

<b>Municipality of Morris-Turnberry</b>	
<b>Commissioning of Documents Policy</b>	
<b>Approved By:</b> Council	<b>Date:</b> May 21, 2024
<b>Last Review Date:</b> May 21, 2024	<b>Effective Date:</b> May 21, 2024

***Purpose:***

The purpose of this policy is to outline information for the public with respect to Commissioner of Oath services provided by the Municipality of Morris-Turnberry; as well as standardize the process/procedure and types of documents that can and cannot be commissioned by the Municipal staff for the public.

**1. Background**

- 1.2 Clerks, Deputy Clerks, Treasurers and Deputy Treasurers, by virtue of office, are authorized by the Minister of Justice through the [Commissioners for Taking Affidavits Act](#) to act as Commissioners of Oaths, within the limits of their Municipality.
- 1.3 A Commissioner of Oaths is a person authorized by the Province of Ontario to administer Oaths and take affidavits or declarations required by legislation or regulation.
- 1.4 Commissioner of Oaths services are provided by authorized staff between the hours of 8:30AM and 4:30PM, Monday to Friday, at the Morris-Turnberry Municipal office. An appointment is recommended to ensure the availability of the staff authorized to perform these services.

**2. Commissioner of Oath Services**

- 2.1 A Commissioner of Oaths is empowered 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. Commissioner of Oaths can also witness any declaration as required under a statute.
- 2.2 The person swearing an oath, making an affirmation or making a declaration is called a deponent or declarant.

2.3 The deponent must appear before the Commissioner of Oaths. Proper identification such as a valid driver's license, current passport or any other government issued photo identification that includes the deponent's signature must be presented as well as the completed affidavit with the exception of the signature. The signing of the affidavit must be completed in the presence of the Commissioner of Oaths. The Commissioner shall not commission the document if it is not signed in their presence.

2.4 A Commissioner of Oaths only certifies by affixing a stamp or seal that the required oath or affirmation or declaration has been properly administered. 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.

2.5 The Commissioner of Oaths is not responsible for the content of the affidavit. It is the responsibility of the deponent. 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.

2.6 The public shall be advised as follows:

2.6.1 The Municipality of Morris-Turnberry 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.

2.6.2 The Municipality of Morris-Turnberry Commissioner of Oaths will NOT sign documents relating to the following:

- a) Wills, "Living Wills", Codicils to Wills or Estate Settlement documents
- b) Power of Attorney
- c) Divorce or Separation documents
- d) Custody documents
- e) Documents related to debt
- f) Real estate related documents, statements, transfer of land
- g) Court, Legal or Civil issue related documents
- h) Age of Majority or BYID Card application
- i) Documents that need to be notarized
- j) Letters of Invitation to obtain a visa to visit Canada
- k) Travel Affidavit – consent letter for children
- l) Proof of Loss for Insurance documents
- m) Any document that is to be executed by an individual acting in their capacity as a Power of Attorney
- n) Documents that are in any language other than English

2.7 Documents not specified within section 2.6.1 of this policy will be commissioned at the discretion of the Commissioner. The Commissioner shall ensure that doing so is not in conflict with any of the provisions of this policy or applicable legislation.

2.8 Notwithstanding Section 2.6.1 of this policy, it is at the discretion of the individual Commissioner of Oaths whether or not they choose to sign the document. If a Commissioner of Oaths is uneasy about the identify of the deponent or the content of the document for any reason, they may refuse to sign the document and the deponent will be referred to a lawyer.

2.9 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 Municipality does not supply blank affidavit forms.

2.10 If the affidavit refers to an Exhibit, then the Exhibit must be attached at the time the deponent(s) swears the affidavit. The Commissioner is required to verify that the Exhibit(s) attached to the affidavit are in fact those to which the deponent has referred to in the body of the affidavit and mark and sign accordingly.

2.11 The Municipality does not provide interpreters for their signing of affidavits. It is the responsibility of the applicant to obtain and provide an interpreter, if required.

2.12 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.

### 3. Notary Public

3.1 A Commissioner of Oaths cannot notarize documents. Documents that specify a signature required by a Notary Public will be referred to local legal firms, Justice of the Peace, or similar vocations eligible to notarize documents.

### 4. Certify True Copies

4.1 Municipal Clerks are authorized by the *Municipal Act, 2001 (within Subsections 253(1) & (2) and Section 447.6)* to certify copies of municipal records as “true copies” of the original documents.

4.2 Commissioner of Oaths, including Clerks, have no authority to “certify” any other documents as “true copies” of the originals.

### 5. Compliance

5.1 All Commissioner of Oaths for the Municipality of Morris-Turnberry are required to comply with the Municipality of Morris-Turnberry Document Commissioning policy as well as the [Commissioners for Taking Affidavits Act](#).

CHANGES TRACKING	
DETAILS OF CHANGES	DATE CHANGED