



### Purpose:

The purpose of the Commissioning of Documents Policy is to set our procedures and guidelines for commissioning documents.

### Definitions:

**“Affidavit”** shall mean a written statement that is confirmed to be true by oath or affirmation and is often used as evidence in court.

### Policy:

As stated in the *Commissioners for taking Affidavits Act*, R.S.O. 1990, c. C.17, Ontario Regulation 386/12, the following persons in the municipality are included by “virtue of office” to have commissioning powers: Mayor, Councillors, Clerk, Deputy Clerk, Treasurer and Deputy Treasurer. Members of Council wishing to exercise this authority should speak with the City Clerk or get legal advice as to the scope of their responsibility in this area.

As stated by R.R.O. 1990, Reg. 1094: General under *Vital Statistics Act*, R.S.O. 1990 c. V.4, “A division registrar has power to take the affidavit or statutory declaration of any person for the purposes of the Act.”

### Commissioner of Oath Services

- 1.0. Commissioner of Oaths services are provided by authorized staff between the hours of 8:00 a.m. and 5:00 p.m., Monday to Friday, at the Township of Zorra Municipal Office. An appointment is recommended to ensure the availability of the staff authorized to perform these services.
- 2.0. Under the Commissioners for Taking Affidavits Act, Commissioners of Oaths do not certify the truth of the statement contained in a document; that responsibility remains with the deponent.
  - a) The Commissioner of Oaths is not responsible for the content of the affidavit. It is the responsibility of the deponent.
  - b) The deponent must understand not only the details to which they will attest, but also the fact that they are swearing an oath that the details are correct.



- 3.0. The Commissioner of Oaths will not prepare or edit affidavits, nor provide legal advice. The Commissioner of Oaths will not counsel or assist a person with completing the affidavit document. Any assistance required should be directed to the agency or party that has requested the form. The Township does not supply blank affidavit forms.

### **Documents**

- 4.0. The Township of Zorra Commissioner of Oaths will commission documents relating to the following:
- a) Planning applications
  - b) Domestic and Foreign Pension documents (Proof of Life)
  - c) Statutory Declaration of Apprenticeship hours
  - d) Canadian Citizenship forms
  - e) Delayed statement of Live Birth
  - f) Name Change documents
  - g) Statutory Declaration of Lost Identification (must include police report number)
  - h) Sworn statement for the transfer of a used motor vehicle in the Province of Ontario
  - i) Statutory declaration for OSAP – Statement of Common Law Status / supporting children
  - j) Affidavit for unregistered vehicle
  - k) Immunization Health form
  - l) Statutory declaration of Common-law union (single signature) – Service Canada form
  - m) Application for Change of Sex Designation on a Birth Registration
  - n) Affidavits relating to a court proceeding
  - o) Insurance claims
- 5.0. The scope does not include items that require a witness, such as:
- a) Wills
  - b) Powers of Attorney
  - c) Divorce applications
  - d) Separation agreements



- e) Cohabitation agreements
  - f) Custody documents
  - g) Certify true copies of documents
- 6.0. The Commissioner of Oaths have the right to refuse commissioning services on any document if the document is not included in section 4.0 of this policy, or if the Commissioner is unsure about the legitimacy and/or content of the document and/or the identify of the person(s) requesting the commissioning services.
- 7.0. For documents that the Commissioner of Oaths is unable to sign, the public will be referred to Commissioner of Oaths within the community, a Court Office, Justice of the Peace or a local legal firm for further assistance.

### **Payment**

- 8.0. The applicant will pay the commissioning fee as set out in the Township's Fees By-law unless:
- a) The document is part of a Township of Zorra Planning Application;
  - b) The document is for a Township of Zorra resident; or
  - c) The document is for a Township of Zorra employee.

### **Procedure**

- 9.0. When presented with a document that requires commissioning:
- a) Advise the applicant of the applicable fee;
  - b) Request proof of identity that shows at least their name, signature, and a picture;
  - c) Ensure individual understands they are swearing to the truth of the contents of the document, the repercussions and in what form they wish the oath to be administered;
  - d) Administer oath, affirmation or declaration;
  - e) Have individual(s) sign the document(s);
  - f) Compare signature provided to signature on identification;
  - g) Commissioner signs, dates and stamps the document(s); and
  - h) Commissioner provide the applicant with the original document, plus a photocopy for their records (if they need).



Policy: Commissioning of Documents Policy

No: 400-04

Section: Clerks

Page 4 of 4

Effective Date: July 31, 2024

Approved by CAO

Last Revision Date: July 31, 2024

#### Departments Affected:

Administration

#### Next revision date: (every five years)

July 2029.

#### Accessible Formats:

If you require this document to be in an accessible format, please contact the Director of Corporate Services at [clerk@zorra.ca](mailto:clerk@zorra.ca) or 519-485-2490 ext. 7228.