[Français](http://www.ontario.ca/fr/lois/loi/90c17)

Commissioners for Taking Affidavits Act

R.S.O. 1990, Chapter C.17

**Consolidation Period:** From August 1, 2020 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2020, c. 7, Sched. 4, s. 1-9](http://www.ontario.ca/laws/statute/S20007" \l "sched4s1).

Legislative History: 1997, c. 26, Sched.; 1999, c. 12, Sched. B, s. 2; [2001, c. 9, Sched. B, s. 5](http://www.ontario.ca/laws/statute/S01009" \l "schedbs5s1); [2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs1s1); [2002, c. 18, Sched. A, s. 3](http://www.ontario.ca/laws/statute/S02018" \l "schedas3s1); [2006, c. 35, Sched. C, s. 17](http://www.ontario.ca/laws/statute/S06035" \l "schedcs17); [2020, c. 7, Sched. 4, s. 1-9](http://www.ontario.ca/laws/statute/S20007" \l "sched4s1).

Commissioners by virtue of office

**1** Persons who hold an office or an office of a class that is prescribed by the regulations made under this Act are, by virtue of office, commissioners for taking affidavits in Ontario. 2002, c. 18, Sched. A, s. 3 (1).

**Section Amendments with date in force (d/m/y)**

1997, c. 26, Sched. - 01/01/1998; 1999, c. 12, Sched. B, s. 2 (1) - 22/12/1999

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs1s1) - 01/01/2003; [2002, c. 18, Sched. A, s. 3 (1)](http://www.ontario.ca/laws/statute/S02018" \l "schedas3s1) - 31/12/2012

Persons who may take affidavits

**2** Persons who hold an office or an office of a class that is prescribed by the regulations made under this Act may take affidavits that are required to be taken. 2002, c. 18, Sched. A, s. 3 (1).

**Section Amendments with date in force (d/m/y)**

1999, c. 12, Sched. B, s. 2 (2) - 22/12/1999

[2002, c. 18, Sched. A, s. 3 (1)](http://www.ontario.ca/laws/statute/S02018" \l "schedas3s1) - 31/12/2012

**3** Repealed: 2020, c. 7, Sched. 4, s. 2.

**Section Amendments with date in force (d/m/y)**

[2001, c. 9, Sched. B, s. 5 (1)](http://www.ontario.ca/laws/statute/S01009" \l "schedbs5s1) - 01/01/2002

[2020, c. 7, Sched. 4, s. 2](https://www.ontario.ca/laws/statute/S20007" \l "sched4s2) - 01/08/2020

Appointment of commissioners

**4** (1)  The Attorney General may appoint any person of the age of 18 years or over to administer oaths and take affidavits authorized by law within or outside Ontario or subject to such limits as to duration, territory or purpose as the Attorney General may specify in the appointment. 2001, c. 9, Sched. B, s. 5 (2).

Delegation

(1.1)  The Attorney General may, in writing, delegate the power conferred by subsection (1) to a public servant employed under Part III of the Public Service of Ontario Act, 2006. 2001, c. 9, Sched. B, s. 5 (2); 2006, c. 35, Sched. C, s. 17.

(2)  Repealed: 2020, c. 7, Sched. 4, s. 3 (1).

Period of appointment

(3)  Commissioners appointed under this section shall be appointed for a three-year period or such other period as may be specified by the regulations made under this Act. 2020, c. 7, Sched. 4, s. 3 (2).

Renewal

(3.1)  An appointment under this section may be renewed for one or more periods of three years or such other period as may be specified by the regulations made under this Act. 2020, c. 7, Sched. 4, s. 3 (2).

Style of commissioners

(4)  A commissioner shall be styled “A commissioner for taking affidavits in and for the courts in Ontario”. R.S.O. 1990, c. C.17, s. 4 (4).

Status quo maintained

(5)  The repeal of the Municipal Acton January 1, 2003 does not affect the validity of the appointments of commissioners existing on that date or subsequent to that date. 2002, c. 17, Sched. F, Table.

**Section Amendments with date in force (d/m/y)**

[2001, c. 9, Sched. B, s. 5 (2)](http://www.ontario.ca/laws/statute/S01009" \l "schedbs5s2) - 01/01/2002

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs1s1) - 01/01/2003

[2006, c. 35, Sched. C, s. 17](http://www.ontario.ca/laws/statute/S06035" \l "schedcs17) - 20/08/2007

[2020, c. 7, Sched. 4, s. 3 (1, 2)](https://www.ontario.ca/laws/statute/S20007" \l "sched4s3s1) - 01/08/2020

Limitations to be stated

**5** Every commissioner whose appointment is limited in its duration or as to territory or purpose shall indicate the limitation by means of a stamp approved by the Attorney General or his or her delegate under subsection 4 (1.1) and affixed under the commissioner’s signature. 2001, c. 9, Sched. B, s. 5 (3).

**Section Amendments with date in force (d/m/y)**

[2001, c. 9, Sched. B, s. 5 (3)](http://www.ontario.ca/laws/statute/S01009" \l "schedbs5s3) - 01/01/2002

Extent of commissioner’s authority

**6** Every commissioner may take any affidavit concerning any proceeding to be had in any court in Ontario or before a judge of any such court, and in or concerning any application or matter made or pending before any judge of any court in Ontario which by any statute such judge is authorized to hear and determine or in which he or she is authorized to make an order, although the application or matter be not made or depending in any court. R.S.O. 1990, c. C.17, s. 6; 2020, c. 7, Sched. 4, s. 4.

**Section Amendments with date in force (d/m/y)**

[2020, c. 7, Sched. 4, s. 4](http://www.ontario.ca/laws/statute/S20007" \l "sched4s4) - 12/05/2020

Commissioners may take declarations

**7** Every commissioner has power to take declarations in cases in which declarations may be taken or may be required under any Act in force in Ontario. R.S.O. 1990, c. C.17, s. 7.

Revocation of appointments of commissioners

**8** (1)  The Attorney General may revoke the appointment of any commissioner. 2001, c. 9, Sched. B, s. 5 (4).

Application

(2)  Subsection (1) applies whether the appointment was made by the Attorney General on or after the date on which section 5 of Schedule B to the Government Efficiency Act, 2001comes into force or by the Lieutenant Governor before that date. 2001, c. 9, Sched. B, s. 5 (4).

Delegation

(3)  The Attorney General may, in writing, delegate the power conferred by subsection (1) to a public servant employed under Part III of the Public Service of Ontario Act, 2006. 2020, c. 7, Sched. 4, s. 5.

**Section Amendments with date in force (d/m/y)**

[2001, c. 9, Sched. B, s. 5 (4)](http://www.ontario.ca/laws/statute/S01009" \l "schedbs5s4) - 01/01/2002

[2020, c. 7, Sched. 4, s. 5](https://www.ontario.ca/laws/statute/S20007" \l "sched4s5) - 01/08/2020

Administration of oath, declaration

In person

**9** (1)  Every oath and declaration shall be taken by the deponent or declarant in the physical presence of the commissioner, notary public or other person administering the oath or declaration. 2020, c. 7, Sched. 4, s. 6.

Not in person

(2)  Despite subsection (1), if the regulations made under this Act so provide and the conditions set out in the regulations are met, an oath or declaration may be taken by a deponent or declarant in accordance with the regulations without being in the physical presence of a commissioner, notary public or other person administering the oath or declaration. 2020, c. 7, Sched. 4, s. 6.

Duty of commissioner, etc.

(3)  A commissioner, notary public or other person administering an oath or declaration shall satisfy himself or herself of the genuineness of the signature of the deponent or declarant and shall administer the oath or declaration in the manner required by law before signing the jurat or declaration. 2020, c. 7, Sched. 4, s. 6.

**Section Amendments with date in force (d/m/y)**

[2020, c. 7, Sched. 4, s. 6](https://www.ontario.ca/laws/statute/S20007" \l "sched4s6) - 01/08/2020

Offence

**10** Every commissioner, notary public or other person administering an oath or declaration who signs a jurat or declaration without the due administration of the oath or declaration is guilty of an offence and on conviction is liable to a fine of not more than $2,000. R.S.O. 1990, c. C.17, s. 10; 2020, c. 7, Sched. 4, s. 7.

**Section Amendments with date in force (d/m/y)**

[2020, c. 7, Sched. 4, s. 7](https://www.ontario.ca/laws/statute/S20007" \l "sched4s7) - 01/08/2020

Offence

**11** Every one who in any action or proceeding or upon any application or other proceeding out of court, or for the purpose of making or maintaining any claim, files, registers or uses or in any other manner makes use of any oath, affidavit or declaration knowing that it was not taken, sworn to or made in conformity with section 9 is guilty of an offence and on conviction is liable to a fine of not more than $2,000. R.S.O. 1990, c. C.17, s. 11.

Revocation of appointment

**12** On conviction for an offence under this Act, the appointment of a commissioner for taking affidavits or notary public may be revoked by the constituting authority. 2001, c. 9, Sched. B, s. 5 (5).

**Section Amendments with date in force (d/m/y)**

[2001, c. 9, Sched. B, s. 5 (5)](http://www.ontario.ca/laws/statute/S01009" \l "schedbs5s5) - 01/01/2002

Transition, commissioners for specific purposes

**12.1**A person who exercised powers, conferred by the Attorney General under section 3 immediately before its repeal by section 2 of Schedule 4 to the COVID-19 Response and Reforms to Modernize Ontario Act, 2020 to administer oaths and take affidavits in connection with the performance of his or her official duties may continue to exercise the conferred powers, subject to any limitations determined by the Attorney General when the powers were conferred, and continues to be subject to this Act in respect of the exercise of those powers until the person ceases or is no longer authorized to perform those duties. 2020, c. 7, Sched. 4, s. 8.

**Section Amendments with date in force (d/m/y)**

[2020, c. 7, Sched. 4, s. 8](https://www.ontario.ca/laws/statute/S20007" \l "sched4s8) - 01/08/2020

Regulations

**13** (1)  The Lieutenant Governor in Council may make regulations,

(a) prescribing the fees payable to commissioners under this Act and requiring their payment;

(b) prescribing offices and classes of offices for the purposes of section 1, specifying the part of Ontario in which the holder of a prescribed office may act as a commissioner, and specifying the purpose for which he or she may do so;

(c) prescribing offices and classes of offices for the purposes of section 2, specifying the part of Ontario in which the holder of a prescribed office may take affidavits, and specifying the purpose for which he or she may do so;

(d) for the purposes of subsection 9 (2), providing that an oath or declaration may be taken by a deponent or declarant without being in the physical presence of a commissioner, notary public or other person administering the oath or declaration, specifying conditions that must be met in order for an oath or declaration to be administered without being in the physical presence of the deponent or declarant, and governing the administering of an oath or declaration without being in the physical presence of the deponent or declarant;

(e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 2002, c. 18, Sched. A, s. 3 (2); 2020, c. 7, Sched. 4, s. 9 (1, 2).

Same, Attorney General

(2)  The Attorney General may make regulations,

(a) prescribing a period of appointment for the purposes of subsection 4 (3) or a period of renewal of appointment for the purposes of subsection 4 (3.1);

(b) prescribing fees payable to the Crown under this Act and requiring their payment;

(c) exempting any person or class of persons from paying any or all of the fees prescribed under clause (b). 2020, c. 7, Sched. 4, s. 9 (3).

**Section Amendments with date in force (d/m/y)**

[2002, c. 18, Sched. A, s. 3 (2)](http://www.ontario.ca/laws/statute/S02018" \l "schedas3s2) - 31/12/2012

[2020, c. 7, Sched. 4, s. 9 (1-3)](https://www.ontario.ca/laws/statute/S20007" \l "sched4s9s1) - 01/08/2020

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