	Corporation of the Township of East Garafraxa		
SECTION	Administration	POLICY NUMBER	N/A
EFFECTIVE DATE	June 13, 2023	REVISED DATE	
SUBJECT	Commissioner of Oaths and Affidavits Services Policy		
AUTHORITY	COUNCIL		

PURPOSE

The purpose of this policy is to provide information to the general public and to provide guidelines for Township Staff with respect to Commissioner of Oaths and Affidavits services provided by the Township of East Garafraxa.

SCOPE

This procedure applies to all employees of the Township of East Garafraxa 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


Commissioners are regulated under the [Commissioners for Taking Affidavits Act](#), R.S.O. 1990, Chapter C.17, and are authorized to take an oath or solemn affirmation when a deponent or declarant is signing an affidavit or statutory declaration. A Commissioner does not certify 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.

Clerks, Deputy Clerks, Treasurers and Deputy Treasurers, by virtue of office, are commissioners for taking affidavits in the geographic area established under the *Territorial Division Act, 2002* in which their municipality is situated. Additional Commissioners can be authorized by the Attorney General at the request of the municipality.

POLICY

Commissioner services are provided at the Township Administration office during regular office hours. The public are strongly encouraged to book appointments for commissioner services to ensure availability. If an appointment is not booked, there may not be a Commissioner available to provide the service.

The fee for commissioning services, if applicable, shall be in accordance with the Township Fees and Charges By-Law.

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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.

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.

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

- Consents to Travel (Travel Letter)
- Proof of Residency
- Vehicle Transfer of Ownership

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- Insurance Claims
- Pension Plan Documents
- Government Related forms
- Township Department Forms

It is at the exclusive discretion of the individual Commissioner whether or not they choose to sign the document. Commissioner of Oaths have the right to refuse commissioning services on any document.

Services not provided by a Commissioner:

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

- Wills
- Power of Attorney
- Divorce Applications
- Separation Agreements
- Cohabitation Agreements
- Custody Agreements
- Court Documents or Documents Related to Court Proceedings
- Documents that require the signature of a Notary Public

The Commissioner will not prepare or edit affidavits, nor will they provide legal advice.

Any information or clarification required for a 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.

The Township does not provide Notary Public services and does not swear affidavits for private businesses.

COMPLIANCE

All Commissioners for the Township of East Garafraxa are required to comply with the *Commissioners for taking Affidavits Act* and the Commissioner of Oaths and Affidavits Services policy.