the time of their demise or b) at the time they make an application to purchase a plot/niche. Or who previously resided or owned property within

the service area for a period of not less than fifteen (15) consecutive years. A person meeting this criterion may apply to purchase a plot/niche at the resident rate set in the fees bylaw, provided a properly executed affidavit of residency is submitted at the time of purchase.

- aa) "Rights certificate" means a document issued by the Town either prior to or upon the passing of this Bylaw, that conveys the right to use a plot upon payment by the purchaser. Ownership of any space remains with the Town of Strathmore. Formerly known as "Deed";
- bb) "Service area" means the Town of Strathmore or Wheatland County;
- cc) "Town" means the Municipal Corporation of the Town of Strathmore;
- dd) "Urn" means a container used for storing cremated human remains;
- ee) "Vehicle" means a device in, on or by which a person or thing may be transported or drawn on a highway and includes a combination of vehicles but does not include a mobility aid; and
- ff) "Veteran" has the same meaning given to it in the *War Veterans Allowance Act* (Canada) and the regulations under that Act.

4. RULES OF INTERPRETATION

1. The headings in this Bylaw are for guidance purposes and convenience only.
2. Every provision in this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
3. In this Bylaw, a citation of or reference to any act or regulation of the Province of Alberta or of Canada, or of any other bylaw of the Town, is a citation of or reference to that act, regulation, or bylaw as amended, whether amended before or after the commencement of the act, regulation or bylaw in which the citation or reference occurs.
4. Nothing in this Bylaw relieves a person from complying with any provision of any provincial or federal legislation or regulation, other bylaw or any requirement of

any lawful permit, order or licence.

5. ADMINISTRATION

1. The Cemetery Coordinator(s) shall have control over all matters concerning the organization, operation, and management of the Cemetery, including:
 - a) preparing and maintaining all records and files necessary for the proper administration, operation and management of the Cemetery;
 - b) overseeing the general maintenance of the Cemetery;
 - c) reviewing, issuing and administering contracts, applications, permits and other documents relating to the Cemetery;
 - d) authorizing an interment or disinterment;
 - e) coordinating, supervising and directing the work of all employees, contractors, and suppliers relating to the Cemetery;
 - f) dividing the Cemetery into blocks or sections, including imposing restrictions on the types and forms of memorials or other markers; and
 - g) with the approval of the Town Chief Administrative Officer, establishing from time to time such further policies, procedures and regulations respecting the Cemetery as is deemed necessary to ensure the safe and proper management of the Cemetery in accordance with this Bylaw.
2. The Town has the sole management of the affairs of the Cemetery and the Council may amend this bylaw from time to time.
3. The Town may, by agreement with a society, church or other organization reserve a section of the cemetery to be used exclusively for the interment of deceased members of the society, church or other organization.
4. The Cemetery Coordinator(s) or his/her designate shall have charge and be responsible for the care and maintenance of the Cemetery, according to the provisions of this bylaw and in accordance with the *Cemeteries Act* (Alberta) and the Regulations under that Act.
5. The Cemetery Coordinator, or designate, shall be responsible for the selling of plots in the Cemetery, keeping and making of all records required by law and as ordered by Council.

6. The Town shall keep available for public inspection during regular office hours, a copy of the Cemetery Plan which shall show the area for interment-
purposes subdivided into section, block and plots.
7. The Cemetery Coordinator shall issue a rights certificate to each purchaser of a plot and will be responsible to collect all fees as set in the Town Fees Bylaw pertaining to the sale, transfer, opening and closing of each plot.
8. A rights certificate, and the rights granted thereunder, shall not be sold, transferred, or disposed of in any way by any person without the written consent of the Cemetery Coordinator.
9. In the case of dispute of ownership, controlling rights shall be recognized in accordance with the *Cemeteries Act* (Alberta) General Regulation. The burden of proof is on the person asserting the rights; not the Town of Strathmore.
10. All persons employed in the construction and erecting of, monuments, bases, columbarium's, niche covers or doing other work in the Cemetery, whether employed by the Town or not, shall be subject to the policies and procedures put in place by the Town respecting work within the Cemetery.
11. If the Town for any reason deems a previously purchased plot unusable, the Town will supply a similar plot at no additional cost to the rights holder and the original plot shall revert to the Town.
12. The Cemetery Coordinator shall ensure that a plot of the Cemetery is made available for the burial of indigent persons as required by the *Cemeteries Act* (Alberta) and the regulations under that Act.
13. Authorized representatives shall keep their records up to date with the Town.

6. INTERMENT

1. Only dead human remains, or cremated human remains shall be interred in the Cemetery.
2. An application for interment shall include:
 - a) the name, age, date of birth, and date of death of the deceased person;

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- b) a copy of the burial permit;
 - c) a completed contract for burial;
 - d) the time and date of the funeral;
 - e) the location of the plot or niche where the person is to be interred;
 - f) the name and mailing address of the authorized representative;
 - g) payment of all applicable fees and charges as set out in the Fees Bylaw;
 - h) all other information the Cemetery Coordinator deems necessary or appropriate.
3. No person shall apply to be interred in any plot unless the person is the registered rights holder of the plot, has received written consent from the rights holder or is the agent of the rights holder, or unless where the plot is held by two or more persons, the surviving person or persons consent thereto in writing.
4. All applications for an interment must be made a minimum of seventy-two (72) hours before the time of interment, unless approved by the Cemetery Coordinator. This notice does not include weekends and holidays.
5. No interments or disinterment shall take place on a Sunday or holiday, unless the interment is necessary to comply with the *Public Health Act governing communicable diseases* or other special circumstances, which, in the Town, warrants departure from this Act.
6. A maximum of two (2) casket burials per plot shall be allowed in a single burial plot providing the first burial is of sufficient depth to allow for a second burial.
7. Maximum of one (1) cremation burial per plot shall be allowed in each cremation plot in the cremation section.
8. A maximum of six (6) cremation urns shall be allowed in a single burial plot in addition to one (1) casket.
9. A maximum of two (2) cremation urns shall be allowed in a single niche.

10. The Funeral Director or other person officiating at the interment shall be responsible for the supply and operation of lowering devices and the supply and placement of mats, wreaths, flowers, etc., around the plot.
11. The Town shall not be responsible for the condition of cremated human remains or the container of the cremated human remains if a permanent outer box was not used at the time of interment.
12. Plots may only be opened for interments by persons employed by the Town and under the direction of the Town and no person or persons not in the employment or direction of the Town shall open any plot for the purpose of interring or disinterring a body.
13. Scattering of cremated remains is not permitted in the Cemetery.
14. In the case of an interment of an infant or child, the opening and closing fee will be that of a child as set in the fees bylaw.

7. DISINTERMENT

1. Disinterment must be authorized by the owner of the rights certificate or the authorized representative. Approval must be provided in writing to the Town of Strathmore.
2. No human remains or cremains shall be disinterred from the Cemetery unless the Cemetery Coordinator has received:
 - a) a written request for disinterment from the authorized representative;
 - b) payment of all applicable fees and charges as set out in the Fees Bylaw;
 - c) in the case of human remains, a disinterment permit issued in accordance with section 42 of the *Vital Statistics Act* (Alberta).
3. The authorized representative requesting a disinterment shall give complete and precise written instructions. The Town shall not be liable or responsible for any errors or omissions in relation to a disinterment when the instructions provided to the Town were incomplete, incorrect or lacked specificity.
4. No person other than the Cemetery Coordinator(s) or designate(s) shall open a plot or niche or make a disinterment in the Cemetery.
5. No casket, urn or container may be opened without a Court Order or the

written consent of the authorized representative.

6. The Town is not responsible for damage to any casket, urn or container sustained during disinterment.
7. The authorized representative shall be responsible for all costs associated with disinterment.
8. Upon approval, disinterment/reinterment of caskets will be the responsibility of the customer to select a funeral home of their choice for this service. The funeral home will be responsible for bringing the casket to the surface.
9. The Town of Strathmore will be responsible for digging to the depth of the concrete liner, vault, casket, or urn.
10. If there is no concrete liner, casket, or the liner cannot be recovered from the plot, additional shoring will be required at an additional fee to ensure safe access to the plot.
11. In the case of a disinterment, double the amount of the opening and closing fee will be charged.
12. The Town of Strathmore staff are not permitted to enter plots for any reason.
13. The Town of Strathmore staff are not to handle human remains.
14. Disinterment's of caskets or in ground cremains will not occur from November 1st to April 30th unless an exception is granted by the Town.

8. INSTALLATION OF MONUMENTS, MARKERS AND NICHE COVERS

1. No person can erect a monument or flat grave marker until the Town of Strathmore has approved the design, descriptions, and a permit for the erection of such a monument has been issued. Any monument company must contact the Cemetery Coordinator a minimum of three (3) business day prior to the date and time a monument is to be installed. Base installation is the responsibility of the monument company to install.
2. Repairs and replacements of bases are the responsibility of the authorized representative.

3. Full Size Burial Plot

- a) All Monuments sitting on a full-size burial plot must not exceed a

maximum height of three feet (3'), including the base, maximum depth of one foot (1') including the base and a maximum width of two and half feet (2'.5") not including the base. In certain sections of the Cemetery where no ribbon or base is present the Cemetery Coordinator may approve alternate sizes. Where there is a ribbon or base present, all monuments will be placed upon this base or ribbon.

- b) In the case where multiple cremated interments are placed within a full-size plot, one flat grave marker may be placed within the boundaries of the plot and must be level with the ground.

4. Cremation Plots

- a) Flat grave markers which must be flush with the ground must be no larger than two feet (2') wide by one and a half feet (1'.5") tall.
 - b) All bases, monuments and flat grave markers shall be confined within the boundaries of a burial plot and shall be placed in such a manner as to maintain proper alignment.
 - c) Only one (1) monument will be allowed on each burial plot. In the case where there is more than one interment, one (1) flat grave marker, flush with the ground may be placed at each grave in addition to the monument.
 - d) All monuments must be installed on a concrete base and the concrete base must be at least four inches (4") wider than the widest portion of the monument and must be of sufficient strength and depth to properly support the monument. The concrete base must be installed flush with the ground, except where there is a ribbon present.
5. Installations of monuments, flat grave markers or base work shall only occur from May 1st until October 31st, Monday to Friday, excluding weekends and holidays and shall only be installed between the hours of 8:30 a.m. and 4:30 p.m.
6. The authorized representative, is responsible for the proper condition and replacement of monuments and markers and the Town assumes no liability or responsibility for loss or damage to any monument, including but not limited to, damage through acts of vandalism, natural erosion, or damage caused by third parties.
7. The Town of Strathmore will make reasonable efforts to provide written notice

to the authorized representative of any disrepair of markers or monuments that pose a safety risk. The authorized representative will be provided 30 days to contact the Town with a repair, removal, or replacement plan. If no contact is made, the Town will remove the unsafe marker or monument and will hold it for one additional month. If no contact is made at the expiry of one month of the removal, the Town will dispose of the monument or marker.

8. All Monument work is subject to review, inspection, and approval by the Cemetery Coordinator.
9. Ownership of gravestones, flat grave markers, and monuments belong to the estate of the deceased person(s).
10. No burial plot, double depth plot or cremation plot shall be covered by a full or partial cement grave cover.
11. Existing plots that do not meet current grave cover specifications will be grandfathered, however, if the plot requires repairs or removal of any grandfathered items deemed prohibited the authorized representative within this Bylaw will be required to meet current regulations.

9. MAINTENANCE, PLANTING, CONSTRUCTION AND WORK

1. The Town will act in a respectful manner when conducting all maintenance, planting, construction, and work in the Cemetery. No disrespect is intended to facilitate these activities.
2. The Town will be responsible for mitigating grave subsidence after a casket or cremation burial. Depending on site conditions, some plots may need to be topped up several times and can take up to one year to settle. Once the plot has stabilized seeding and establishment of the grass will occur.
3. The Town will be responsible for seeding of plots, grave surfaces, re-seeding, when necessary, any cultivation that may be necessary in connection with such seeding and re-seeding, watering, seasonal cutting of grass and weeds, keeping plots in neat condition and of good appearance, and such other work as may be authorized by the Cemetery Coordinator.
4. Live flowers left at the time of interment will be left for a minimum of one week.
5. The Town of Strathmore will remove items subject to decomposition once visibly decomposed. Items that do not decompose but have become unsightly or on the list of items not allowed in the Cemetery will be removed without

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- notice and held for a minimum of one month. After one month has passed the item will be disposed of.
6. The Town reserves the right to remove any items that are prohibited, that pose a safety hazard, become unsightly, impede maintenance operations, or pose a safety risk to visitors, authorized representatives, or staff without prior notice.
 7. [The Town will make every reasonable effort to keep records of items that have been removed from burial plots.](#)
 8. The Town of Strathmore is not responsible for lost, stolen or damaged items.
 9. Vehicles in the Cemetery shall keep to the roads provided except Town Cemetery employees or authorized representatives in the performance of their work. Vehicles shall maintain a speed of 15km per hour or less.
 10. The Town of Strathmore will be responsible for clearing the Cemetery roads of snow. Every effort will be made to minimize windrows on plots; however, it is sometimes unavoidable.
 11. The Town of Strathmore will be responsible for clearing snow to access plots for interments in the winter. Every effort will be made to minimize windrows on plots; however, it is sometimes unavoidable.
 12. The Town of Strathmore will not be responsible for clearing snow for visitation of individual plots.
 13. To facilitate Cemetery operations, the Town of Strathmore may drive or walk on plots. This will be avoided when possible.
 14. To facilitate the opening of a plot, the Town may need to temporarily move monuments. Every effort will be made to return the monument to its proper location in a timely manner.
 15. The Town may direct or permit any monument to be removed for repairs and any other structure in the Cemetery to be removed if it is in a state of disrepair that is unsightly or dangerous. The Town will make reasonable efforts to determine that no interested person or relative of the deceased are prepared to make the repairs and that no other contract arrangements are in place.
 16. The Town of Strathmore is responsible for the repair and replacement of ribbons for monuments.

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17. The Town of Strathmore will be responsible for repairs to damaged monuments and plots caused by gross negligence during work done by the Town.

10. FIELD OF HONOUR

1. The Town of Strathmore maintains a Field of Honour section for the burial of service and ex-service men and women of the Canadian Armed Forces.
2. In order to confirm that a deceased person is eligible to be interred in the Field of Honour, the authorized representative must provide the Cemetery Coordinator the following information:
 - a) the deceased person's service number; and
 - b) a copy of supporting documents from Veterans Affairs Canada; or
 - c) an affidavit identifying the deceased person as a veteran.
3. A spouse may be interred in a veteran's plot in a double depth plot. All plots within the Field of Honor shall have a maximum of two (2) interments.
4. For a spouse not qualifying as a veteran, but interred in the same plot, the name and date of the spouse may be engraved on the headstone, or a brass plate may be attached.
5. Only headstones, consistent with those approved by Veterans Affairs Canada are permitted.
6. Burial plots, double depth plots and cremation plots shall not be reserved in the Field of Honour.

11. SALE OF PLOTS

1. Council is hereby authorized to adopt by Bylaw, tariffs, and charges to be made for the purchase of a plot and the opening and closing of the plot in the Cemetery, as deemed necessary from time to time.
2. The cost of a plot includes maintenance of the plot but does not include the placement, maintenance, or removal of Monuments or flat grave markers.
3. All plots shall be held and disposed of free from the provisions of the

Land Titles Act.

4. Burial rights in the Cemetery shall be sold to the Town of Strathmore at 85% of the current market value as per Regulations in the Cemeteries Act.

12. PRE-PURCHASE OF BURIAL PLOT(S)

1. A purchaser of burial plots is permitted to choose the section of the Cemetery, but choice of the burial plot is not permitted. The next available burial plot will be used at the time of need.
2. Pre-purchase of a burial plot is not permitted in the Field of Honour.

13. VISITATION

1. The public may visit the Cemetery at any time between the hours of 8:30 a.m. and sunset.
2. Vehicles shall be driven with care and shall be restricted to the-roads provided. Vehicles should drive no faster than 15 km. per hour or less.
3. The owner of a moving vehicle shall be responsible for any damage done by such vehicle within the boundaries of the Cemetery.
4. The Town of Strathmore is not responsible for lost, stolen or damaged memorial tributes and has no responsibility for the care of memorial tributes. As the Cemetery is a public space it is recommended not to place memorial tributes.
5. The authorized representative is responsible for the appearance and upkeep of memorial tributes.
6. Grave decorations placed at the Cemetery shall be affixed to the monument.
7. No person shall bury an animal in the cemetery.
8. No person shall bring an animal into the cemetery except where the animal remains within a vehicle.
9. Section 13.8 does not apply to a service dog as defined in the *Service Dogs Act* in the possession and control of an owner who holds an identification card proving ownership of the service dog for his or her use.

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10. No person shall, while in the Cemetery willfully destroy, mutilate, deface, damage, injure, write upon, or remove any monument, flat grave marker, or other structure placed in the Cemetery.
 11. Persons within the Cemetery shall use only the walkways, and no one is permitted to walk upon or across plots, except Cemetery staff in the performance of their work. The Town expressly disclaims liability for any injuries sustained by anyone violating this rule.
 12. No person shall erect, construct, or place upon or around a plot or in any part of the Cemetery any bases, full or partial cement grave covers, curbs, fences, railings, walls, copings, coping stones, curbs, trellises, statues, benches, oversized decorations (crosses, large plaques etc.) glass objects (glass encased wreathes, stands, holders, vase, receptacles, jar, bottle, pot), ceramic objects, china, lawn ornaments, toys, metal objects, lights, permanent plantings, permanent structures or any other structures or objects that may pose a danger or safety hazard.
 13. Permanent in ground Cemetery vases that are made of granite, bronze or metal craft with coating are permitted to be affixed to or beside the flat grave marker at the head of the burial plot. The Town of Strathmore is not responsible for vases that become damaged due to temperature extremes, people, wildlife, or maintenance activities. Vases that are broken are considered a safety hazard and will be removed.
 14. No person in any part of the Cemetery except those employed by the Town and under the direction of the Town shall in any part of the Cemetery plant any shrubs, hedges, trees, grass, or flowers.
 15. No person shall care for or cultivate any plot without the consent of the Cemetery Coordinator.
 16. No person shall hang, tie, or attach by any means any items to trees, bushes, or benches in or around a plot or any other location in the Cemetery.
 17. No person shall remove, destroy, prune, or interfere with any trees, shrubs, plants, or flowers in the Cemetery.
 18. No person shall remove any object erected, maintained, planted, or placed in the Cemetery with exception to those employed by the Town and under the direction of the Town.
 19. The Town of Strathmore reserves the right to remove any memorial that is offensive.

14. OFFENCES AND PENALTIES

1. A person who contravenes any provision of this Bylaw is guilty of an offence.
2. A person who is guilty of an offence is liable to a fine in an amount not less than that established in this section and not exceeding \$10,000.00.
3. Under no circumstances shall a person contravening any provision of this Bylaw be subject to the penalty of imprisonment.
4. A peace officer is hereby authorized and empowered to issue a violation ticket pursuant to the *Provincial Offences Procedure Act* to any person who the peace officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
5. If a violation ticket is issued in respect of an offence, the violation ticket may:
 - a) specify the fine amount established by this Bylaw for the offence; or
 - b) require a person to appear in court without the alternative of making a voluntary payment.
6. A person who commits an offence may:
 - a) if a violation ticket is issued in respect of the offence; and
 - b) if the violation ticket specifies the fine amount established by this Bylaw for the offence;

make a voluntary payment by submitting to a supervisor of the Alberta Court of Justice on or before the initial appearance date indicated on the violation ticket, the specified penalty set out on the violation ticket.

15. FEES AND RATES

1. See Bylaw #13-21 Fees Bylaw

16. GENERAL

1. Bylaw # 14-16 and all amendments thereto are hereby rescinded.

17. EFFECTIVE DATE

- 6.1 This Bylaw shall come into force and effect upon receiving third and final reading and being signed

READ A FIRST TIME this 18 day of October, 2023.

READ A SECOND TIME this 18 day of October, 2023.

READ A THIRD AND FINAL TIME this 18 day of October, 2023.



BYLAW NO. 23-31
OF THE TOWN OF STRATHMORE
IN THE PROVINCE OF ALBERTA

MAYOR

CHIEF ADMINISTRATIVE OFFICER

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