 <p style="text-align: center;">POLICY & PROCEDURE</p>	<p>Created: July 8, 2015</p> <p style="text-align: right;">File: A09</p>
<p>Subject: Commissioner of Oaths & Affidavits Policy</p>	<p>Updated: July 20, 2015</p>
<p>Approved By: Council</p>	<p>Approved: August 10, 2015</p>

PURPOSE

The purpose of this policy is to provide guidelines for Township employees when commissioning documents for the public.

SCOPE

This procedure applies to all employees of the Township of Clearview who by virtue of office, or who have been appointed by the Attorney General under the *Commissioners for taking Affidavits Act*, R.S.O. 1990, c C.17, to commission documents.

BACKGROUND

Clerks, Treasurers and their Deputies, by virtue of office are authorized by the Attorney General 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 Township of Clearview has four (4) Commissioners on staff: Clerk, Deputy Clerk, Treasurer, and the Records Management Coordinator.


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. The person swearing an oath, making an affirmation or making a declaration is called a deponent or declarant.

POLICY

Commissioner services are provided at the Clearview Township Administration Centre, 217 Gideon Street, Stayner ON, during regular office hours. The public is strongly encouraged to book appointments for commissioner services to ensure availability. If an appointment is not booked, the individual understands that there may not be a Commissioner available to provide the service.

Duties of the Commissioner:

The deponent or declarant who is swearing or affirming to a document, shall appear before the Commissioner. If the person is not present in front of the Commissioner, the document will not be commissioned.

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To confirm the identity of the deponent or declarant, the Commissioner is required to review their proper photo identification i.e. valid driver's licence, current passport, or any other government issued photo identification that includes the deponent's signature. The completed affidavit, with the exception of the signature, must also be presented with the photo identification to confirm the identity of the deponent or declarant.

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 will affix their stamp to the document, certifying that the required oath, affirmation or declaration has been properly administered.

Duties of the Deponent or Declarant:

Under the *Commissioners for taking Affidavits Act*, Commissioners of Oaths and Affidavits do not certify the truth of the statements contained in a document; that responsibility remains with the deponent or declarant.

The Commissioner is not responsible for the content of the affidavit; it is the responsibility of the deponent or declarant whose signature is being commissioned. The deponent or declarant must also 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.

Commissioner Services:


The Commissioner of Oaths and Affidavits shall only sign documents that are in English, so the Commissioner can validate the information that is sworn.

The Commissioner may sign documents related, but not limited to the following*:

- Consents to Travel

(As long as the deponent has provided a Government of Canada - Foreign Affairs, Trade and Development Canada recommended consent letter)

- Vehicle Transfers
- Change of Ownership
- Insurance Claims
- Pension Plan Documents
- Government related forms

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* It is at the exclusive discretion of the individual Commissioner whether or not they choose to sign the document. If a Commissioner of Oaths and Affidavits is uneasy about the identity of the deponent, or the content of the document for any reason, the Commissioner may refuse to sign the document.

Services not provided by a Commissioner:

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.

The Commissioner will not certify true copies of documents, unless given authority from the agency or party requesting the document, in writing on the form.

A Commissioner of Oaths and Affidavits is not the same as 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. The requirements to become a Notary Public are more stringent than for a Commissioner, and most are lawyers or judicial officers. If a document is required to be “notarized” as opposed to “commissioned”, the Commissioners will not commission the document.

The following is a list of common documents but not limited to, that a Commissioner of Oaths and Affidavits cannot sign:

- Any divorce or separation agreements or estates;
- Forms which call upon a Commissioner, and also request certified true copies of other documents as attachments. Because the Commissioner cannot certify attachments, they cannot sign the affixed application;

COMPLIANCE

All Commissioners for the Township of Clearview are required to comply with the Commissioner of Oaths and Affidavits Policy as well as the *Commissioners for taking Affidavits Act*.