



Commissioner of Oaths

A Commissioner of Oath is a person authorized by the Province of Ontario to take oaths or declarations when you sign an affidavit or statutory declaration. A Commissioner of Oath does not certify that the statements being made in the affidavit or statutory declaration are true, but only certifies that an oath or solemn affirmation has been administered properly.

The Clerk, Deputy Clerk, Treasurer and Deputy Treasurer of the Township of Tiny are, by virtue of office, commissioners for taking affidavits in the County of Simcoe. This authority is conferred by the *Commissioners for Taking Affidavits Act*, R.S.O. 1990, Chapter C.17.

The Commissioner is not responsible for the content of the affidavit; it is the responsibility of the person whose signature is being commissioned (the "deponent"). The deponent must understand not only the details to which he or she will attest but also the fact that he or she is swearing an oath that the details are correct.

The commissioner must satisfy him or herself of the deponent's identity and capacity and properly administer the oath or declaration. Therefore, any person requesting commissioner's services will be required to provide photo identification satisfactory to the commissioner unless the person is already personally known to the commissioner.

The deponent must sign the affidavit in the presence of the commissioner. If the document has already been signed, the person will be asked to sign a second time in front of the commissioner. Any changes that have been made in the body of the document that are present at the time of signing must be initialed by both the deponent and the Commissioner. Any changes that are not initialed may be deemed to have been fraudulently changed after being commissioned and invalidate the document.

If a commissioner is uneasy about the identity of the deponent or the content of the document for any reason, the deponent may be referred to a lawyer.

If the affidavit refers to an Exhibit, then the Exhibit must be attached at the time the deponent swears the affidavit. The Commissioner is required to verify that the Exhibits attached to the Affidavit are in fact those to which the deponent has referred in the body of the affidavit and to mark and sign them accordingly. It is, therefore, critically important that anyone bringing an affidavit to be commissioned, prepare the affidavit in the standard form of affidavit and bring all relevant appendices with them.

A Commissioner for Taking Affidavits is **not** the same as a "Notary Public". A Notary Public is a person who is authorized under the Notaries Act to do various things, including commission documents, certify documents as true copies and to verify signatures. The requirements to become a Notary Public are more stringent than for a Commissioner and most are lawyers or judicial officers. If the person requesting a document requires that it be "notarized" as opposed to "commissioned" it is likely their intent is to ensure that the person administering the oath or affidavit is a lawyer.

Commissioners of Oaths are not authorized under the *Commissioners for Taking Affidavits Act* to certify documents as true copies.

June 7, 2019