

<b>SECTION: Administration</b>	<b>DOCUMENT #:</b> ADM-024
<b>Date Approved: July 15 , 2024</b>	<b>DOCUMENT NAME:</b> Commissioner of Oath & Affidavits Policy
<b>Revision Date:</b>	<b>Review Date:</b>
<b>Authority: Commissioners for Taking Affidavits Act, R.S.O. 1990, c. C.17</b>	

## 1.0 PURPOSE

To provide guidance to Town of Hanover staff who by virtue of their position or appointment have the authority to commission documents for the public and to further ensure compliance with applicable legislation.

## 2.0 SCOPE

This policy applies to all employees of the Town of Hanover who by virtue of their Office, or who have been appointed by the Ontario Attorney General under the *Commissioners for Taking Affidavits Act*, R.S.O. 1990, c. C. 17, possess the authority to commission documents.

## 3.0 DEFINITIONS

**Affidavit** – a written statement confirmed to be true by oath or affirmation before the Commissioner of Oath.

**Commissioner of Oath** – a person who is authorized by the Province of Ontario to take an oath or affirmation when an affidavit or statutory declaration is executed before them.

**Deponent / Declarant** – an individual swearing an oath or making a declaration or affirmation who is eighteen years of age or older.

**Notary Public** – a barrister, solicitor or paralegal in good standing with the Law Society of Ontario or a person authorized under the *Notaries Act*, R.S.O 1190, c. N.6.

## 4.0 APPLICATION

Clerks, Treasurers and their Deputies, by virtue of office are authorized by the Attorney General for Ontario to act as Commissioners of Oaths and Affidavits, within the limits of their municipality. Additional Commissioners can be authorized by the Attorney General at the request of the municipality.

The Town of Hanover has four (4) Commissioners on staff: Clerk, Deputy Clerk, Director of Corporate Services/Treasurer, and the Deputy Treasurer.

A Commissioner of Oaths and Affidavits is authorized under provincial legislation to administer and witness the swearing of oaths or solemn affirmations in the taking of an affidavit for any potential legal matter. Commissioners of Oaths and Affidavits can also witness any declaration as required under a statute.

## 5.0 RESPONSIBILITIES

Commissioners for the Town of Hanover shall adhere to this policy and to the *Commissioners for Taking Affidavits Act* R.S.O. 1990, c. C.17.

<b>SECTION: Administration</b>	<b>DOCUMENT #:</b> ADM-024
<b>Date Approved: July 15 , 2024</b>	<b>DOCUMENT NAME:</b> Commissioner of Oath & Affidavits Policy
<b>Revision Date:</b>	<b>Review Date:</b>
<b>Authority: Commissioners for Taking Affidavits Act, R.S.O. 1990, c. C.17</b>	

A Commissioner of Oaths and Affidavits is not a Notary Public. A Notary Public is a person who is authorized under the *Notaries Act* to commission documents, and certify documents as true copies to verify signatures. If a document requires a Notary Public, the Commissioner will not commission the document and may advise the client to contact a Notary Public in the community.

## 6.0 POLICY

The deponent or declarant (declarant) who is swearing or affirming a document, shall appear before the Commissioner of Oath (Commissioner). If the declarant is not present in front of the Commissioner, the document will not be commissioned. A person is considered to be present for remote commissioning if both the Commissioner and declarant can see, hear and communicate with each other in real time.

The declarant whose signature is being commissioned, is responsible for the content of the affidavit. The declarant must understand not only the details they are affirming, but also the fact that they are swearing an oath asserting that the details are true and correct. Where attachments or appendices to an affidavit are noted, these documents must be provided along with the document to be commissioned. The Commissioner should initial the attachments or appendices and keep a copy along with the affidavit.

The declarant must provide valid photo identification to enable the Commissioner to verify their identity, signature and age. Refer to Schedule 'C' for a full list of acceptable identification.

The completed affidavit, with the exception of the signature, must be presented with the photo identification.

The Commissioner shall only sign documents that are in English, so that they can confirm their authority to commission the document and validate the information that is sworn.

The signing of the affidavit must be completed in the presence of the Commissioner. The Commissioner shall not commission the document if it was not signed in their presence.

The Commissioner shall satisfy themselves of the genuineness of the signature of the declarant and shall administer the oath or declaration in the manner required by law before signing the jurat or declaration.

The Commissioner shall pose the following question prior to commissioning any document:

**“Do you swear that the information is true and complete to the best of your knowledge?”**

The Commissioner will affix their stamp and the Corporate seal upon the document, certifying that the required oath, affirmation or declaration has been properly administered. An imprint of the stamp must be affixed under the Commissioners signature on every document signed as a commissioner for taking oaths and affidavits. The Corporate seal shall be embedded upon each signature of the Commissioner.

<b>SECTION: Administration</b>	<b>DOCUMENT #:</b> ADM-024
<b>Date Approved: July 15 , 2024</b>	<b>DOCUMENT NAME:</b> Commissioner of Oath & Affidavits Policy
<b>Revision Date:</b>	<b>Review Date:</b>
<b>Authority: Commissioners for Taking Affidavits Act, R.S.O. 1990, c. C.17</b>	

It is at the sole discretion of the individual Commissioner whether or not they choose to sign the document. If a Commissioner has reservations about the identity of the declarant or the content of the document for any reason, the Commissioner of Oath may refuse to commission the document.

The Commissioner does not verify the truth of the statements contained in a document. The Commissioner is only attesting that the declarant has executed the affidavit in their presence.

The Commissioner shall advise the declarant of any fee charged for the commissioning service prior to executing the statutory declaration. Should the declarant choose not to proceed with the commissioning service, copies of any documents provided to the Commissioner shall be returned to the declarant.

The Commissioner will not prepare or edit affidavits, nor will they provide legal advice. Any information or clarification required for the prescribed form, should be directed to the agency or party that has requested the form. However, in limited and exceptional circumstances, a Commissioner may enter or edit information into a standardized form or statement such as a gifted vehicle transfer. Any amendments shall be initialed by the declarant and Commissioner.

The Commissioner will not certify true copies of documents that are not the property of or under the care and control of the Town of Hanover. Only the Clerk or Deputy Clerk are authorized to certify these documents.

A record shall be kept by the municipality of each oath and affirmation commissioned, both in-person and remotely. A copy of completed sworn documents together with copies of the identification provided shall be retained by the municipality for a period of two (2) years. This is completed in the event a question arises as to the authenticity of the documents or if the documents are ever challenged.

The identification provided by the declarant is defined as “personal information” in the Municipal Freedom of Information and Protection of Privacy Act . Accordingly there is a requirement to request consent for the collection of the personal information, under the authority of the *Commissioners for Taking Affidavits Act*, R.S.O. 1990, c C.17.

The declarant shall be advised that as a condition of providing document commissioning services, their consent to the collection of personal information to verify identity and age is required. This verification may be required if the document is questioned at any time in the future.

The person does not have to consent to the collection of information. If the person does not consent, the commissioning service shall not be provided.

A list of documents that Commissioners may sign is attached to this policy as Schedule ‘A’.

A list of documents that Commissioners may NOT sign is attached to this policy as Schedule ‘B’.

<b>SECTION: Administration</b>	<b>DOCUMENT #:</b> ADM-024
<b>Date Approved: July 15 , 2024</b>	<b>DOCUMENT NAME:</b> Commissioner of Oath & Affidavits Policy
<b>Revision Date:</b>	<b>Review Date:</b>
<b>Authority: Commissioners for Taking Affidavits Act, R.S.O. 1990, c. C.17</b>	

## Remote Commissioning of Documents

Provision of remote commissioning of documents shall be accommodated in exceptional circumstances and at the sole discretion of the Commissioner.

Commissioner of Oath and Affidavit services may be provided remotely through an appropriate electronic platform where both the Commissioner and declarant are able to see, hear and communicate with one another in real time.

There is no guarantee that a remotely commissioned document will be accepted by the requesting agency. The declarant should confirm that the affidavit will be accepted prior to scheduling an appointment for remote commissioning.

Fees for virtual commissioning services shall be paid in full prior to commissioning a document remotely.

Prior to an appointment for remote commissioning, the declarant shall provide the Commissioner, via email, postal service, courier or agent, a copy of their identification and the affidavit so that the Commissioner can verify their authority to commission the document.

During the virtual commissioning both parties must be able to see, hear and communicate with one another continuously. The declarant shall show the Commissioner their original identification as well as the original document to be commissioned by holding it up to the camera or screen.

The Commissioner must be able to see the declarant signing the document.

The declarant shall be asked the following question before signing the document:

*“Do you swear that the information is true and correct to the best of your knowledge?”*

The following jurat is to be used when commissioning documents remotely:

*Sworn (or affirmed or declared) remotely by ( client's name ) stated as being located in the ( City, Town, etc. ) of \_\_\_\_\_ in the ( County, Regional Municipality, etc. ) of \_\_\_\_\_, before me at the Town of Hanover in the County of Grey on ( date ), in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.*

\_\_\_\_\_  
*Commissioner for Taking Affidavits*

*(AN IMPRINT OF YOUR STAMP MUST BE PLACED HERE)*

<b>SECTION: Administration</b>	<b>DOCUMENT #:</b> ADM-024
<b>Date Approved: July 15 , 2024</b>	<b>DOCUMENT NAME:</b> Commissioner of Oath & Affidavits Policy
<b>Revision Date:</b>	<b>Review Date:</b>
<b>Authority: Commissioners for Taking Affidavits Act, R.S.O. 1990, c. C.17</b>	

*If the stamp imprint or information is not placed here it must appear in full elsewhere on the commissioned document)*

## **Accessibility Standards**

The Town of Hanover shall make every effort to provide commissioning services in accessible formats for both in-person and remote commissioning of documents.

Supports may include but are not limited to:

- plain language
- large print
- assistive technologies, such as dictation services or screen-readers
- audio-visual platforms that offer closed captioning functionality

## **Fees**

Fees shall be charged in accordance with the current annual Fees and Charges By-law of the Town of Hanover as may be amended from time to time.

There shall be no charge for the commissioning of pension documents.

## **REVIEW FREQUENCY**

This policy shall be reviewed every 4 years, at minimum, or more frequently as needed to remain compliant with relevant legislation and to retain effectiveness of policy.

## **RELATED DOCUMENTS**

[Commissioners for Taking Affidavits Act, R.S.O. 1990, c C.17](#)

[O.Reg. 386/12 – Commissioners and Other Persons Who May Take Affidavits](#)

[O.Reg. 431/20 – Administering Oath or Declaration Remotely](#)

[Notaries Act, R.S.O. 1990, c. N.6](#)

## SCHEDULE 'A'

### **Documents that can be commissioned**

- Application to amend birth registrations
- Consent letters for children travelling out of country
- Construction Act documents for progress and/or completion
- Common law or single status affidavits
- Declaration affirming parentage
- Declaration for a change of gender designation
- Delayed birth registrations
- Election to change name of child under the age of 12 (Service Ontario form)
- Legal name change application
- Lost passport
- Pension purposes – attestations a person is alive and confirming residency
- Planning applications
- Statement of conscience or religious belief – *Immunization of School Pupils Act*
- Vehicle ownership transfers – family gift of vehicle, and sworn statement for a transfer of a used vehicle in the Province of Ontario

## **SCHEDULE 'B'**

### **Documents that CANNOT be commissioned**

- Certified true copies (only Clerk/Deputy Clerk – no guarantee that it would be accepted)
- Court, legal and/or civil issues related documents
- Custody documents
- Divorce, separation or cohabitation documents
- Estate settlement documents
- Documents related to finance (Banking information, RRSP etc.)
- Powers of attorney
- Real estate documents, including transfer of land
- Wills, living wills, codicils (amendments) to wills

## SCHEDULE 'C'

### Accepted Proof of Identity

**One (1) document is required to satisfy all 3 data elements** (Date of Birth, Signature, Photo)

1. Passport – Canadian / Foreign
2. Canadian Citizenship Card with photo
3. Canadian Permanent Resident Card with signature
4. Record of Landing (IMM 1000)
5. Confirmation of Permanent Resident accompanied by a valid passport from country of origin
6. Report Pursuant to the Immigration and Refugee Protection Act with photo
7. Student Authorization / Study Permit
8. Employment Authorization / Work Permit
9. Visitor Record
10. Temporary Resident's Permit
11. Secure Certificate of Indian Status Card
12. Driver's licence or enhanced driver's licence

**Two (2) documents are required to satisfy all 3 data elements**

1. Canadian birth certificate, or a proof of birth document issued by a U.S. jurisdiction
2. Canadian Permanent Resident Card without signature (issued after February 4, 2012)
3. Government-issued proof of marriage document
4. Certified copy of statement of live birth (issued by Ontario only)
5. Certificate of Indian Status (laminated card issued by Indian & Northern Affairs Canada)
6. U.S. Passport Card
7. Nexus Card and FAST/EXPRESS Card
8. Driver's licence or enhanced driver's licence - issued by another Canadian or U.S. jurisdiction
9. Identity card - issued by a Canadian or U.S. jurisdiction (enhanced or non-enhanced)
10. Ontario health card
11. Ontario student card with signature
12. Declaration from a guarantor
13. Canadian Department of National Defense (DND) identity card / Driver's Licence

**Note:** Documents must be originals. Expired documents are not accepted with the exception of a driver's licence or enhanced drivers licence that is expired for less than one year.